

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after print publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-2055.

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BEFORE THE MONTANA STATE LIBRARY
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 10.101.101 pertaining to agency) AMENDMENT
organization)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On April 8, 2015, the Montana State Library proposes to amend the above-stated rule.

2. The Montana State Library will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Montana State Library no later than 5:00 p.m. on March 19, 2015, to advise us of the nature of the accommodation that you need. Please contact Marlys Stark, Montana State Library, P.O. Box 201800, Helena, Montana, 59620-1800; telephone (406) 444-3384; fax (406) 444-0266; TTY (406) 444-4799; or e-mail mstark2@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

10.101.101 AGENCY ORGANIZATION (1) The state library commission consists of five members appointed by the governor for three-year terms and the state superintendent of public instruction or his designee and a librarian appointed by the commissioner of higher education from the Montana university system. The commission annually elects a chair from its membership. It employs as its executive officer a state librarian who is not a member of the commission, and who performs duties assigned by the commission.

(2) The state library provides library service at the state level, serving state government, local libraries, and federations; it promotes the development of adequate libraries throughout the state; it provides library service to persons with visual and physical disabilities ~~and persons in state institutions~~; expends funds available from federal, state, and private sources for the purpose of fostering library development and for the purpose of fostering geographic information services; administers the Montana State Government Depository Program; and provides for a comprehensive program for the acquisition, storage, and retrieval of geospatial data and data related to the natural resources of Montana.

(3) Advisory committees are established by the state librarian and in accordance with 90-1-405, MCA, and 90-15-201, MCA. They act only in advisory capacity and have no policy-making authority. ~~The Montana library services advisory council is created by the governor in accordance with the provisions of 2-~~

~~15-122, MCA. The commission shall submit names of recommended council members to the governor.~~

~~(a) The council shall advise the commission on the development, evaluation and funding of the Library Services and Technology Act (LSTA) program and other pertinent issues that may relate to or influence LSTA.~~

~~(b) The composition of the council shall be no more than nine members. Eight shall serve for two years and may be reappointed for two additional terms and may represent: users of public library services in eastern, central, and western Montana; public libraries; school libraries; academic or special libraries; persons who cannot use traditional library services; and a member of the legislature. The president of the Montana library association or designee may serve a one-year term on the council during the presidency of the association.~~

~~(c) The council shall have the authority to establish bylaws for its internal operation. These bylaws may not conflict with 22-1-103, MCA, the Library Services and Technology Act, its rules and regulations, or with policies established by the commission.~~

~~(d) The number of yearly meetings shall be determined by the executive committee of the council. The number shall remain flexible to include no less than two and no more than four meetings.~~

(4) Inquiries regarding the functions of the state library shall be addressed to the state librarian.

(5) The following chart depicts the organization of the state library. Personnel Roster: Montana State Library, 1515 E. 6th Ave., Helena, Montana 59620; State Librarian, Statewide Library Resources Director, Regional Director of the Talking Book Library, and Director of the Natural Resource Information System.

AUTH: 2-4-201, MCA

IMP: 2-4-102, MCA

REASON: These changes are necessary to more accurately reflect the current organization after recent changes and to bring the rules into alignment with the current procedures and practices which have evolved over time.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Marlys Stark, Montana State Library, P.O. Box 201800, Helena, Montana, 59620-1800; telephone (406) 444-3384; fax (406) 444-0266; or e-mail mstark2@mt.gov, and must be received no later than 5:00 p.m., March 26, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Marlys Stark at the above address no later than 5:00 p.m., March 26, 2015.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be more than 25 persons based on the number of governmental subdivisions or agencies, as well as professional organizations and members of the public that use the many library services.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Jennie Stapp
Jennie Stapp
Rule Reviewer

/s/ Colet Bartow
Colet Bartow
Chairman
Montana State Library

Certified to the Secretary of State February 17, 2015.

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PUBLIC HEARING ON
ARM 24.156.601, 24.156.805,	)	PROPOSED AMENDMENT AND
24.156.1002, 24.156.1302,	)	REPEAL
24.156.1402, 24.156.1618, and)	
24.156.2731 fees, 24.156.1408 and)	
24.156.2718 continuing education,)	
24.156.2701 definitions, 24.156.2707)	
obligation to report to board,)	
24.156.2711, 24.156.2713,)	
24.156.2717, 24.156.2719, and)	
24.156.2751 regarding ECP licenses,)	
24.156.2732 medical direction,)	
24.156.2754 initial ECP course)	
requirements, 24.156.2757 ECP)	
clinical requirements, 24.156.2761)	
procedures for board-approved ECP)	
curriculum, and 24.156.2771 scope of)	
practice, and the repeal of ARM)	
24.156.2706 obligation to report to)	
board)	

TO: All Concerned Persons

1. On March 19, 2015, at 1:30 p.m., a public hearing will be held in the Basement Conference Room, 301 South Park Avenue, Basement Floor, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Medical Examiners (board) no later than 5:00 p.m., on March 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Ian Marquand, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2360; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsmed@mt.gov (board's e-mail).

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

24.156.601 FEE SCHEDULE (1) remains the same.

(a) License application fee

~~\$325~~ 500

(b) Temporary license fee	325 <u>100</u>
(c) Temporary locum tenens	50
(d) (c) Renewal Physician renewal fee (active)	400 <u>500</u>
(e) (d) Renewal Physician renewal fee (inactive)	200 <u>400</u>
(f) (e) Renewal Physician renewal fee (inactive-retired)	65

Until March 31, 2016. After that date, physicians no longer may renew as inactive-retired under the provisions of ARM 24.156.615 and ARM 24.156.617.

(g) (f) Limited temporary (resident) fee <u>Resident physician renewal</u>	100
(h) Limited temporary (resident) extension fee	50

(2) and (3) remain the same.

AUTH: 37-1-134, 37-1-319, 37-3-203, MCA

IMP: 37-1-134, 37-1-141, 37-3-304, 37-3-305, 37-3-308, 37-3-309, 37-3-311, 37-3-313, MCA

REASON: The board has seen expenses rise since 2011 with no parallel increase in revenues. To achieve its fiduciary responsibility to match revenues with expenses not only for the coming fiscal year, but for a longer period of time, the board is now proposing to increase license application and renewal fees for all license types. The board intends for the new fee schedule to be in place for winter/spring 2016 renewals. The board estimates that the fee changes will affect approximately 2,599 physician and resident physician applicants and licensees, and increase revenue by \$298,025.

In 2014, the board received the first applications for one-year temporary licenses for residents in the Missoula residency program. Because these residents required licensure for longer than three months, they did not qualify for the limited temporary license and paid \$325. The board found that inequitable when considering that short-term residents pay \$100, and resident applications take far less effort to process than do physician applications, regardless of the limited licensure term sought. The board concluded that all residents should pay the same application fee, regardless of the desired length of licensure, and is amending (1)(b) to reduce the temporary license fee accordingly.

The board is eliminating the temporary locum tenens fee at (1)(c) because the board has never charged nor collected this fee, and there is no corresponding license type in statute. Additionally, the board is seeking legislative changes in 2015, including the ability to grant temporary licenses for less than 2-year terms. With this change, there will be no need for a temporary resident extension fee and the board is eliminating (1)(h). Also to align with the anticipated statutory changes, the board is replacing the limited temporary resident fee with a resident physician renewal fee.

24.156.805 FEES (1) remains the same.

(a) The applicant shall submit an application fee of ~~\$300~~ 500 in the form of a check or money order payable to the board.

(b) The licensee shall submit a renewal fee of ~~\$300~~ 500 (on or before the date set by ARM 24.101.413) in the form of a check or money order payable to the board, together with a completed renewal form.

(2) through (4) remain the same.

AUTH: 37-1-134, 37-3-203, MCA

IMP: 37-1-134, 37-1-141, 37-3-344, 37-3-345, 37-3-347, MCA

REASON: The board has seen expenses rise since 2011 with no parallel increase in revenues. To achieve its fiduciary responsibility to match revenues with expenses not only for the coming fiscal year, but for a longer period of time, the board is now proposing to increase license application and renewal fees for all license types. The board intends for the new fee schedule to be in place for winter/spring 2016 renewals. The board estimates that the fee increases will affect approximately 92 telemedicine physicians applicants and licensees, and increase revenue by \$18,400.

24.156.1002 FEES (1) remains the same.

(a) license application fee	\$ 325 <u>500</u>
(b) active license renewal	400 <u>500</u>
(c) inactive license renewal	200 <u>400</u>
(2) remains the same.	

AUTH: 37-1-134, 37-6-106, MCA

IMP: 37-1-134, 37-1-141, 37-6-302, MCA

REASON: The board has seen expenses rise since 2011 with no parallel increase in revenues. To achieve its fiduciary responsibility to match revenues with expenses not only for the coming fiscal year, but for a longer period of time, the board is now proposing to increase license application and renewal fees for all license types. The board intends for the new fee schedule to be in place in time for autumn 2015 renewals. The board estimates that the fee increases will affect approximately 35 podiatrist applicants and licensees, and increase revenue by \$4,100.

24.156.1302 FEES (1) remains the same.

(a) Initial fee	\$ 58.50 <u>100</u>
(b) Renewal fee	400 <u>150</u>
(2) remains the same.	

AUTH: 37-1-134, 37-25-201, MCA

IMP: 37-1-134, 37-1-141, 37-25-302, MCA

REASON: The board has seen expenses rise since 2011 with no parallel increase in revenues. To achieve its fiduciary responsibility to match revenues with expenses not only for the coming fiscal year, but for a longer period of time, the board is now proposing to increase license application and renewal fees for all license types. The board intends for the new fee schedule to be in place for autumn 2015 renewals. The board estimates that the fee increases will affect approximately 176 nutritionist applicants and licensees, and increase revenue by \$8,588.

24.156.1402 FEES (1) An applicant for licensure shall remit a license fee of ~~\$65~~ 100 with his or her application.

(2) The renewal fee to practice acupuncture will be: ~~\$400~~ 150

(3) remains the same.

AUTH: 37-1-134, 37-13-201, MCA

IMP: 37-1-134, 37-1-141, 37-13-302, 37-13-304, MCA

REASON: The board has seen expenses rise since 2011 with no parallel increase in revenues. To achieve its fiduciary responsibility to match revenues with expenses not only for the coming fiscal year, but for a longer period of time, the board is now proposing to increase license application and renewal fees for all license types. The board intends for the new fee schedule to be in place for autumn 2015 renewals. The board estimates that the fee increases will affect approximately 91 acupuncturist applicants and licensees, and increase revenue by \$4,325.

24.156.1408 CONTINUING EDUCATION FOR ACUPUNCTURISTS

(1) Each acupuncture licensee of the Board of Medical Examiners shall earn ~~45~~ 30 clock hours of accredited continuing acupuncture education during each two-year licensing period. Clock hours or contact hours shall be the actual number of hours during which instruction was given.

(2) remains the same.

(3) If a licensee completes more than ~~45~~ 30 hours of continuing education in a two-year licensing period, excess hours in an amount not to exceed 15 hours may be carried forward to the next two-year licensing period.

(4) remains the same.

~~(5) Acupuncture applicants licensed after May 1 are required to obtain one-half of the 15-hour requirement; and those licensed after August 1, will not be required to obtain continuing education credits for renewal. Acupuncture applicants licensed between November 1 and April 30 are required to meet the 15-hour requirement. Continuing education is not required for licensees renewing their license for the first time.~~

AUTH: 37-1-131, 37-1-319, 37-13-201, MCA

IMP: 37-1-131, 37-1-306, 37-13-201, MCA

REASON: The board's acupuncture committee considered questions, comments, and complaints that this rule was confusing, specifically when the 30 credit hours could be earned and if licensees had to earn exactly 15 in each single year. When it was adopted in 2012, the board and committee intended for the rule to guide licensees and the department for the first year of implementation; after which there would be no need for a reference to a single year's worth of CE. The board is now amending this rule to provide a 30-hour requirement for a two-year license period and allow licensees to earn their hours at any time during the period, with no minimum or maximum for a given single year.

Additionally, licensees have found the provisions of (5) confusing, specifically the full or partial waiver of CE requirements depending on licensing date. To

effectively address the confusion, the board is amending (5) to waive the CE requirement for all new licensees up through their first license renewal. After the first renewal, a licensee will have to comply with all aspects of the rule.

24.156.1618 PHYSICIAN ASSISTANT FEES (1) remains the same.

- (a) license application fee \$325 500
- ~~(b) 90-day temporary license fee~~ ~~400~~
- ~~(c)~~ (b) active renewal fee 200 300
- ~~(d)~~ (c) inactive renewal fee ~~100~~ 200
- (e) remains the same, but is renumbered (d).
- (2) and (3) remain the same.

AUTH: 37-1-134, 37-20-202, MCA

IMP: 37-1-134, 37-1-141, 37-20-302, MCA

REASON: The board has seen expenses rise since 2011 with no parallel increase in revenues. To achieve its fiduciary responsibility to match revenues with expenses not only for the coming fiscal year, but for a longer period of time, the board is now proposing to increase license application and renewal fees for all license types. The board intends for the new fee schedule to be in place for autumn 2015 renewals. The board estimates that the fee increases will affect approximately 306 physician assistant applicants and licensees, and increase revenue by \$34,500.

Following the review of all license fees, the board is eliminating the 90-day temporary license fee for physician assistants. As part of the fee amendments to improve the board's overall financial health and sustainability, and since the board has not issued any PA temporary licenses since at least 2011, the board is eliminating this unnecessary fee.

24.156.2701 DEFINITIONS (1) remains the same.

(a) "ABPC" means the American Board of Prehospital Care, an organization that certifies EMS care providers.

~~(a)~~ (b) "Advanced life support" or "ALS" means any provider that functions at any endorsement level above ~~EMT-B~~ or EMT.

(b) through (d) remain the same, but are renumbered (c) through (e).

(i) ~~EMT-F~~ or EMR;

(ii) ~~EMT-F~~ or EMR with any endorsements; or

(iii) ~~EMT-B~~ or EMT without any endorsements.

(e) and (f) remain the same, but are renumbered (f) and (g).

~~(g)~~ (h) "Clinical preceptor" means an individual trained to a level greater than the student, who is responsible for supervising and teaching the student in a clinical setting in an approved course or program, under the supervision of the medical director or lead instructor in the case of an ~~EMT-basic course~~ or EMT course after ~~December 31, 2013~~.

(h) through (j) remain the same, but are renumbered (i) through (k).

~~(k)~~ (l) "Emergency medical technician" ~~-basic-~~ or "EMT-B" means an individual licensed by the board as an ~~EMT-B~~ or, after January 1, 2014, as an "emergency medical technician" or "EMT".

~~(l)~~ (m) "Emergency medical technician - first emergency medical responder" or "~~EMT-F~~" means an individual licensed by the board as an ~~EMT-F~~ or, after January 1, 2014, as an "emergency medical responder" or "EMR".

~~(m)~~ (n) "Emergency medical technician - ~~intermediate~~" or "~~EMT-I~~" advanced emergency medical technician" means an individual licensed by the board as an ~~EMT-I~~ or, after January 1, 2014, as an "advanced emergency medical technician" or "AEMT".

~~(n)~~ (o) "Emergency medical technician - paramedic" or "~~EMT-P~~" means an individual licensed by the board as an ~~EMT-P~~ or, after January 1, 2014, as a "paramedic".

~~(o)~~ (p) "Endorsement" means a defined set of skills and knowledge, determined and approved by the board, that expands the scope of practice of the ECP. The medical director grants permission for an ECP to utilize an endorsement, provided the specific endorsement is identified on the ECP's license.

(p) and (q) remain the same, but are renumbered (q) and (r).

(s) "Montana Statewide ECP Protocols" or "Statewide Protocols" means the written standardized protocols development, approved and distributed by the board, which provides guidance to medical directors and all licensed ECP practice at all levels.

(r) and (s) remain the same, but are renumbered (t) and (u).

~~(t)~~ (v) "Offline medical direction" means general medical oversight and supervision for an emergency medical service or an ECP, including, but not limited to, review of patient care techniques, emergency medical service procedures, and quality of care.

(u) remains the same, but is renumbered (w).

~~(v)~~ "~~Statewide protocols~~" means the ~~written, standardized manner of administering patient care statewide, approved by the board.~~

AUTH: ~~37-3-203~~, 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: Since the last amendments to rules regarding emergency care providers in 2013, the board and its medical direction committee have continued to examine the rules regarding ECPs or emergency medical technicians. Upon the committee's recommendation, the board is amending this rule to remove outdated terms and nomenclature regarding ECPs, including dates which now have passed.

Additionally, these rule changes address new forms of testing that will be accepted for licensure, and include commonly used terms not previously represented in the definitions. The board has determined it is reasonably necessary to add further detail to some definitions, while refining others to accurately reflect their meaning. Following suggestions of the committee, the board is amending this rule to update relevant definitions of this chapter to align with the rules which follow.

Authority citations are being amended to accurately reflect the statutory source of the board's rulemaking authority.

24.156.2707 OBLIGATION TO REPORT TO THE BOARD (1) As permitted in 37-1-308, MCA, an ~~EMT~~ ECP licensed under this chapter shall report to the board

within three months from the date of a final judgment, order, or agency action, all information related to malpractice, misconduct, criminal, or disciplinary action in which the ECP is a named party.

(2) and (3) remain the same.

AUTH: ~~37-3-203~~, 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: The board is amending this rule to replace the former generic term for licensees, "EMT," with "ECP," the correct term as of January 1, 2014, and align with language used elsewhere in this chapter. Authority citations are being amended to accurately reflect the statutory source of the board's rulemaking authority.

24.156.2711 ECP LICENSURE QUALIFICATIONS (1) remains the same.

(a) ~~has successfully completes a board-approved~~ completed an ECP course of instruction at or above the level of requested licensure;

(b) ~~either possesses a current NREMT registration or ABPC certification~~ equal to or higher than the level applying for, or successfully completes a written and practical exam approved by the board, or provides a current unrestricted EMR, EMT, AEMT, or paramedic license in another state in which the applicant was originally tested and which has a valid and reliable complaint process;

(c) through (e) remain the same.

AUTH: ~~37-3-203~~, 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: After studying the pathways to licensure as an ECP, the board's medical direction committee determined that additional examination options besides the NREMT exam and registration should be allowed to applicants regarding examinations. The board agreed with the committee's recommendation and is proposing these amendments accordingly.

Authority citations are being amended to accurately reflect the statutory source of the board's rulemaking authority.

24.156.2713 ECP LICENSE APPLICATION (1) An applicant for an initial ECP license, at any level, shall submit an application on a form prescribed by the board. The application must be complete and accompanied by the appropriate fees and the following documentation:

(a) ~~applicant's~~ verification of course completion for the ~~appropriate level~~ or above the level for which the applicant is applying;

(b) and (c) remain the same.

(d) a current NREMT ~~registration card~~ certification or ABPC certification equal to or greater than the level for which the applicant is applying, or the successful completion of a board-approved written and practical examination or current licensure in a state the board recognizes as equivalent; and

(e) remains the same.

(2) An applicant for an ECP license who already holds a current Montana ECP license and who is applying for an ECP license at a higher level shall submit an application on a form prescribed by the board. The application must be complete and accompanied by the appropriate fees and the following documentation:

(a) a current NREMT certification or ABPC certification equal to or greater than the level for which the applicant is applying, or the successful completion of a board-approved written and practical examination, or current licensure in a state the board recognizes as equivalent.

(3) An applicant for an ECP license who already holds a current Montana ECP license and is applying for an ECP license at a lower level shall submit an application on a form prescribed by the board. The application must be complete and accompanied by the appropriate fees.

(2) through (6) remain the same, but are renumbered (4) through (8).

AUTH: 50-6-203, MCA

IMP: 37-1-104, 37-1-131, ~~37-3-203~~, 50-6-203, MCA

REASON: The board and its medical direction committee have studied application processes for ECP license applicants and determined that current rules provide no guidance to ECP licensees who wish to change their level of licensure to one above or below their current level. The committee completed its work on the rules in mid-2014 and the board is now proposing the changes recommended by the committee. The board is also amending this rule to clarify the specific level of education and the type of examination that applicants must demonstrate upon applying for a license.

Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

24.156.2717 ECP LICENSE RENEWAL (1) through (4) remain the same.

(5) Incomplete renewal applications ~~will be returned to the licensee and will not be considered received by the board.~~

(6) remains the same.

(7) An audit shall be conducted following renewal to assure compliance with renewal requirements. If audited, the licensee shall document compliance on a board-specified form.

AUTH: 50-6-203, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, 50-6-203, MCA

REASON: To comply with current department application processes, and because most renewals are done electronically with no hard copy applications to return, the board is eliminating the provision from (5).

Following recommendations by the medical direction committee, the board is adding (7) to place renewal audit requirements in rule, rather than directing audits by board motion. This subject has become increasingly important following the adoption of rule amendments regarding ECPs in 2013. The board and committee hoped to have this audit provision in its renewal rule in time for the 2015 renewal cycle. That now is unlikely, but the requirement can be in place for the 2016 cycle.

24.156.2718 CONTINUING EDUCATION REQUIREMENTS (1) remains the same.

(2) ECPs must complete a formal refresher course in which ~~an individual or organization~~ a lead instructor or medical director validates knowledge and skills. An ECP cannot build a his or her refresher course by combining continuing education topics or offerings.

(3) and (4) remain the same.

(5) Documentation of all continuing education and continued competence must be ~~on board-supplied forms~~, retained by the ECP, and made available to the board ~~or their designee as a result of an audit~~ if requested.

(6) remains the same.

AUTH: ~~37-3-203~~, 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: The board and its medical direction committee scrutinized the continuing education for ECPs rule and determined that (2) is too vague regarding who is able to supervise refresher courses. The committee suggested to the board that only a lead instructor or medical director should supervise the courses and the board is amending the rule accordingly.

After determining that no specific forms for documenting ECP continuing education exist, the board is amending (5) to clarify the process and place the requirement for record-keeping clearly on licensees.

Authority citations are being amended to accurately reflect the statutory source of the board's rulemaking authority.

24.156.2719 EXPIRED LICENSE (1) through (1)(b) remain the same.

(c) possess a current NREMT ~~registration~~ or ABPC certification for the appropriate level of licensure or higher, or successfully complete a board-approved written and practical examination or provide documentation of completion of all renewal requirements required for the ECP license being reactivated.

(2) remains the same.

AUTH: ~~37-3-203~~, 50-6-203, MCA

IMP: 37-1-141, 50-6-203, MCA

REASON: Following review by the board and its medical direction committee, the board is updating this rule to align with proposed amendments expanding the examinations allowed by the board. The board is also correcting a reference to NREMT "certification" instead of "registration."

Authority citations are being amended to accurately reflect the statutory source of the board's rulemaking authority.

24.156.2731 FEES (1) The following fees must be paid in connection with EMT licensure:

(a) ~~EMT-F, or after December 31, 2013, an EMR application fee~~ \$20 30

- (b) ~~EMT-B, or after December 31, 2013, an EMT application fee~~ 30 50
- (c) ~~EMT-I, or after December 31, 2013, an AEMT application fee~~ 40 70
- (d) ~~EMT-P, or after December 31, 2013, a paramedic application fee~~ 60 100
- (e) remains the same.
- (f) ~~EMT-F, or after December 31, 2013, an EMR biennial renewal fee~~ 20 30
- (g) ~~EMT-B, or after December 31, 2013, an EMT biennial renewal fee~~ 30 50
- (h) ~~EMT-I, or after December 31, 2013, an AEMT biennial renewal fee~~ 40 70
- (i) ~~EMT-P, or after December 31, 2013, a paramedic biennial renewal fee~~ 60 100
- (j) through (3) remain the same.

AUTH: 37-1-134, 50-6-203, MCA

IMP: 37-1-134, 37-1-141, 50-6-203, MCA

REASON: The board has seen expenses rise since 2011 with no parallel increase in revenues. To achieve its fiduciary responsibility to match revenues with expenses not only for the coming fiscal year, but for a longer period of time, the board is now proposing to increase license application and renewal fees for all license types. The board intends for the new fee schedule to be in place for winter/spring 2016 renewals. The board estimates that the fee increases will affect approximately 1,827 applicants and licensees, and increase revenue by \$49,420.

24.156.2732 MEDICAL DIRECTION (1) Within 60 days of taking on the responsibilities ~~as of providing medical oversight as a medical director to an ECP medical director~~ individual or group of ECPs, a physician or physician assistant shall:

(a) and (b) remain the same.

(2) A physician or physician assistant who ~~functions as a medical director~~ and fails to comply with the requirements of (1) may not function as a medical director.

(3) through (8) remain the same.

(9) The medical director of an ECP course shall be responsible for the overall quality, consistency, and management of the ECP course in which they agree to provide medical oversight. The medical director may delegate duties where appropriate.

(a) Medical oversight of an ECP course consists of review of agenda, selection of instructors, review of evaluation tools, and review of clinical offerings and objectives.

(b) Medical direction of an AEMT or paramedic course consists of approval of agenda, approval and selection of instructors, involvement in the development and implementation of evaluation tools, participation as an instructor, approval of clinical offerings and objectives to be met in clinical components, and identification of successful course completion for each student.

(9) remains the same, but is renumbered (10).

AUTH: ~~37-3-203~~, 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: In 2014, the board and its medical direction committee conducted a comprehensive review of the duties of ECP medical directors and determined that this rule is inadequate to describe those duties, especially regarding supervision of courses. The board is amending this rule to clearly delineate those duties, and to align with requirements in ARM 24.156.2718 and 24.156.2754.

Authority citations are being amended to accurately reflect the statutory source of the board's rulemaking authority.

24.156.2751 LEVELS OF ECP LICENSURE INCLUDING ENDORSEMENTS

(1) remains the same.

~~(a) EMT - first responder (EMT-F) licenses:~~

~~(i) EMT-F/immobilization;~~

~~(ii) EMT-F/monitoring; and~~

~~(iii) EMT-F/ambulance.~~

~~(b) EMT - basic (EMT-B) licenses:~~

~~(i) EMT-B/airway;~~

~~(ii) EMT-B/monitoring;~~

~~(iii) EMT-B/IV and IO (intervenous infusion and interosseous infusion) initiation;~~

~~(iv) EMT-B/IV and IO maintenance;~~

~~(v) EMT-B/endotracheal intubation, for patients more than eight years old;~~

and

~~(vi) EMT-B/medication.~~

~~(c) EMT - intermediate (EMT-I) licenses;~~

~~(d) EMT - paramedic (EMT-P) licenses:~~

~~(i) EMT-P/12 lead interpretation;~~

~~(ii) EMT-P/medications;~~

~~(iii) EMT-P/fibrinolytic with 12 lead interpretation; and~~

~~(iv) EMT-P/critical care transport.~~

~~(2) On January 1, 2014, the levels of licensure will be adjusted as follows:~~

~~(a) EMT-FRs with the immobilization endorsement will be issued an ECP-EMR license.~~

~~(b) EMT-FRs with the immobilization endorsement and a monitoring endorsement will be issued an ECP-EMR license with a monitoring endorsement.~~

~~(c) EMT-FRs with an ambulance endorsement and a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-EMT license.~~

~~(d) EMT-Bs who have completed a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-EMT license.~~

~~(e) EMT-Bs who have the airway endorsement and completed a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-EMT license with an airway endorsement.~~

~~(f) EMT-Bs who have the medication endorsement and have completed a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-EMT license with a medication endorsement.~~

~~(g) EMT-Bs who have the IV and IO (intravenous infusion and intraosseous infusion) initiation endorsement and have completed a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-EMT license with an IV and IO (intravenous infusion and intraosseous infusion) initiation endorsement.~~

~~(h) EMT-Bs who have the IV and IO maintenance endorsement and have completed a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-EMT license with an IV and IO maintenance endorsement.~~

~~(i) EMT-Bs with an airway, IV/IO (initiation and maintenance), monitoring, medication endorsement, and a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-AEMT license with a medication endorsement.~~

~~(j) EMT-Intermediate 99s who have completed a skill verification form prescribed by the board and on file with the board before December 31, 2013, will be issued an ECP-AEMT licensure with an I-99 endorsement.~~

~~(k) EMT-Intermediate 99s who have completed the paramedic bridge program as developed by the board and on file with the board before December 31, 2013, will be issued a paramedic license.~~

~~(l) EMT-Paramedics who have completed a transition program developed by the board and on file with the board before December 31, 2013, will be issued a paramedic license.~~

~~(m) EMT-Paramedics who have a critical care endorsement prescribed by the board and on file with the board before December 31, 2013, will be issued a paramedic license with a critical care endorsement.~~

~~(3) Following January 1, 2014, the levels of licensure and endorsements allowed are as follows:~~

~~(a) For ECP – Emergency Medical Responder (EMR), licenses:~~

~~(i) remains the same.~~

~~(b) For ECP – Emergency Medical Technician (EMT) licenses:~~

~~(i) through (iv) remain the same.~~

~~(c) For ECP - Advanced EMT (AEMT) licenses:~~

~~(i) and (ii) remain the same.~~

~~(d) For ECP - Paramedic licenses:~~

~~(i) remains the same.~~

AUTH: 50-6-203, MCA

IMP: 37-1-131, 50-6-203, MCA

REASON: The board determined it is reasonably necessary to amend this rule throughout to remove outdated nomenclature and dates that have passed. The remaining provisions provide the correct ECP licensure levels and follow this chapter's definitions and other ECP rules.

24.156.2754 INITIAL ECP COURSE REQUIREMENTS (1) remains the same.

(2) ~~EMT-F or, after December 31, 2013,~~ EMR courses shall be managed by a lead instructor. The lead instructor shall maintain overall responsibility for the quality, consistency, and management of the course. The lead instructor shall:

(a) conduct the ~~EMT-F or, after December 31, 2013,~~ EMR courses in accordance with current board-approved USDOT curriculum, including revisions and statewide protocols, policies, and procedures;

(b) through (d) remain the same.

(3) ~~EMT-B or, after December 31, 2013,~~ EMT courses shall be managed by a lead instructor. The lead instructor shall maintain overall responsibility for the quality, consistency, and management of the course. The lead instructor shall:

(a) conduct the ~~EMT-B or, after December 31, 2013,~~ EMT courses in accordance with current board-approved USDOT curriculum, including revisions and statewide protocols, policies, and procedures;

(b) through (e) remain the same.

(f) have access to a medical director ~~involved in either the course development, presentation, or evaluation.~~

(4) through (4)(d)(ii) remain the same.

(e) provide clinical experiences with no fewer than one clinical preceptor for every two students; and

(f) provide a sufficient patient volume to allow students to complete all clinical experiences within the course dates; and

~~(g) provide for the paramedic course clinical opportunities that include, but are not limited to:~~

~~(i) an emergency department with physician staffing;~~

~~(ii) intensive care or coronary care;~~

~~(iii) operating/recovery room;~~

~~(iv) pediatric care;~~

~~(v) labor/delivery room/newborn nursery;~~

~~(vi) psychiatric care;~~

~~(vii) morgue;~~

~~(viii) radiology department;~~

~~(ix) respiratory therapy department; and~~

~~(x) an EMS operating at a level equal to the paramedic level.~~

AUTH: 50-6-203, MCA

IMP: 37-1-131, 50-6-203, MCA

REASON: The board is amending this rule to remove outdated nomenclature and dates that have passed. The remaining provisions provide the correct ECP initial course requirements and align with this chapter's definitions and other ECP rules. The board and the medical direction committee concluded that these amendments clarify the role of the medical director in ECP courses.

24.156.2757 ECP CLINICAL REQUIREMENTS (1) remains the same.

(2) ~~EMT-B or, after December 31, 2013,~~ EMT courses or approved programs must assure that the student completes a minimum of ten hours of observational

time with an EMS. An alternative patient care setting may be used if an EMS is not available. During this time the student shall complete and document:

(a) and (b) remain the same.

(3) AEMT and paramedic courses or approved programs must assure that the student completes and documents on the board-approved clinical requirement form, as a minimum, the clinical contact requirements identified in the board-approved curriculum, including revisions and statewide protocols, policies, and procedures.

AUTH: 50-6-203, MCA

IMP: 37-1-131, 50-6-203, MCA

REASON: The board is amending (2) to remove outdated language and dates that have passed and align with this chapter's definitions and other ECP rules.

The board is amending (3) to clarify that students must document the clinical contact requirements on a standard, board-approved form. Although the form is currently required as part of an application package, the requirement was not previously set forth in rule.

24.156.2761 PROCEDURES FOR REVISION OF BOARD-APPROVED ECP CURRICULUM AND STATEWIDE PROTOCOLS (1) and (2) remain the same.

(3) Upon receiving the petition application, the board will proceed ~~in three phases,~~ as follows:

(a) the board will consider ~~the petitioner's an~~ initial petition to determine whether ~~or not to proceed with public comment for the proposed revision. If approved, the board will schedule public comment for the petition during~~ to place the petition as an action item on the agenda for the next regularly scheduled board meeting;

(b) the board ~~will~~ may request an opinion of the medical direction committee and may accept public comment ~~to gather information and take testimony regarding the proposed recommendations for revision of the USDOT curriculum and/or statewide protocols, policies, and procedures~~ petition; and

(c) the board will consider the ~~information and~~ comments and ~~approve or deny~~ take action on the proposed revision petition no sooner than the next regularly scheduled board meeting.

(4) remains the same.

AUTH: 50-6-203, MCA

IMP: 50-6-203, MCA

REASON: The board and its medical direction committee realized that this rule does not accurately reflect the current process for board review and approval of amendments to the board's statewide protocols. The board is amending this rule to better describe the procedure and provide future requestors with a clear understanding of the process. The amendments will also assist staff in their interactions with requestors.

24.156.2771 SCOPE OF PRACTICE (1) and (2) remain the same.

(3) An ECP legally licensed in good standing in the state which they are responding from may perform within their licensed protocols, when functioning as a member of a licensed ambulance service which finds itself within the boundaries of Montana, while responding to an emergency where the border is not clearly known, or when responding on an emergency in accordance to a mutual aid agreement with a Montana-licensed EMS service or when conducting a routine transfer to or from a Montana medical facility. The ECP must perform within the acts allowed at the level for which the ECP is licensed.

~~(3)~~ (4) An ECP A student may perform beyond the level of the ~~ECP's~~ his or her individual licensure when functioning as a student in ~~an~~ a board-approved course or if the student is participating in a clinical component of a course or program of instruction originating in another state that has a clinical contract with a Montana healthcare facility or a Montana-licensed EMS agency and functions under the direct observation supervision of a clinical preceptor licensed in Montana. The ~~ECP~~ student must perform within the ~~acts allowed~~ Montana scope of practice at the level for which the ~~ECP~~ student is a student candidate.

(4) through (8) remain the same, but are renumbered (5) through (9).

AUTH: 50-6-203, MCA

IMP: 37-1-131, 50-6-203, MCA

REASON: In 2014, the board and its medical direction committee conducted a comprehensive review of ECP licensure and education rules. During the review, it was noted that this rule lacks a provision for a Montana student to participate in an educational program provided by an out-of-state entity. It is reasonably necessary to amend (4) to clarify which out-of-state courses are approved, and the authorization of a student to practice while a student.

In addition, the committee and the board responded to requests for clarification of licensing requirements for ECPs in neighboring states who enter Montana for mutual aid or emergency response when Montana-based ECPs are not available. Previously, the board had responded to an inquiry via motion, then rescinded that motion. The board is adding (3) to state the approach in rule.

4. The board proposes to repeal the following rule:

24.156.2706 OBLIGATION TO REPORT TO BOARD found at ARM page 24-15669.

AUTH: 37-1-131, 37-1-319, 50-6-203, MCA

IMP: 37-1-131, 37-1-319, 50-6-203, MCA

REASON: The board is repealing this duplicative rule because the relevant provisions are set forth in ARM 24.156.2707, which was adopted in 2013.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be

submitted to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsmed@mt.gov, and must be received no later than 5:00 p.m., March 27, 2015.

6. An electronic copy of this notice of public hearing is available at www.medicalboard.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsmed@mt.gov; or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.156.2701, 24.156.2707, 24.156.2711, 24.156.2713, 24.156.2717, 24.156.2718, 24.156.2719, 24.156.2751, 24.156.2754, 24.156.2757, 24.156.2761, and 24.156.2771 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.156.601, 24.156.805, 24.156.1002, 24.156.1302, 24.156.1402, 24.156.1408, 24.156.1618, 24.156.2731, and 24.156.2732 will significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.156.2706 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsmed@mt.gov.

10. Ian Marquand, attorney, has been designated to preside over and conduct this hearing.

BOARD OF MEDICAL EXAMINERS
MARY ANNE GUGGENHEIM, PHYS,
PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 17, 2015

BEFORE THE BOARD OF NURSING
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of)
ARM 24.159.604, 24.159.605,)
24.159.606, 24.159.608, 24.159.609,)
24.159.611, 24.159.612, 24.159.625,)
24.159.630, 24.159.632, 24.159.635,)
24.159.640, 24.159.650, 24.159.655,)
24.159.659, 24.159.662, 24.159.665,)
24.159.666, and 24.159.670 nursing)
education programs, the adoption of)
NEW RULE I waiver of faculty)
qualifications, and the repeal of ARM)
24.159.601, 24.159.615, 24.159.656,)
24.159.674, 24.159.677, and)
24.159.680 nursing education)
programs)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT,
ADOPTION, AND REPEAL

TO: All Concerned Persons

1. On March 20, 2015, at 10:00 a.m., a public hearing will be held in the Basement Conference Room, 301 South Park Avenue, Basement Floor, Helena, Montana, to consider the proposed amendment, adoption, and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Nursing (board) no later than 5:00 p.m., on March 13, 2015, to advise us of the nature of the accommodation that you need. Please contact Cynthia Gustafson, Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2380; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305 or nurse@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The board established a committee to review the nursing education program rules and provide suggested rule revisions to the board. The committee met between October 2013 and April 2014, and the board reviewed the committee's final recommendations on July 24, 2014, and determined it is reasonably necessary to amend and repeal the nursing education program rules in subchapter six to align with current state and national nursing education standards.

The board is also amending these rules to eliminate outdated, redundant, and unnecessary provisions and provide consistency, simplicity, better organization, and ease of use for nursing students, educators, program administrators, and regulators

who review programs to ensure compliance with the board's standards. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

- 24.159.604 GUIDING PRINCIPLES, EDUCATIONAL OBJECTIVES, AND EXPECTED OUTCOMES OF NURSING EDUCATION PROGRAMS PROGRAM STANDARDS (1) ~~The faculty of the nursing education program shall develop and approve guiding principles, educational objectives, and expected outcomes that are consistent with those of the parent institution and with the statutes and rules governing the practice of nursing.~~
- (2) ~~The guiding principles and expected outcomes must be included in the program catalog or otherwise made available to students.~~
- (1) All programs shall meet these standards:
- (a) The purpose and outcomes of the program shall be consistent with accepted standards of nursing practice appropriate for graduates of the type of program offered and be made available to prospective and current students in public documents.
- (b) The input of stakeholders shall be considered in developing and evaluating the purpose and outcomes of the program.
- (c) The program shall implement a comprehensive, systematic plan for ongoing evaluation that is based on program outcomes and incorporates continuous improvement.
- (d) The curriculum shall provide didactic and clinical learning experiences consistent with program outcomes.
- (e) Faculty and students shall participate in program planning, implementation, evaluation, and continuous improvement.
- (f) The program administrator shall be a professionally and academically qualified RN with institutional authority and administrative responsibility for the program.
- (g) Professionally, academically, and clinically qualified nurse faculty shall be sufficient in number and expertise to accomplish program outcomes and quality improvement.
- (h) The fiscal, human, physical, clinical, and technical learning resources shall be adequate to support program processes, security, and outcomes.
- (i) Program information communicated by the program shall be accurate, complete, consistent, and readily available.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: This rule's title and content was confusing to readers and inconsistent with current nursing education terminology. The board is amending the title and defining the required nursing education standards to clarify the board's expectations

for all nursing education programs. The amendments will make the board's review of these programs clearer and easier to enforce.

24.159.605 ORGANIZATION AND ADMINISTRATION OF NURSING EDUCATION PROGRAMS (1) Parent institutions conducting a nursing program must be accredited by the appropriate regional accrediting bodies, which are listed in ARM 24.159.615 an accrediting agency that is recognized by the U.S. Department of Education.

~~(2) All clinical facilities (agencies) with which the program maintains cooperative agreements for use as clinical laboratories must have licensure, approval, or accreditation appropriate to each agency.~~

~~(a) Cooperative agreements between nursing programs and clinical facilities must be current, in writing, signed by the responsible officers of each, and must include the following:~~

~~(i) faculty responsibilities for teaching and clinical supervision of students, including responsibilities for planning and supervising learning experiences;~~

~~(ii) a reasonable time frame for contract termination to ensure completion of the current semester or quarter of student clinical experiences;~~

~~(iii) agency's roles and responsibilities for student oversight and communication with faculty;~~

~~(iv) student responsibilities; and~~

~~(v) expectations regarding the health status of students and faculty.~~

~~(3) (2) The organizational structure of the nursing program must be comparable to similar programs of the parent institution.~~

~~(4) (3) Institutional policies governing the nursing program must be consistent with those policies governing other educational programs of the parent institution.~~

~~(5) (4) The board encourages nursing faculty and administration to participate in governance of the parent institution. Policies governing faculty employment, promotion, and tenure must be in writing and consistent with those of the parent institution.~~

~~(6) (5) A nursing education The program must provide students with written policies and demonstrate evidence of following these policies regarding:~~

~~(a) through (d) remain the same.~~

~~(7) remains the same, but is renumbered (6).~~

~~(8) Faculty members or other qualified persons shall be responsible for providing academic advice to students.~~

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: To more accurately fulfill the purpose of this rule, the board is relocating clinical facility requirements, cooperative agreements, and faculty responsibilities to rules that specifically address such topics. These amendments will also address confusion regarding which accrediting bodies nursing programs are subject to.

24.159.606 EDUCATIONAL FACILITIES FOR NURSING EDUCATION PROGRAMS (1) through (3) remain the same.

~~(a) adequate supplies and equipment, including computer resources and audio-visual aids necessary to achieve program outcomes; and~~

~~(b) adequate and convenient access by students and faculty to library and information resources, including sufficient titles, periodicals, computer data bases, and similar media resources necessary to achieve program outcomes.~~

~~(4) Clinical experiences must be:~~

~~(a) delineated in and applicable to the expected outcomes of the program; and~~

~~(b) under the control and supervision of the nursing faculty.~~

~~(5) Each program director, with faculty input, shall determine appropriate student to instructor ratios in the clinical setting. The ratio must provide safe, accessible, and appropriate supervision based on client health status, care setting, and student level of preparation. The ratio must not exceed ten students to one instructor.~~

(4) All clinical agencies with which the program maintains cooperative agreements for use as clinical learning experiences must have licensure, approval, or accreditation appropriate to each agency.

(a) Cooperative agreements between nursing programs and clinical agencies must be current, in writing, signed by the responsible officers of each, and must set forth the following:

(i) faculty responsibilities for teaching and clinical supervision of students, including responsibilities for planning and supervising learning experiences;

(ii) a reasonable time frame for contract termination to ensure completion of the current semester or quarter of student clinical experiences;

(iii) agency's roles and responsibilities for student oversight and communication with faculty;

(iv) student responsibilities; and

(v) health requirements of students and faculty.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: The board determined it is reasonably necessary to amend this rule to ensure that programs provide rationale for how the choice of educational facilities achieves the program's defined outcomes. Additionally, the board refined the requirements at ARM 24.159.605(2) for clinical agencies and cooperative agreements, and is adding them at (4) for ease in understanding and use.

24.159.608 PLACEMENT OF AN OUT-OF-STATE NURSING STUDENT IN A MONTANA CLINICAL PRACTICE SETTING (1) ~~The Montana board shall approve the placement of a student enrolled in an out-of-state nursing education pre-licensure program to undertake for clinical practice in a Montana facility must be approved by the Montana Board of Nursing or by its executive director.~~

(2) The request for placement of an out-of-state student in a Montana clinical practice setting must be submitted to the board in writing, ~~a minimum of two months prior to the proposed placement.~~ The request must be signed by the director of the

out-of-state nursing education program. The request for a clinical placement in Montana must include:

(a) documentation of an out-of-state nursing education program's unconditional board approval and accreditation by ~~CCNE or NLNAC~~ a national nursing accrediting agency approved by the U.S. Department of Education;

(b) through (g) remain the same.

(h) verification from relevant directors of Montana ~~nursing education~~ programs that placement of the out-of-state student in the identified Montana clinical practice setting will not displace a Montana nursing student;

~~(i) verification from the Montana clinical practice setting of the facility's ability to accommodate the out-of-state student, without displacing a clinical student from any Montana nursing education program; and~~

~~(j) (i) copy of the written agreement between the out-of-state nursing education program and the facility where the Montana clinical practice setting is located, which identifies preceptor(s), primary liaison, and out-of-state clinical faculty. The agreement must specify the responsibilities and delineate the functions of each entity in ensuring a quality educational experience for the out-of-state student; and~~

~~(j) (i) any out-of-state faculty member who is involved in the direct care of a patient in Montana must hold an unencumbered Montana license.~~

(3) The clinical preceptors, working with the out-of-state nursing faculty and the student in the Montana clinical practice setting, must meet the qualifications outlined by ~~ARM 24.159.655 and 24.159.665~~. The preceptor is responsible for ensuring that the out-of-state student complies with all Montana laws and rules related to nursing.

(4) Out-of-state faculty member(s) are responsible for ensuring safe, accessible, and appropriate preceptor supervision of the out-of-state student's Montana clinical practice experience. ~~Out-of-state faculty member(s) must hold an unencumbered active nursing license and meet the requirements of ARM 24.159.662 for practical nursing faculty or ARM 24.159.659 for registered nursing faculty, with the single exception of Montana nursing licensure.~~

(5) Montana board staff may conduct a site visit at the proposed clinical practice setting, either before or during the out-of-state student placement, ~~upon 48-hour notice to the involved parties.~~

AUTH: 37-8-202, MCA

IMP: 37-8-202, MCA

REASON: The board has determined it is unnecessary to formally review all out-of-state requests from nursing programs at board meetings. The board is amending (1) to shift this approval process to the board's executive officer, based on the qualifications of that position. To address confusion as to the types of nursing education programs needing approval, the board is specifying in (1) that approval is needed for out-of-state pre-licensure programs. In response to questions, the board is adding (2)(j) to clarify when out-of-state faculty members need to hold a Montana nursing license.

24.159.609 PROGRAM EVALUATION (1) All nursing programs must have and follow a written, systematic plan for evaluation and ongoing assessment of student learning, published program outcomes, and compliance with board rules ~~for nursing education programs~~. The plan must effectively support the ~~planning process for the program and specify responsibilities, time frames, and procedures for evaluating each aspect of the program~~ achievement of the expected program outcomes and provide evidence of a system of continuous quality improvement.

(2) and (2)(a) remain the same.

(b) measurable aggregate program outcomes; including:

(i) NCLEX pass rate with five-year trend data;

(ii) student and alumni satisfaction with the program;

(iii) employer satisfaction with graduates of the program; and

(iv) program completion rates, including the program entry point and time period to completion as specified by the program.

(c) through (g) remain the same.

~~(3) At a minimum, the plan must include outcome expectations and data related to:~~

~~(a) NCLEX pass rate, including five-year trend data;~~

~~(b) student and alumni satisfaction with the program;~~

~~(c) employer satisfaction with graduates of the program;~~

~~(d) graduation rates; and~~

~~(e) adequacy of the physical and fiscal resources of the program.~~

(4) remains the same, but is renumbered (3).

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

24.159.611 PROGRAM CLOSURE AND RECORDS STORAGE (1) A ~~nursing education~~ program may close voluntarily or may be closed involuntarily due to withdrawal of board approval. Prior to closure, the ~~nursing education~~ program must ~~provide for:~~

(a) ~~maintenance of~~ maintain the standards for nursing education during the transition to closure;

(b) prepare and execute a plan that addresses the transition or placement for ~~of~~ students who have not completed the program; and

(c) make arrangements for the secure storage and access to academic records and transcripts.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: Recognizing the possibility for programs to close, the board is amending this rule to clearly delineate the board's expectations of programs in the closure process. Given that there are more students than positions in nursing education programs in Montana and nationally, the board concluded that this rule is not realistic in requiring programs to place students who have not completed the

programs. Therefore, the board is amending (1)(b) to require that programs prepare and execute plans to address students' transition or placement.

24.159.612 PROGRAM ANNUAL REPORT (1) An annual report for the current academic year ending June 30 must be submitted by September 1 of each year, except in the year in which the program submits a self-study report to the board or a national nursing accrediting agency. ~~The format and number of copies to be submitted to the board office will be determined by the board.~~

(2) remains the same.

(a) enrollment and graduation data for the ~~report year~~ (academic year), including:

(i) ~~number of full-time and part-time students~~ in each program track if more than one track; and

(ii) ~~student demographic data, including in-state and out-of-state residency, race/ethnicity, and gender;~~ and

~~(iii) number of practical nurses entering the registered nursing education program.~~

~~(b) NCLEX pass rates for first time testers;~~

~~(c) (b) number of student positions available in the nursing education program, number of students accepted to program, and number of unfilled student positions~~ and number of qualified applicants not accepted;

~~(d) (c) number names and qualifications of full-time and part-time faculty, including number of~~ and Clinical Resource Registered Nurses (CRRNs);

~~(e) (d) number names of faculty on board waiver and dates of each waiver period;~~

~~(f) (e) summary of substantive changes reported to the board during the past year, pursuant to ARM 24.159.635; and~~

~~(g) (f) description of progress made by program on improvements recommended by the board or program's accrediting body;~~ and

(g) other information as requested by the board.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: Because the board takes its review of annual reports very seriously, the board is amending this rule to clarify for the programs exactly what the board will monitor each year. The amendments also allow the board necessary flexibility to request other information annually from programs, which may relate to current and ongoing trends or program specific issues of the board's interest.

24.159.625 ESTABLISHMENT OF A NEW NURSING EDUCATION PROGRAM (1) ~~The first phase of establishing a new nursing education program is Phase I, notice of intent.~~ The applicant shall notify the board of the intent to establish a new ~~or expanded nursing education~~ program by providing the following information for a Phase I application:

~~(a) results of an assessment of the need for the proposed nursing education program, including identification of potential employment opportunities for program graduates;~~

~~(b) type of educational program and proposed timetable for initiating the program;~~

~~(c) total proposed student enrollment;~~

~~(d) list of proposed faculty positions and faculty qualifications;~~

~~(e) description of proposed clinical opportunities that will meet expected outcomes for student training needs in each course with a clinical component;~~

~~(f) identification of financial, physical, personnel, and other resources necessary for the planning, implementation, and continuation of the program;~~

~~(g) proposed procedure for marketing program to potential students and eligibility requirements for student admission to the program;~~

~~(h) proposed transition plan for students who may transfer to the program;~~

~~(i) description of how the proposed program may affect existing nursing programs that share the proposed clinical sites, and indication that plans and the needs assessment regarding the proposed program have been shared with the directors of existing affected programs in the state;~~

~~(j) letter of commitment from the governing institution that outlines financial, physical, personnel, and other resources that will be devoted to the proposed nursing education program; and~~

~~(k) letters of support for proposed program from communities of interest.~~

(a) results of a needs assessment, including identification of potential and available students and employment opportunities for program graduates;

(b) commitment by the governing institution of sufficient financial and other resources necessary for the planning, implementation, and continuation of the program;

(c) evidence of governing institution approval and support;

(d) evidence of community support;

(e) type of program proposed;

(f) description of proposed clinical opportunities and availability of resources;

(g) availability of a qualified faculty and program director;

(h) total proposed student enrollment;

(i) a proposed timeline for initiating the program;

(j) description of how the proposed program may affect existing programs that share the proposed clinical sites; and

(k) indication that plans and the needs assessment regarding the proposed program have been shared with the directors of all programs in the state.

(2) remains the same.

(3) The next step is Phase II, application for initial approval for admission of students. The applicant shall provide the following information to the board:

(a) name of a qualified nurse administrator who has been appointed to administer the ~~nursing education~~ program;

(b) list of sufficient qualified faculty, CRRNs, and administrative staff to develop and initiate the program;

~~(c) name of qualified consultant(s), if applicable, who has worked with nurse administrators and faculty to develop program and curriculum;~~

- (d) remains the same, but is renumbered (c).
- (i) and (ii) remain the same.
- (e) remains the same, but is renumbered (d).
- (f) (e) description of use of each clinical site by other nursing education programs;
- (g) through (j) remain the same, but are renumbered (f) through (i).
- (4) ~~The~~ Prior to Phase II approval, the board shall conduct an onsite program inspection prior to Phase II approval visit to verify the information in the written report and ascertain the readiness of the program to admit students.
- (5) ~~For programs under the jurisdiction of the Montana Board of Regents, the board will notify the Montana Board of Regents of pending board approval of the proposed program and, after receiving notification of the program's approval from the Board of Regents, will finalize Phase II approval.~~
- (6) remains the same, but is renumbered (5).
- (7) (6) The last step is Phase III, ~~continued program~~ full approval of the program. The board shall grant ~~continued~~ full approval of a nursing education program upon:
 - (a) submission by the program of a self-study report, any applicable fees per ARM 24.159.401, and completion of a site survey by the board, following the graduation of the first class of students; and that verifies that the program is in compliance with the board's nursing education standards. The visit is to be held following the graduation of the first class of students.
 - (b) ~~a board finding that the program is in substantial compliance with the nursing education program rules.~~
 - (8) (7) ~~When the board does not grant continued program approval in Phase III, the program is subject to~~ The board may grant full approval, conditional approval, or ~~denial of~~ deny approval, as outlined in ARM 24.159.640.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: Nursing programs have consistently declared that the current process to establish new education programs is very confusing to educational institutions. The board is amending this rule to clarify this process and assist the board in its regulatory obligation to approve new programs.

24.159.630 CONTINUED APPROVAL OF NURSING EDUCATION PROGRAMS (1) The board shall evaluate approved nursing education programs for continued approval by monitoring and analyzing program performance through:

- (a) remains the same.
- (b) accreditation visits and reports; ~~and~~
- (c) annual reports; and
- (c) remains the same, but is renumbered (d).
- (i) through (iii) remain the same.
- (iv) ~~trend~~ data regarding NCLEX performance.
- (2) ~~Continued program approval will be granted upon the board's verification that the program is in substantial compliance with the board's nursing education~~

~~program rules. Programs shall maintain annual NCLEX pass rates for first-time test takers that are no less than ten percentage points below the national average. If a program's pass rate is ten percentage points or more below the national average pass rate, the program must submit a report analyzing the variance and a plan to meet the pass rate requirement.~~

~~(3) NCLEX pass rates are calculated each calendar year for first-time test takers.~~

~~(a) The first year a program's average pass rate is ten percentage points or more below the national average pass rate, the program will be issued a letter of notice from the board.~~

~~(b) The second consecutive year a program's average pass rate is ten percentage points or more below the national average pass rate, the program will be placed on conditional approval status by the board per ARM 24.159.640. The program must submit to the board a written plan to improve the pass rate.~~

~~(c) The third consecutive year a program's average pass rate is ten percentage points or more below the national average pass rate, the program must submit a self-study report to the board. The board may also perform a site visit.~~

~~(d) Compliance with this rule for RN programs having less than 21 students per year and PN programs having less than 15 students per year will be based upon two consecutive years of NCLEX pass rates for first-time test takers.~~

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: The board determined it is reasonably necessary to amend this rule as it has been a source of confusion for the board and the programs during NCLEX score reviews. Additionally, the current rule obligates the board to put a program on conditional approval in the second year of low scores, and the board lacks the leverage to place a program on conditional approval for the first year of low NCLEX scores. After recently dealing with the confusion in evaluating a few board-approved programs, the board is now amending this rule to provide the board appropriate flexibility and discretion in determining whether to place a program on conditional approval status. The board is also amending the rule to require that a program with a below-average pass rate must submit an analysis of the problem and a plan to meet the requirement.

24.159.632 NURSING EDUCATION PROGRAM SURVEYS (1) To ensure ongoing compliance with the board's statutes and rules, those approved nursing education programs not accredited by a national nursing accreditation agency recognized by the U.S. Department of Education must be surveyed onsite and reevaluated for continued approval at least every ten five years and in conjunction with the program's visit from an approved, recognized national nursing accreditation body. ~~If the program is not nationally accredited, the board must perform site visits at least every five years.~~ Each time a program survey is performed, the entire program is evaluated for all components under board jurisdiction.

(2) Before a an onsite survey, a school ~~that is not nationally accredited~~ must submit a self-study report to the board ~~office~~ providing evidence of compliance with

~~the appropriate nursing education requirements rules. The school must forward the number of copies and format of the self-study report and related documents as determined by the board, to the board office at least 60 days before a scheduled site visit. If a program holds national nursing accreditation, the board will accept the same self-study report and related documents submitted to the accrediting body. The board will designate the number of copies required, which shall be submitted to the board office at least 60 45 days before the scheduled site visit onsite survey.~~

~~(3) The onsite survey is performed by a qualified site visitor and the board's executive director or education consultant and a qualified site visitor on dates mutually agreeable to the board and the program. The site visitor must have expertise in relation to the type of program being reviewed.~~

~~(a) The surveyors' draft report must should be made available to the program within 30 20 days of the site visit onsite survey.~~

~~(b) The program may submit a written response to the draft survey report within 20 14 days to address identified program deficiencies and to present supplemental information.~~

~~(c) Taking into account the supplemental information provided by the program, the surveyors will finalize the survey report within 30 days of the program response. The final survey report will be made available to the program within ten days of report submission to the board.~~

~~(d) The program may submit a written response to the final survey report only for clarification and correction of survey findings within 30 days of receipt of the final report. The program's response to the final survey report may not be more than ten pages in length, and if supplemental information or a response to the draft or final survey report is not submitted in compliance with these rules, it may be returned to the program or disregarded by the board.~~

~~(4) The board shall review the final survey report and the program's responses before making any program response and make a finding regarding whether the program is in substantial program's compliance with the nursing education program rules.~~

~~(5) Following the board's review and decision, the board must send written notification regarding approval or withdrawal of approval of the program and the board's recommendations to the program director and the leadership of the parent institution will be notified of the finding, and the program status will be placed on the board web site.~~

~~(6) The board office shall issue a certificate of approval to all schools continuing to meet the minimum nursing program requirements.~~

~~(7) remains the same, but is renumbered (6).~~

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: The board is amending this rule to only require board site visits for programs without national nursing accreditation. This amendment will decrease unnecessary work for the board and recognize accredited programs as a standard the board encourages. The amendments will also clarify the timeline and responsibilities of the board and the program in the survey process. The board

anticipates a more straightforward process with less confusion for the programs when coordinating visits from the board and accrediting bodies, and for program directors that have requested clarification.

24.159.635 REQUIREMENTS FOR REPORTING ON CHANGES AFFECTING PROGRAM INCLUDING PROGRAM EXPANSION SUBSTANTIVE CHANGES (1) The program director or academic chief officer is required to ~~notify~~ report to the board of any proposed substantive change affecting the nursing education program that may affect the program's compliance with the nursing education rules. Substantive changes include, but are not limited to:

- (a) changes in legal status, control, or ownership of the parent institution;
- (b) change in accreditation or approval status of the program or the program's parent institution;
- (c) through (e) remain the same.
- (f) change in program director; ~~or~~
- (g) major reduction in financial or other program resources; ~~or~~
- (h) additional enrollment changes that require increases to the program's resources or that may affect the availability of clinical settings.

~~(2) For programs under the jurisdiction of the Montana Board of Regents, the board will make a recommendation to the Montana Board of Regents concerning the substantive change.~~

~~(3)~~ (2) Prior board Board approval is required for program expansion prior to additional enrollment changes that require increases to the program's resources or that may affect the availability of clinical settings. Only programs in full board approval status may make such a request program expansion. A The request for program expansion must be submitted a minimum of 30 days prior to the board meeting, at which the expansion additional enrollment changes will be considered. For proposed ~~program expansion~~ additional enrollment changes, the following information must be included:

- (a) remains the same.
- (b) ~~budgeted faculty positions~~ the anticipated number of students;
- (c) ~~availability evidence~~ of adequate clinical and academic facilities for the program to support the additional enrollment;
- (d) evidence of adequate financial resources ~~adequate~~ for the planning, implementation, and ~~continuation~~ maintenance of the ~~program expansion~~ enrollment changes;
- (e) evidence of the need for ~~program expansion~~ the additional enrollment changes;
- (f) ~~anticipated expansion in student population~~ evidence of adequate faculty resources;
- (g) tentative timetable for planning and initiating the ~~program~~ enrollment changes;
- (h) description of how the ~~proposed expansion~~ additional enrollment may affect the existing nursing programs in the state, and indication that plans and the feasibility study regarding the ~~proposed expansion~~ additional enrollment have been shared with the directors of existing Montana programs;

- (i) curriculum modifications required to accommodate the targeted student population; and
 - ~~(j) evidence showing the program's NCLEX pass rates being at or above the national average for at least three of the last five years; and~~
 - ~~(k) (j) a plan for continued assessment using the program evaluation plan.~~
- (4) remains the same, but is renumbered (3).

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: The programs have expressed confusion to the board regarding which program changes must be reported to the board. The board believes the amendments will clarify the board's expectations for programs when there is a substantive change, or changes that affect a program's compliance with board rules.

24.159.640 CONDITIONAL APPROVAL, WITHDRAWAL OF APPROVAL, OR DENIAL (1) remains the same.

~~(2) Change in approval status may be given for a specific time period. The board may require a special report and/or repeat the site visit during the period of the change in approval status.~~

~~(3) (2)~~ The board may place a program on conditional approval when the board determines that an approved nursing education program is not in substantial compliance with the board rules for nursing education programs. The board will work with the governing academic institution to determine a mutually agreed upon time frame for may require the submission of an action plan, subject to board approval, to correct the identified program deficiencies.

~~(4) If the school does not correct the deficiencies within the time period and in the manner specified by the action plan, the board may require that the school stop admitting students until the deficiencies are corrected.~~

~~(5) (3)~~ The board shall withdraw approval if a program fails to correct deficiencies within the time specified or in accordance with a board-approved action plan. When approval is withdrawn, the board shall remove the program from the list of approved programs and notify the applicable national accrediting body, NCSBN, and the NCSBN testing services that the program is no longer approved. Whenever approval has been withdrawn, the program may not recruit or admit students prospectively without specific board approval.

~~(6) (4)~~ Programs notified of a change in board A program denied approval or given less than full approval status may request a hearing within 60 days is entitled to notice and a hearing to contest the decision under the same procedures provided licensees, in accordance with the Montana Administrative Procedure Act and Title 37, chapter 1, part 3, MCA.

~~(7) (5)~~ Once a program corrects deficiencies, the board shall reinstate the program to conditional or approval status, as deemed appropriate by the board for a minimum of one year or until the board determines the program has achieved sufficient compliance with these rules.

~~(8) The board may not consider a program on conditional status for any type of program expansion.~~

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: In recent years, the board has placed several programs on conditional approval status, and the process was confusing for the school and the board. The programs are very concerned when board approval is changed, as it affects student admission, recruitment of students and faculty, and national accreditation standing. The board is amending this rule to clearly delineate the process the board will follow in decisions relating to a change of approval status.

24.159.650 NURSING EDUCATION PROGRAM DIRECTOR

~~(1) Baccalaureate and associate degree RN programs~~ A program must be administered by a full-time program directors director who shall be responsible for program administration. The directors of the professional programs shall possess the following licensure, education, and experience qualifications:

~~(a) remains the same.~~

(b) a graduate degree in nursing from a nationally recognized accredited program;

~~(b) remains the same, but is renumbered (c).~~

~~(c) (d) at least two years of experience in nursing education, including didactic and clinical teaching at the level of the program's highest terminal degree; and~~

~~(d) (e) educational preparation or experience in registered nursing education, teaching, and learning principles for adult education, including but not limited to curriculum development and administration.~~

~~(2) The director is responsible to ensure that all faculty, CRRNs, and preceptors meet the requisite qualifications and maintain current records of those faculty qualifications, licenses, and evaluations.~~

(2) The program director is responsible for:

(a) ensuring that all faculty, CRRNs, and preceptors meet the requisite qualifications and maintaining current records of those qualifications and performance evaluations;

(b) ensuring that clinical agency contracts are executed periodically, according to institutional or program policy;

(c) faculty assignments and evaluations;

(d) managing educational resources; and

(e) compliance with board rules.

~~(3) The director is responsible to ensure that clinical agency contracts are executed periodically, according to institutional or program policy, and contracts include at least the following elements:~~

~~(a) clinical agency responsibilities related to supervision or guidance of students;~~

~~(b) clinical agency requirements for student criminal history or health, such as immunizations, Tuberculosis testing, and any necessary follow-up, as required by the agency;~~

~~(c) nursing education program requirements for student criminal history or health, such as immunizations, Tuberculosis testing, and any necessary follow-up actions, as required by the program's student policies; and~~

~~(d) clinical agency requirements for scheduling of students for clinical experiences.~~

~~(4) The director of the baccalaureate program shall possess a doctorate in nursing or a related field, from a nationally recognized accredited program, with preparation in education and administration. If a master's degree is not held, one of the graduate degrees must be in nursing.~~

~~(a) The board may allow an exception to the educational requirement of a doctorate for a period not to exceed one academic year. Such an exception would require the interim director to hold at least a master's degree in nursing.~~

~~(5) The director of the associate degree RN program shall possess a master's degree in nursing or public health with a major in nursing, from a nationally recognized accredited program, with preparation in education and administration.~~

~~(6) Practical nursing education programs must be administered by a full-time program director who shall devote a minimum of 50 percent time to administrative activities and shall possess the following qualifications:~~

~~(a) a current unencumbered license to practice as a registered nurse in the state of Montana;~~

~~(b) a master's degree with a major in nursing or a minimum of a baccalaureate degree in nursing, supplemented by courses in curriculum development, principles and methods of teaching, and measurement and evaluation;~~

~~(c) at least two years of experience in nursing practice; and~~

~~(d) at least two years of experience in nursing education, including didactic and clinical teaching in the level of preparation of program graduates.~~

~~(7) remains the same, but is renumbered (3).~~

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: National standards have changed for directors of nursing programs, and national nursing accreditation bodies no longer require a doctoral degree for nursing program directors of baccalaureate programs. The board determined it is reasonably necessary to amend this rule in accordance with those changes, and to delete confusing language on clinical agencies that is being relocated more appropriately in ARM 24.159.606. This amendment will clearly delineate program director responsibilities, and assist in program evaluation for the board.

24.159.655 NURSING EDUCATION PROGRAM FACULTY

RESPONSIBILITY (1) There must be a sufficient number of qualified faculty to meet the purposes and objectives of the nursing program. Faculty includes all nurses employed by the program to provide didactic and/or clinical/laboratory experiences, ~~except clinical~~ Clinical resource nurses (CRRNs) and preceptors are not considered faculty.

(2) Clinical and didactic faculty, ~~CRRNs, and preceptors~~ shall hold unencumbered Montana nursing licenses to practice nursing.

- (3) through (7) remain the same.
- (a) ~~planning, implementing, and evaluating learning experiences based on each course's objectives;~~
- (b) remains the same.
- (c) ~~providing for student and peer evaluation of teaching effectiveness; and~~
- (d) ~~participating in the selection of new faculty and the promotion and tenure of other existing faculty.~~
- (8) remains the same.
- (9) ~~Written job descriptions and performance expectations must be available for each position. When providing direct patient care, no more than ten students may be supervised at a time by a faculty member.~~
- (10) ~~Personnel policies must be in writing and must include selection, appointment, promotion, and faculty development.~~

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, MCA

REASON: The board determined it is reasonably necessary to amend and reorganize provisions of ARM 24.159.659, 24.159.662, and this rule, while adopting New Rule I, to provide clearer guidelines for nursing programs and the board requirements for program faculty.

24.159.659 FACULTY FOR REGISTERED NURSING EDUCATION PROGRAMS (1) through (1)(b) remain the same.

- (c) ~~except as otherwise provided in this rule these rules, hold at least a master's graduate degree with a major in nursing, or a doctorate in nursing, from a nationally accredited program.~~
- (2) ~~Faculty members who do not meet faculty qualifications may be considered by the board and if approved, shall not exceed the number or percentage specified by this rule.~~
- (3) ~~Faculty members not holding any master's degree will have three years from the date of board approval of waiver to obtain a master's degree in nursing, as set forth by the faculty qualifications.~~
- (4) ~~For each faculty member who does not meet the education requirements of (1), the program director shall immediately notify the board in writing of the hire of the nonmaster's prepared faculty member along with a plan to address compliance with the education requirements.~~
- (5) ~~Failure to comply with this rule constitutes noncompliance with board rules, and will subject the program to action deemed appropriate by the board, including loss of the program's approval.~~
- (6) ~~A maximum of 10 percent or two faculty members, whichever is greater based on FTE, may come under the exception at any point in time at a given school.~~
- (7) ~~When providing direct patient care, no more than ten students may be supervised at a time by a faculty member. The number of students must be determined by the educational and clinical resources and faculty sufficient to meet the goals of the program and the requirements of the board.~~

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, MCA

REASON: See REASON for ARM 24.159.655.

24.159.662 FACULTY FOR PRACTICAL NURSING EDUCATION

PROGRAMS (1) All nursing faculty for practical nursing programs, including part-time, shall hold at least one of the following degrees from a nationally accredited program:

~~(a) a baccalaureate degree in nursing, supplemented with coursework in curriculum development, principles and methods of teaching, and measurement and evaluation;~~

~~(b) a master's degree in nursing; or~~

~~(c) a doctorate degree in nursing or a related field.~~

(a) hold a current unencumbered license to practice professional nursing in Montana;

(b) have at least two years of experience in nursing practice; and

(c) hold a minimum of a baccalaureate degree in nursing.

~~(2) Faculty members shall:~~

~~(a) have at least two years experience in nursing practice; and~~

~~(b) hold a current unencumbered license to practice professional nursing in the state of Montana.~~

~~(3) When providing direct patient care, no more than ten students may be supervised at a time by a faculty member. The number of students must be determined by the educational and clinical resources and faculty sufficient to meet the goals of the program and the requirements of the board, including ARM 24.159.666, pertaining to the use of CRRNs.~~

~~(4) A maximum of ten percent or two faculty members, whichever is greater, based on full-time equivalents, may qualify under an exception at any point in time at a given school.~~

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, MCA

REASON: See REASON for ARM 24.159.655.

24.159.665 CLINICAL PRECEPTORS IN NURSING EDUCATION

PROGRAMS (1) remains the same.

~~(2) Preceptor utilization is limited to no more than 20 percent of a student's total clinical hours in the program.~~

(3) remains the same, but is renumbered (2).

(a) remains the same.

(b) ~~selecting the individual preceptors and ensuring appropriate preceptor qualifications and scope of responsibility;~~

(c) and (d) remain the same.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: Following recent input of nursing program directors and the rules committee review of the rules, the board concluded that use of preceptors for educational purposes should not be limited to 20 percent of the total clinical hours. The board believes this restriction hinders nursing program ability to take advantage of clinical learning opportunities such as dedicated education units in clinical facilities, which nursing research literature has recently shown to improve student learning. Additionally, nursing programs do not always have the ability to select the preceptor, as this is done in partnership with the clinical facility.

24.159.666 USE OF CLINICAL RESOURCE REGISTERED NURSES (CRRNS) IN NURSING EDUCATION PROGRAMS (1) ~~CRRNs may be used to enhance, but not replace, faculty-directed clinical learning experiences.~~ A clinical resource registered nurse (CRRN) is an RN with an unencumbered Montana nursing license who provides supervision, demonstration, and collaborative evaluation of student performance in a clinical or laboratory setting. ~~The CRRN is solely responsible for students and must have no concurrent clinical responsibilities.~~

(2) CRRNs may be used to enhance, but not replace, faculty-directed clinical learning experiences. The supervising faculty member is responsible for all students in the clinical setting, including those supervised by the CRRNs. The maximum number of nursing students a CRRN may supervise at any one time is ten.

(3) ~~Although a CRRN is not considered to be a faculty member of a program, a CRRN may be used by the program to maintain a ten-to-one student-to-instructor supervision ratio in a clinical setting.~~ The CRRN is solely responsible for students and must have no concurrent clinical responsibilities.

(4) remains the same.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: The board notes that this is a rule unique to Montana as other states do not generally use the term "CRRN" or have this type of position in nursing programs. The board is therefore amending this rule to specifically define the term as separate from nursing faculty member requirements, for those nursing programs that seek national accreditation from outside agencies.

24.159.670 CURRICULUM GOALS AND GENERAL REQUIREMENTS FOR NURSING EDUCATION PROGRAMS (1) remains the same.

(2) The faculty shall develop, review, and update the curriculum on an ongoing basis. The curriculum ~~for nursing educational programs~~ must meet the following general criteria:

(a) reflect the guiding principles, organizational framework, purpose, and educational objectives of the ~~nursing education~~ program and be consistent with the statutes and rules governing the practice of nursing, as well as the national standards and codes of ethics for nursing practice;

(b) through (4) remain the same.

(5) For each clinical credit hour, there shall be at least two hours of applied laboratory experience.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

5. The proposed new rule provides as follows:

NEW RULE I WAIVER OF FACULTY QUALIFICATIONS (1) Programs may hire a limited number of faculty members who do not meet the educational qualifications as noted in ARM 24.159.659 and 24.159.662. In the event that this occurs, the program must immediately notify the board in writing of the hire and include a written plan for meeting that qualification.

(2) Programs may employ a maximum of ten percent or two faculty members, whichever is greater, based on total faculty FTE, who do not hold a graduate degree in nursing (for registered nurse education programs) or a baccalaureate degree in nursing (for practical nurse education programs). Those individuals shall have no more than five years from the date of employment to obtain the requisite degree.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: The board proposes to adopt this new rule to allow nursing programs to hire faculty who are still completing the degree requirements for RN or LPN faculty. The board is incorporating provisions from ARM 24.159.659 and 24.159.662, as well as a new provision allowing for five-year waivers instead of three-year ones. The board is increasing the waiver period to align with the recent trend in nursing education to prepare nurses at the graduate level for a DNP (doctorate of nursing practice), instead of an MN (masters in nursing). The DNP takes longer to complete, and the board has found that Montana programs benefit meaningfully when able to utilize waivers to meet the board's minimum standards for employing qualified educators.

6. The board proposes to repeal the following rules:

24.159.601 STATEMENT OF PURPOSE FOR NURSING EDUCATION PROGRAM RULES found at ARM page 24-16471.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: The board is repealing this rule to eliminate unnecessary provisions. Noting there is no requirement to explain the overall purpose of rules, the board concluded that this explanatory rule is unnecessary.

24.159.615 RECOGNIZED ACCREDITATION BODIES found at ARM page 24-16477.

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, 37-8-302, MCA

REASON: The board is repealing this unnecessary rule because the names of accrediting bodies routinely change, and the requirement that parent institutions are accredited by a national accrediting body approved by the U.S. Department of Education is adequately addressed in amendments to ARM 24.159.605.

24.159.656 FACULTY QUALIFICATION REPORT found at ARM page 24-16497.

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-204, 37-8-301, 37-8-302, MCA

REASON: The board concluded that the faculty qualification report was a burden on the school and on the board, and did not serve the purpose of ensuring that programs meet the nursing faculty requirements in ARM 24.159.659. Programs typically submit the qualifications once a faculty member is hired and the board then "rubber stamps" its approval of the faculty member. Repealing this rule will not impact the program's responsibility to hire only those faculty members who meet the board's requirements.

24.159.674 PROFESSIONAL NURSING CURRICULUM SPECIFIC TO BACCALAUREATE DEGREE found at ARM page 24-16505.

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, MCA

REASON: The board does not distinguish nursing practice for professional nurses on the basis of academic preparation. Graduates of a baccalaureate degree nursing program or an associate degree nursing program are both eligible for licensure as RNs and the definition of professional nursing in 37-8-102, MCA, does not differentiate regarding an applicant's preparation.

There is also no distinction in the administrative rules of the practice of registered nurses in subchapter 12. The board concluded this rule is not needed now or in the immediate future, especially with the amendment proposed to ARM 24.159.604(1)(a), to require that programs address current RNs practice standards.

24.159.677 PROFESSIONAL NURSING CURRICULUM SPECIFIC TO ASSOCIATE DEGREE found at ARM page 24-16506.

AUTH: 37-8-202, 37-8-301, MCA
IMP: 37-8-202, 37-8-301, MCA

REASON: See REASON for ARM 24.159.674.

24.159.680 CURRICULUM REQUIREMENTS FOR PRACTICAL NURSING PROGRAMS found at ARM page 24-16507.

AUTH: 37-8-202, 37-8-301, MCA

IMP: 37-8-202, 37-8-301, MCA

REASON: The board determined this rule is not necessary to determine the quality of programs for LPN education, as this is primarily based upon the definition of LPN practice in 37-8-102(8), MCA, and because the proposed amendment to ARM 24.159.604(1)(a) will require programs to address the current practice standards for LPNs if the program leads to LPN licensure.

7. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to nurse@mt.gov, and must be received no later than 5:00 p.m., March 27, 2015.

8. An electronic copy of this notice of public hearing is available at www.nurse.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to nurse@mt.gov; or made by completing a request form at any rules hearing held by the agency.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.159.604, 24.159.605, 24.159.606, 24.159.608, 24.159.609, 24.159.611, 24.159.612, 24.159.625, 24.159.630, 24.159.632, 24.159.635, 24.159.640, 24.159.650, 24.159.655, 24.159.659, 24.159.662, 24.159.665, 24.159.666, and 24.159.670 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULE I will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.159.601, 24.159.615, 24.159.656, 24.159.674, 24.159.677, and 24.159.680 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Nursing, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, facsimile (406) 841-2305, or e-mail nurse@mt.gov.

12. Tyler Moss, attorney, has been designated to preside over and conduct this hearing.

BOARD OF NURSING
HEATHER O'HARA, RN, PRESIDENT

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State February 17, 2015

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.3.139 appointment as deputy	)	AMENDMENT AND REPEAL
state veterinarian, 32.3.202)	
requirements for importation,	)	NO PUBLIC HEARING
32.3.206 official health certificate,	)	CONTEMPLATED
32.3.207 permits, 32.3.2001 brands)	
and earmarks, and the repeal of ARM)	
32.3.204 permit required for livestock,)	
game, furbearing animals, wild)	
animals, embryos, and semen)	

TO: All Concerned Persons

1. On March 28, 2015, the Department of Livestock proposes to amend and repeal the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. March 20, 2015, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

32.3.139 APPOINTMENT AS DEPUTY STATE VETERINARIAN (1) The department is authorized to deputize a veterinarian when it determines that such veterinarian:

- (a) is licensed to practice veterinary medicine in Montana;
- (b) is a current USDA accredited category I or category II veterinarian pursuant to 9 CFR, Chapter 1, Part 161;
- (c) has made formal application for deputization upon forms provided by the department;
- (d) has been recommended by the state veterinarian; and
- (e) has attended the department deputy state veterinarian training.

(2) The state veterinarian may issue a provisional deputy state veterinarian status on a case-by-case basis if the requesting veterinarian can document sufficient need exists prior to completion of the required training as listed in (1)(e).

AUTH: 81-2-102, 81-2-103, MCA
IMP: 81-2-102, ~~81-2-108~~, MCA

REASON: This proposed amendment will allow the provisional appointment of a deputy state veterinarian pending completion of all requirements. The citation 81-2-108, MCA, is being deleted because "Diseased animals not to run at large – burial of carcasses" does not implement this rule.

32.3.202 PAPERS REQUIRED REQUIREMENTS FOR IMPORTATION

(1) Unless otherwise specifically provided in this rule all animals ~~and poultry,~~ animal semen, and animal biologics transported or moved into the state of Montana must be accompanied by an official health certificate ~~or and~~ a permit, ~~or both,~~ which must be attached to the waybill or be in the possession of the ~~The driver of the vehicle or person in charge of the animals~~ must have in their possession a copy of the official health certificate and permit number. When a single health certificate or permit is issued for animals being moved in more than one vehicle the driver of each vehicle shall have in his possession a copy of the health certificate or permit.

AUTH: 81-2-102, 81-2-703, 81-2-707, 81-20-101, MCA
IMP: 81-2-102, 81-2-703, 81-20-101, MCA

REASON: This proposed amendment provides clarification on the documentation (health certificate and permit) requirements for animals and animal products imported into Montana. The change incorporates language from ARM 32.3.204 which is being repealed to clarify that all animals, animal semen, and animal biologics require a permit. The citation 81-2-703, MCA, is added and is required for importation – exemptions, and 81-2-707, MCA is added and authorizes department rulemaking power.

32.3.206 OFFICIAL HEALTH CERTIFICATE (1) through (3) remain the same.

(4) The state veterinarian may waive requirements for animals imported into Montana on a case-by-case basis if granting the waiver does not create a threat of disease to livestock or to the public.

(4) remains the same but is renumbered (5).

AUTH: 81-2-102, 81-2-703, 81-2-707, 81-20-101, MCA
IMP: 81-2-102, 81-2-703, 81-20-101, MCA

REASON: The proposed amendment adds language which gives the state veterinarian authority to provide exemptions for import requirements. The citation 81-2-703, MCA, is added and required for importation – exemptions, and 81-2-707, MCA, is added and authorizes department rulemaking power.

32.3.207 PERMITS (1) ~~Permits may be obtained by calling (406) 444-2976 or 444-2043 and will be issued in the name of the person or entity in Montana receiving the animal(s) shown thereon.~~ Permits are issued by the Montana

Department of Livestock. Persons applying for permits shall provide the following information: names and addresses of the consignor and consignee, number and kind of animals, origin of shipment (~~including in the case of livestock, the ranch where raised, and all intermediate stops in the past six months~~), final destination, purpose of shipment, method of transportation, including names of transporter, and such other information as the state veterinarian may require.

(2) through (5) remain the same.

AUTH: 81-2-102, 81-2-703, 81-2-707, 81-20-101, MCA

IMP: 81-2-102, 81-2-703, 81-20-101, MCA

REASON: This proposed amendment removes language specifying permits must be obtained by phone and language requiring excessive documentation of past animal movement history. This requirement is overly burdensome and inconsistent with industry standards for traceability. The citation 81-2-703, MCA, is added and is required for importation – exemptions, and 81-2-707, MCA, is added and authorizes department rulemaking power.

32.3.2001 BRANDS AND EARMARKS (1) remains the same.

(2) The state veterinarian may waive identification requirements for import into Montana as follows:

(a) Animals for exhibition only;

(b) Animals imported to a Montana bull stud for quarantine on arrival that will return to Canada; or

(c) On a case-by-case basis with Board of Livestock approval, if the waiver does not create a threat of disease to livestock or to the public, or compromise animal disease traceability.

(2) remains the same but is renumbered (3).

AUTH: 81-2-102, MCA

IMP: 81-2-102, MCA

REASON: Canadian livestock producers annually request a CAN brand waiver to attend exhibitions in Montana; therefore, the department is proposing to amend this rule providing an exemption for the required CAN brand for exhibition animals only.

4. The department proposes to repeal the following rule:

32.3.204 PERMIT REQUIRED FOR LIVESTOCK, GAME, FURBEARING ANIMALS, WILD ANIMALS, EMBRYOS, AND SEMEN

AUTH: 81-2-102, 81-20-101, MCA

IMP: 81-2-102, 81-20-101, MCA

REASON: The language in this rule is covered in ARM 32.3.202 making ARM 32.3.204 redundant and unnecessary; hence the department is repealing this rule.

5. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., March 26, 2015.

6. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. March 26, 2015.

7. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the approximately 700 veterinarians and approximately 1,500 producers.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

10. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State February 17, 2015.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.3.212 additional) AMENDMENT
requirements for cattle)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On March 28, 2015, the Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. March 20, 2015, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: cmackay@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.3.212 ADDITIONAL REQUIREMENTS FOR CATTLE (1) Female cattle over the age of four months imported into the state of Montana for any purpose other than immediate slaughter must be official vaccinates except as follows:

(a) cattle being transported or moved through Montana with no intent to unload in the state. In an emergency situation, they may be unloaded in compliance with quarantine rules promulgated by the Department of Livestock under 81-2-102, MCA;

(b) spayed cattle;

(c) nonvaccinated female cattle placed under a hold order for brucellosis vaccination or spaying within 30 days of arrival; or

(d) nonvaccinated cattle from a:

(i) state, area, province, or territory that has been brucellosis class free for ten years or more; or

(ii) brucellosis free state, area, province, or territory as designated by the Board of Livestock.

(2) U.S. origin ~~Nonvaccinated sexually intact female~~ cattle, 12 months of age and older, must have a negative brucellosis test no more than 30 days prior to arrival, unless originating from an area as defined in (1)(d):

~~(a) U.S. state or territory that has been brucellosis class free for ten years or more; or~~

~~(b) brucellosis free state, area, province, or territory as designated by the Board of Livestock.~~

(3) All non-U.S. origin sexually intact cattle 12 months of age and older must have a negative brucellosis test no more than 30 days prior to arrival.

(3) through (13) remain the same but are renumbered (4) through (14).

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA

IMP: 81-2-102, 81-2-703, 81-2-704, MCA

REASON: In light of the recent changes to mandatory brucellosis vaccination for cattle imported into Montana, the department proposes to amend the above-stated rule to address feedback from the cattle industry that further clarifies the testing requirements for cattle entering Montana.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., March 26, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m. March 26, 2015.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those persons directly affected has been determined to be more than 25, based upon the approximately 700 veterinarians, and approximately 1,500 producers.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of

State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

DEPARTMENT OF LIVESTOCK

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State February 17, 2015.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of	)	NOTICE OF PROPOSED
ARM 32.2.401, 32.2.404, and	)	AMENDMENT
32.2.405 pertaining to department)	
fees	)	NO PUBLIC HEARING
	)	CONTEMPLATED

To: All Concerned Persons

1. On March 30, 2015, the Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on March 18, 2015, to advise us of the nature of the accommodation that you need. Please contact Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: cmackay@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

32.2.401 DEPARTMENT OF LIVESTOCK LICENSE ANIMAL HEALTH
DIVISION FEES (1) Animal Health: Certifications:

- (a) Brucella ovis-free flocks certification - new \$40.00
- (b) Brucella ovis-free flocks certification - renewal 18.00

(2) Licenses:

(1)(c) through (1)(i) remain the same but are renumbered (2)(a) through (2)(g).

(2) Brand Enforcement:

- (a) Hide dealer or buyer's license 5.00
- (b) Livestock broker or dealer license 100.00
- (c) Satellite video auction market operator 100.00

(3) Meat Inspection:

(a) Slaughterhouse, meat packing house, meat depot, or mobile slaughter facility license 25.00

(4) Milk and Egg Inspection:

- (a) Condensed, evaporated, or powdered milk plant license 5.00
- (b) Cream station license 5.00
- (c) Dairy license 5.00
- (d) Dairy producing milk for manufacturing purposes license 5.00
- (e) Egg dealer's retail buying license 5.00
- (f) Egg dealer's wholesale license 20.00

(g) Egg grader's license	5.00
(h) Fluid milk plant license	50.00
(i) Grader-weigher-sampler license	5.00
(j) Hauler license	5.00
(k) Manufactured dairy products plant license	50.00
(l) Milk or cream route license	5.00
(m) Milk or cream tester's license	10.00
(n) Producer, producer-distributor, distributor, or jobber	10.00
(o) Tester license	10.00
(3) Permits:	
(a) Annual NPIP poultry permit	\$4.00
(b) Biologics, conditional - new	30.00
(c) Biologics, conditional - renewal	10.00
(d) Biologics, unconditional	10.00
(e) Bovine semen, annual - domestic	4.00
(f) Bovine semen, annual - international	42.00
(g) Cross border grazing - new	37.00
(h) Cross border grazing - renewal	14.00
(i) Equine permit, annual	5.00
(j) Equine semen, annual	7.00
(k) Six-month horse passport	5.00
(4) Forms and tags:	
(a) Alternative livestock tags - deer (small)	\$27.50
(b) Alternative livestock tags - elk (medium)	42.00
(c) SV-7 - large animal cvi book	24.00
(d) SV-7A - cvi convoy replica book	25.00
(e) SV-7B - cvi continuation pages	37.00
(f) SV-7GF - alternative livestock cvi book	35.00
(g) SV-7GFc - alternative livestock continuation	15.00
(h) SV-7HP - 6-month horse passport book	55.00
(i) SV-69A - trichomoniasis test report	37.00
(j) Trichomoniasis tags (5)	6.45
(k) Trichomoniasis tags (10)	12.90
(l) Trichomoniasis tags (25)	32.25

AUTH: 81-2-102, 81-22-102, 81-2-707, MCA

IMP: 81-1-102, 81-2-502, 81-2-704, 81-3-107, 81-3-205, 81-3-211, 81-5-112, 81-7-504, 81-8-164, 81-8-256, 81-8-271, 81-8-276, 81-8-304, 81-9-112, 81-9-201, 81-9-301, 81-9-411, 81-20-201, 81-21-102, 81-22-102, 81-22-204, 81-22-205, 81-22-208, 81-23-202, MCA

32.2.404 DEPARTMENT OF LIVESTOCK PERMIT BRANDS

ENFORCEMENT DIVISION FEES (4) Animal Health:

(a) Annual NPIP Poultry permit	\$4.00
(b) Biologics, conditional - new	30.00
(c) Biologics, conditional - renewal	10.00
(d) Biologics, unconditional	10.00

(e) Bovine semen, annual - domestic	4.00
(f) Bovine semen, annual - international	42.00
(g) Cross border grazing - new	37.00
(h) Cross border grazing - renewal	14.00
(i) Equine permit, annual	5.00
(j) Equine semen, annual	7.00
(k) Six-month horse passport	5.00
<u>(2) Brand Enforcement:</u>	
(a) Aerial hunting permit - annual	50.00
(b) Adjacent state transportation permit	10.00
(c) Adjoining county transportation permit	10.00
(d) Annual sheep permit for show purposes only within the state of Montana	1.00
(e) Domestic bison transportation permit	1.00
(f) Market consignment permit or transportation permit before removal from a county	1.00
(g) Permanent horse transportation permit	25.00 per head
(h) Sheep removal permit	1.00
<u>(1) Brands and transfers:</u>	
<u>(a) Recording of a new brand or mark:</u>	
(i) Livestock or ornamental	\$200.00
(ii) Seasonal brand for going to grass	200.00
(iii) Seasonal brand for going to feed lot, market, or location	50.00
(b) Transfer of a brand or mark, livestock or ornamental	200.00
(c) Rerecording a brand or mark, livestock or ornamental	100.00
<u>(2) Inspections:</u>	
(a) Game farm animal inspection	\$3.00 a head
<u>(i) the inspector may also charge necessary actual expenses if required to wait for the animals to be presented for inspection.</u>	
(b) Hide inspection	1.00 a head
<u>(c) Horse, mule, or ass inspection:</u>	
(i) before moving across a county line or before change of ownership	6.00 a head
<u>(A) If more than ten animals of the same type are offered for inspection on the same day by the same owner, starting with the eleventh animal</u>	
	3.00 a head
(ii) before sold or offered for sale at a licensed livestock market	6.00 a head
<u>(d) Livestock inspection:</u>	
(i) before moving across a county line or before change of ownership	1.00 a head
(ii) cow/calf pairs (spring going to pasture only)	1.00 a pair
(iii) before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse	1.00 a head
<u>(3) Licenses:</u>	
(a) Hide dealer or buyer's license	\$5.00
(b) Livestock agent, broker, or dealer license	250.00
(c) Livestock market operator license or certificate	300.00

(d) Satellite video auction market operator license	100.00
<u>(4) Permits:</u>	
(a) Adjacent state transportation permit	\$10.00
(b) Adjoining county transportation or grazing permit	10.00 per 100 head
(c) Aerial hunting permit - annual	50.00
(d) Annual sheep permit for show purposes only within the state of Montana	1.00
(e) Domestic bison transportation permit	1.00
(f) Lifetime or permanent horse inspection permit	30.00 per head
(i) Lifetime horse inspection book (issued to local inspectors)	250.00
(g) Market consignment permit or transportation permit before moving across a county line	1.00
(h) Sheep transportation permit	1.00
(i) Releasing livestock, except horses, mules, or asses for removal from a licensed livestock market	1.00 a head
(j) Releasing horses, mules, or asses for removal from a licensed livestock market	6.00 a head
<u>(5) Miscellaneous fees:</u>	
(a) Brand book - CD	\$15.00
(b) Brand book - data download	fee commensurate with cost
(c) Brand book - paper copy (per county)	30.00
(d) Certified copy of brand or mark record and duplicate certificate	10.00
(e) Copy of original livestock bill of sale	10.00
<u>(f) Estray sale cost and disposition of animals if no bid is offered:</u>	
(i) cost for estray sale	100.00
(ii) cost if owner claims before sale	50.00
<u>(iii) the department may re-offer for sale or give the animal to an individual or rescue facility in the area, or if there are no other options, condemn and destroy or otherwise dispose of it.</u>	
(g) Filing of a livestock lien or security interest	25.00
<u>(h) Research/copy-scan fees may be charged for livestock inspection lookups in the country and/or markets based on MDOL Public Records Request.</u>	

AUTH: 81-1-102, ~~81-22-102~~, MCA

IMP: 81-3-205, 81-3-211, 81-5-112, 81-7-504, 81-8-256, 81-8-271, 81-8-276, 81-8-304, 81-9-113, 81-9-122, 81-9-411, MCA

32.2.405 DEPARTMENT OF LIVESTOCK MISCELLANEOUS MEAT INSPECTION AND MILK AND EGG BUREAU FEES

<u>(1) Animal Health:</u>	
<u>(a) Forms:</u>	
(i) alternative livestock tags - deer (small)	\$27.50
(ii) alternative livestock tags - elk (medium)	42.00
(iii) SV-7 - large animal cvi book	24.00
(iv) SV-7A - cvi convoy replica book	25.00
(v) SV-7B - cvi continuation pages	37.00
(vi) SV-7GF - alternative livestock cvi book	35.00

(vii) SV-7GFc - alternative livestock continuation	15.00
(viii) SV-7HP - 6-month horse passport book	55.00
(ix) SV-69A - trichomoniasis test report	37.00
(x) trichomoniasis tags (5)	6.45
(xi) trichomoniasis tags (10)	12.90
(xii) trichomoniasis tags (25)	32.25
(2) Brand Enforcement:	
(a) Brand book - CD	15.00
(b) Brand book - data download	fee commensurate with cost
(c) Brand book - paper copy (per county)	30.00
(d) Certified copy of brand or mark record and duplicate certificate	10.00
(e) Copy of original livestock bill of sale	10.00
(f) Estray sale cost and disposition of animals if no bid is offered:	
(i) cost for estray sale	100.00
(ii) cost if owner claims before sale	50.00
(iii) the department may re-offer for sale or give the animal to an individual or rescue facility in the area, or if there are no other options, condemn and destroy or otherwise dispose of it.	
(g) Game farm animal inspection	3.00 a head
(i) inspector may also charge necessary actual expenses if required to wait for the animals to be presented for inspection.	
(h) Filing of livestock security interests	25.00
(i) Hide inspection	1.00 a head
(j) Horses, mules, or asses inspection before removal from a county or before change of ownership	6.00 a head
(k) If more than ten animals of the same type are offered for inspection on the same day by the same owner, starting with the eleventh animal	3.00 a head
(l) Horses, mules, or asses inspection before sold or offered for sale at a licensed livestock market	6.00 a head
(m) Livestock inspection before removal from a county or before change of ownership	1.00 a head
(i) cow/calf pairs-spring going to pasture only	1.00 a pair
(n) Livestock inspection before being sold or offered for sale at a licensed livestock market or slaughtered at a licensed slaughterhouse	1.00 a head
(o) Livestock market operator certificate as required	100.00
(p) Recording or transfer of a new mark or brand:	
(i) new mark or brand (livestock or ornamental)	200.00
(ii) transfer of new mark or brand (livestock or ornamental)	200.00
(iii) seasonal mark or brand for going to grass	200.00
(iv) seasonal mark or brand for going to feed lot, market, or location	50.00
(q) Rerecording a mark or brand (livestock or ornamental)	100.00
(r) Releasing an animal, except horses, mules, or asses, for purpose of removal from a licensed livestock market	1.00 a head
(s) Releasing horses, mules, or asses, for purpose of removal from a licensed livestock market	6.00 a head

~~(t) Research/copy scan fees may be charged for livestock inspection lookups in the country and/or markets based on MDOL Public Records Request.~~

(1) Meat inspection:

(a) Slaughterhouse, meat packing house, meat depot, or mobile slaughter facility license \$25.00

(2) Milk and egg inspection:

(a) Condensed, evaporated, or powdered milk plant license \$ 5.00

(b) Cream station license 5.00

(c) Dairy license 5.00

(d) Dairy producing milk for manufacturing purposes license 5.00

(e) Egg dealer's retail buying license 5.00

(f) Egg dealer's wholesale license 20.00

(g) Egg grader's license 5.00

(h) Fluid milk plant license 50.00

(i) Grader-weigher-sampler license 5.00

(j) Hauler license 5.00

(k) Manufactured dairy products plant license 50.00

(l) Milk or cream route license 5.00

(m) Milk or cream tester's license 10.00

(n) Producer, producer-distributor, distributor, or jobber 10.00

(o) Tester license 10.00

AUTH: 81-1-102, 81-9-201, 81-22-102, MCA

IMP: 81-3-107, 81-3-205, 81-3-211, 81-8-304, 81-9-112, 81-9-201, 81-9-411, 81-20-201, 81-21-102, 81-22-201, 81-22-204, 81-22-205, 81-22-208, 81-23-202,
MCA

REASON: The department proposes to amend the above-stated rules to reorganize the department's fees according to the departmental division and the type of fee similar, to the rule structure for the diagnostic laboratory fee, thereby standardizing and simplifying the department's fee system. The department proposes to locate Animal Health division fees in ARM 32.2.401, Brands Enforcement division fees are in ARM 32.2.404, and Meat Inspection and Milk and Egg bureau fees in ARM 32.2.405. The department proposes to amend the authorizing and implementing statutes to coincide with the proposed restructuring of the fees. The department proposes to amend the language of some rules to include the common name of the service provided.

The Brands Enforcement Division proposes to increase fees to assure fees are commensurate with costs of services as required by 81-1-102(2), MCA. The proposed \$150 fee increase on dealer and agent license fees would potentially affect 300 dealers and agents for a cumulative increase of approximately \$45,000. The market license fee increase would affect 13 markets for additional revenue of \$3,900. An increase in lifetime horse inspections, implementing a \$250 charge for lifetime inspections books provided to approximately 20 qualified deputy local inspectors and implementation a \$10 per hundred head of cattle grazing permit would potentially affect approximately 15,000 producers seeking livestock services on approximately 952,000 head of livestock for a cumulative fee of \$95,200. The

proposed increase will total approximately \$144,100 annually, based on these numbers. The dealer and agent fee has not been increased for over ten years; market license fees have not been raised since their inception and in the past the department supplied lifetime horse inspection books free of charge. The grazing permit fee is increased from the \$10 fee for any number of cattle to \$10 per hundred because many producers move large herds (up to 1,000 or more) under the current \$10 fee. Larger herds increase the time, work, and expenses for the department's livestock inspectors; therefore, the proposed incremental fee structure is consistent with 81-1-102(2), MCA.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Christian Mackay, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., March 26, 2015.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., March 26, 2015.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 1500, based upon the estimate that 15,000 producers may request livestock inspection and services.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this department. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text

will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

DEPARTMENT OF LIVESTOCK

BY: /s/ Sherry Rust
Sherry Rust
Rule Reviewer

BY: /s/ Christian Mackay
Christian Mackay
Executive Officer
Board of Livestock
Department of Livestock

Certified to the Secretary of State February 17, 2015

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government Interim Committee:

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions: **Administrative Rules of Montana (ARM)** is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|---------------|---|
| Known Subject | 1. Consult ARM Topical Index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through September 30, 2014. This table includes those rules adopted during the period October 1, 2014, through December 31, 2014, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through September 30, 2014, this table, and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in the 2014 Montana Administrative Register.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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24.150.401 and other rule - Fees - Military Training or Experience, p. 13, 1394

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(Board of Public Accountants)

24.101.413 and other rules - Renewal Dates and Requirements - Public Participation - Definitions - Board Meetings - Fee Schedule - Use of CPA/LPA Designation - Licensing and Examinations - Acts - Professional Conduct Rules - Peer Review Enrollment - Alternatives and Exemptions - Renewal and Continuing Education - Anonymous Complaints - Exercise of Practice Privilege - Enforcement Against Licensees - Applicant by Exam - Examination Credits - Requirements for Previously Held Certificates - Who Must Comply - Nonresident

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BOARD APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of appointees and upcoming or current vacancies on those boards and councils.

In this issue, appointments effective in January 2015 appear. Vacancies scheduled to appear from March 1, 2015 through May 31, 2015, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 1, 2015.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

BOARD AND COUNCIL APPOINTEES FROM JANUARY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Alternative Health Care (Labor and Industry)			
Ms. Ingrid Clare Lovitt-Abramson Missoula	Governor	Lefohn	1/16/2015 9/1/2018
Qualifications (if required): Public Representative			
Board of Housing (Commerce)			
Mr. Robert Gauthier Ronan	Governor	reappointed	1/23/2015 1/1/2019
Qualifications (if required): Public Representative			
Rep. Jeanette S. McKee Hamilton	Governor	reappointed	1/23/2015 1/1/2019
Qualifications (if required): Public Representative			
Dr. Gordon K. Phillips Great Falls	Governor	reappointed	1/23/2015 1/1/2019
Qualifications (if required): Public Representative			
Board of Public Assistance (Public Health and Human Services)			
Ms. Helen Schmitt Sidney	Governor	reappointed	1/23/2015 1/1/2019
Qualifications (if required): Public Representative			
Board of Veterans' Affairs (Military Affairs)			
Mr. Denny Lenoir Helena	Governor	Kenneway	1/23/2015 8/1/2016
Qualifications (if required): Representative of U.S. Senator Steven Daines			

BOARD AND COUNCIL APPOINTEES FROM JANUARY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Veterans' Affairs (Military Affairs) cont. Rep. Ryan K. Zinke Whitefish Qualifications (if required): U.S. Representative	Governor	Lenoir	1/23/2015 8/1/2016
Commission on Community Service (Governor) Mr. Douglas M. Mitchell Helena Qualifications (if required): State Agency Representative	Governor	Matheson	1/1/2015 7/1/2015
Ms. Danette Rector Missoula Qualifications (if required): Not-for-profit agency	Governor	Chambers	1/1/2015 7/1/2017
Judicial Nomination Commission (Justice) Rep. Hal Harper Helena Qualifications (if required): Public Representative	Governor	Ball	1/23/2015 1/1/2019
Judicial Standards Commission (Justice) Judge Blair Jones Columbus Qualifications (if required): District Court Judge	elected	not listed	1/1/2015 6/30/2017
Montana Children's Trust Fund Board (Public Health and Human Services) Ms. Leslie Caye Pablo Qualifications (if required): Public Member	Governor	reappointed	1/1/2015 1/1/2018

BOARD AND COUNCIL APPOINTEES FROM JANUARY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Children's Trust Fund Board (Public Health and Human Services) cont.			
Mrs. Clementine Lindley Billings	Governor	reappointed	1/1/2015 1/1/2018
Qualifications (if required): Public Member			
State Lottery Commission (Administration)			
Mr. Leo Prigge Butte	Governor	reappointed	1/1/2015 1/1/2019
Qualifications (if required): Certified Public Accountant			
State Parks and Recreation Board (Fish, Wildlife and Parks)			
Director Mary Sexton Helena	Governor	reappointed	1/23/2015 1/1/2019
Qualifications (if required): District 3			
Sen. Thomas E. "Tom" Towe Billings	Governor	reappointed	1/23/2015 1/1/2019
Qualifications (if required): District 5			
State-Tribal Economic Development Commission (Public Health and Human Services)			
Ms. Theresa Hould McKeon Malta	Governor	reappointed	1/23/2015 1/1/2018
Qualifications (if required): Survivor or Family Member of Survivor of Traumatic Brain Injury			
Mr. Alvin Jim Kennedy Harlem	Governor	Fox, Jr.	1/23/2015 6/30/2115
Qualifications (if required): Fort Belknap Indian Community Representative			

BOARD AND COUNCIL APPOINTEES FROM JANUARY 2015

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
State-Tribal Economic Development Commission (Public Health and Human Services) cont.			
Ms. Angela Wathan Whitefish	Governor	Merchant	1/23/2015 1/1/2018
Qualifications (if required): Injury Control or Prevention Programs			

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<p>Board of County Printing (Administration) Commissioner Carol Brooker, Plains Qualifications (if required): County Commissioner</p>	Governor	4/1/2015
<p>Mr. Milton Wester, Laurel Qualifications (if required): Printing Industry</p>	Governor	4/1/2015
<p>Commissioner Laura Obert, Townsend Qualifications (if required): County Commissioner</p>	Governor	4/1/2015
<p>Mr. Scott Turner, Wordon Qualifications (if required): Printing Industry</p>	Governor	4/1/2015
<p>Mr. Roger Wagner, Nashua Qualifications (if required): Public Representative</p>	Governor	4/1/2015
<p>Board of Dentistry (Labor and Industry) Dr. George Johnston, Dillon Qualifications (if required): dentist</p>	Governor	3/29/2015
<p>Board of Hail Insurance (Agriculture) Ms. Trudy Laas Skari, Chester Qualifications (if required): public member</p>	Governor	4/18/2015
<p>Board of Architects and Landscape Architects (Labor & Industry) Mr. Dale Nelson, Ronan Qualifications (if required): registered architect with three years continuous practice</p>	Governor	3/27/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Livestock (Livestock) Ms. Janice French, Hobson Qualifications (if required): cattle producer	Governor	3/1/2015
Mr. Brett DeBruycker, Dutton Qualifications (if required): cattle producer	Governor	3/1/2015
Board of Massage Therapists (Labor and Industry) Ms. Lyndsay Schott, Whitefish Qualifications (if required): massage therapist	Governor	5/6/2015
Board of Nursing Home Administrators (Labor and Industry) Ms. Kathryn Beaty, Hamilton Qualifications (if required): nursing home administrator	Governor	5/28/2015
Board of Optometry (Labor and Industry) Mr. Peter Fontana, Great Falls Qualifications (if required): public member	Governor	4/3/2015
Mr. Douglas Kimball, Bozeman Qualifications (if required): registered optometrist	Governor	4/3/2015
Board of Plumbers (Labor and Industry) Mr. Scott Lemert, Livingston Qualifications (if required): master plumber	Governor	5/4/2015
Mr. David Lindeen, Helena Qualifications (if required): public representative	Governor	5/4/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Plumbers (Labor and Industry) cont. Ms. Debi Friede, Havre Qualifications (if required): public representative	Governor	5/4/2015
Mr. Steve Carey, Frenchtown Qualifications (if required): journeyman plumber	Governor	5/4/2015
Mr. Denver Fraser, Clancy Qualifications (if required): Department of Environmental Quality representative	Governor	5/4/2015
Board of Real Estate Appraisers (Labor and Industry) Ms. Julie Forbes, Jefferson City Qualifications (if required): real estate appraiser	Governor	5/1/2015
Ms. Lori Christophersen, Bozeman Qualifications (if required): public representative	Governor	5/1/2015
Board of Realty Regulation (Labor and Industry) Mr. C.E. "Abe" Abramson, Missoula Qualifications (if required): real estate salesperson and identifies himself as a Democrat	Governor	5/9/2015
Ms. Shirley McDermott, Laurel Qualifications (if required): public representative	Governor	5/9/2015
Ms. Connie Wardell, Billings Qualifications (if required): real estate salesperson	Governor	5/9/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Board of Realty Regulation (Labor and Industry) cont.		
Mr. Larry Milless, Stevensville Qualifications (if required): real estate sales person and identifies himself as a Republican	Governor	5/9/2015
Clinical Laboratory Science Practitioners (Labor and Industry)		
Ms. Sarah Kolar, Lewistown Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2015
Ms. Vicki Rice, Helena Qualifications (if required): clinical laboratory science practitioner	Governor	4/16/2015
Mr. Carl Donovan, Great Falls Qualifications (if required): public representative	Governor	4/16/2015
Community First Choice Development and Implemenation Council (Public Health and Human Services)		
Ms. Diana Tavary, Helena Qualifications (if required): Consumer	Director	5/17/2015
Ms. Claudia Clifford, Helena Qualifications (if required): Representative	Director	5/17/2015
Mr. Quentin Schroeter, Helena Qualifications (if required): Representative	Director	5/17/2015
Mr. Travis Hoffman, Missoula Qualifications (if required): Consumer	Director	5/17/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Community First Choice Development and Implemenation Council (Public Health and Human Services) cont.		
Mr. Richard Stuker, Chinook Qualifications (if required): Consumer	Governor	5/17/2015
Ms. Connie Leveque, Helena Qualifications (if required): Representative	Director	5/17/2015
Ms. Glenna Dreesse, Florence Qualifications (if required): Consumer	Director	5/17/2015
Ms. Ashli Gross, Missoula Qualifications (if required): Consumer	Director	5/17/2015
Ms. Meg Traci, Missoula Qualifications (if required): Representative	Director	5/17/2015
Ms. Dawna Brinkel, Bozeman Qualifications (if required): Provider	Director	5/17/2015
Ms. Kris Carlson, Kalispell Qualifications (if required): Provider	Director	5/17/2015
Ms. Janece Jacob-Sharkey, Missoula Qualifications (if required): Provider	Director	5/17/2015
Ms. Kelly Reynolds, Missoula Qualifications (if required): Provider	Director	5/17/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Community First Choice Development and Implementation Council (Public Health and Human Services) cont.		
Ms. Lisa Sheppard, Kalispell Qualifications (if required): Provider	Director	5/17/2015
Ms. Patty Rigney, Missoula Qualifications (if required): Provider	Director	5/17/2015
Mr. Todd Wood, Roundup Qualifications (if required): Provider	Director	5/17/2015
Ms. Deb Heerdt, Bozeman Qualifications (if required): Provider	Director	5/17/2015
Ms. Sue Neff, Butte Qualifications (if required): Provider	Director	5/17/2015
Ms. Tiffany Metzler, Billings Qualifications (if required): Consumer	Governor	5/17/2015
Library Commission (Education)		
Ms. Anita Scheetz, Sidney Qualifications (if required): public representative	Governor	5/22/2015
Mr. Jim Gransbery, Billings Qualifications (if required): public representative	Governor	5/22/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
MSU-Billings Local Executive Board (University System) Sen. Lane Larson, Billings Qualifications (if required): public representative	Governor	4/15/2015
MSU-Great Falls College of Technology Local Executive Board (University System) Ms. Karla Ekblad, Great Falls Qualifications (if required): public representative	Governor	4/15/2015
Ms. Debbie Filipowicz, Great Falls Qualifications (if required): public representative	Governor	4/15/2015
MSU-Northern Local Executive Board (University System) Mr. Jupe Compton, Havre Qualifications (if required): public representative	Governor	4/15/2015
Montana Cherry Commodity Advisory Committee (Agriculture) Mr. Barry Hansen, Polson Qualifications (if required): none specified	Director	5/17/2015
Mr. Jan Tusick, Ronan Qualifications (if required): none specified	Director	5/3/2015
Mr. Dupuis Oliver, Polson Qualifications (if required): none specified	Director	5/17/2015
Montana Health Coalition (Public Health and Human Services) Mr. Todd Harwell, Helena Qualifications (if required): Department of Public Health and Human Services	Governor	5/31/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Montana Health Coalition (Public Health and Human Services) cont. Mr. Roger Holt, Billings Qualifications (if required): Parent Representative	Governor	5/31/2015
Montana Heritage Preservation and Development Commission (Commerce) Mr. F.W. "Bill" Howell, West Yellowstone Qualifications (if required): tourist facility manager	Governor	5/23/2015
Ms. Barbie Durham, Cameron Qualifications (if required): business person	Governor	5/23/2015
Montana State University Local Executive Board (University System) Mr. James W. Bentley, Bozeman Qualifications (if required): public representative	Governor	4/15/2015
Potato Commodity Advisory Council (Agriculture) Mr. Sid Schutter, Manhattan Qualifications (if required): Potato Producer	Governor	5/20/2015
Mr. Dan Lake, Ronan Qualifications (if required): Potato Producer	Governor	5/20/2015
Mr. Roger Starkle, Ronan Qualifications (if required): none specified	Director	5/20/2015
Mr. Dennis Day, Twin Bridges Qualifications (if required): Potato Producer	Director	5/20/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Potato Commodity Advisory Council (Agriculture) cont. Mr. Dave Cottom, Dillon Qualifications (if required): Potato Producer	Director	5/20/2015
Public Employees' Retirement Board (Administration) Mr. Scott Moore, Miles City Qualifications (if required): public employee	Governor	4/1/2015
Reserved Water Rights Compact Commission (Natural Resources and Conservation) Mr. Chris D. Tweeten, Helena Qualifications (if required): none specified	Attorney General	5/31/2015
Resource Conservation Advisory Council (Natural Resources and Conservation) Mr. Bob Breipohl, Saco Qualifications (if required): Eastern Montana	Director	3/20/2015
Ms. Lauraine Johnson, Plains Qualifications (if required): Western Montana	Director	3/20/2015
Mr. O. Ramsey Offerdal, Conrad Qualifications (if required): North Central Montana	Director	3/20/2015
Mr. Pete Dallaserra, Butte Qualifications (if required): General Public	Director	3/20/2015
Ms. Judi Knapp, Hysham Qualifications (if required): South Central Montana	Director	3/20/2015

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Small Business Compliance Assistance Advisory Council (Environmental Quality)		
Mr. Keith Ouzts, Helena	Council Secretary	5/24/2015
Qualifications (if required): none specified		
Mr. Dan Sharon, Butte	Council Secretary	5/24/2015
Qualifications (if required): none specified		
Ms. Krista Lee Evans, Helena	Council Secretary	5/24/2015
Qualifications (if required): none specified		
Mr. Brad Reid, Missoula	Council Secretary	5/24/2015
Qualifications (if required): none specified		
State Compensation Insurance Fund Board (Administration)		
Ms. Elizabeth Best, Great Falls	Governor	4/28/2015
Qualifications (if required): public member		
Commissioner Joe Brenneman, Kalispell	Governor	4/28/2015
Qualifications (if required): private enterprises representative and a policy holder		
Mr. Wayne Dykstra, Billings	Governor	4/28/2015
Qualifications (if required): private enterprise representative and a policy holder		
UM-Helena College of Technology Local Executive Board (University System)		
Ms. Cheryl Lamb, Helena	Governor	4/15/2015
Qualifications (if required): public representative		

VACANCIES ON BOARDS AND COUNCILS -- MARCH 1, 2015 THROUGH MAY 31, 2015

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
UM-Montana Tech Local Executive Board (University System) Ms. Anna Gallus, Butte Qualifications (if required): public representative	Governor	4/15/2015
UM-Western Local Executive Board (University System) Commissioner Garth Haugland, Dillon Qualifications (if required): public representative	Governor	4/15/2015
University of Montana Local Executive Board (University System) Rep. Bob Ream, Helena Qualifications (if required): public representative	Governor	4/15/2015