

# MONTANA ADMINISTRATIVE REGISTER

## ISSUE NO. 9

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 The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted.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.

Page Number

### TABLE OF CONTENTS

#### PROPOSAL NOTICE SECTION

##### ADMINISTRATION, Department of, Title 2

2-59-554 Notice of Proposed Amendment and Repeal – Surety Bond – Table Funding – Application of Financial Standards – Reporting Forms for Mortgage Servicers – Standardized Forms and Procedures of the Nationwide Mortgage Licensing System – Clarification of Definition. No Public Hearing Contemplated. 576-579

##### COMMERCE, Department of, Title 8

8-94-152 Notice of Public Hearing on Proposed Amendment – Administration of the 2019 Biennium Treasure State Endowment Program – Planning Grants. 580-581

8-94-153 Notice of Public Hearing on Proposed Amendment – Administration of the 2017 and 2018 Program Year Federal Community Development Block Grant (CDBG) Program – Public Facilities Projects – Affordable Housing Projects. 582-584

##### FISH, WILDLIFE AND PARKS, Department of, Title 12

12-473 Notice of Proposed Adoption – Permits for Dog Training. No Public Hearing Contemplated. 585-587

TRANSPORTATION, Department of, Title 18

18-162 Notice of Proposed Amendment – Motor Carrier Services Safety Requirements. No Public Hearing Contemplated. 588-591

LIVESTOCK, Department of, Title 32

32-17-283 Notice of Proposed Adoption and Repeal – Special Identification Marks – Age Tally Mark – Numeral Mark – Placement of Digits. No Public Hearing Contemplated. 592-594

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-793 Notice of Public Hearing on Proposed Adoption and Amendment – Promising Pregnancy Care Program. 595-600

PUBLIC SERVICE REGULATION, Department of, Title 38

38-5-236 Amended Notice of Proposed Adoption - Minimum Filing Requirements for Rate Adjustments for Taxes and Fees. 601

RULE ADOPTION SECTION

ENVIRONMENTAL QUALITY, Department of, Title 17

17-389 (Board of Environmental Review and the Department) (Reclamation) (Water Quality) (Subdivisions) (CECRA) (Underground Storage Tanks) Notice of Amendment - Ground and Surface Water Monitoring - Definitions - Use and Classification Standards - Adoption by Reference. 602-603

LABOR AND INDUSTRY, Department of, Title 24

24-159-83 (Board of Nursing) Notice of Amendment - Continuing Education. 604-605

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

37-781 Notice of Adoption – Creation and Administration of the Senior Farmers' Market Nutrition Program (SFMNP). 606

37-784 Notice of Amendment - Specifying the Location of Minimum Scheduled Face-To-Face Contacts Within a Home and Community Environment. 607-609

37-786 Notice of Amendment - Healthcare Effectiveness Data and Information Set (HEDIS) Measures. 610

SPECIAL NOTICE AND TABLE SECTION

|   |         |
|---|---------|
| Function of Administrative Rule Review Committee. | 611-612 |
| How to Use ARM and MAR.                           | 613     |
| Accumulative Table.                               | 614-622 |

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

|   |   |                      |
|---|---|----------------------|
| In the matter of the amendment of ARM   | ) | NOTICE OF PROPOSED   |
| 2.59.1706, 2.59.1708, 2.59.1739, and    | ) | AMENDMENT AND REPEAL |
| 2.59.1743 pertaining to surety bond,    | ) |                      |
| table funding, application of financial | ) | NO PUBLIC HEARING    |
| standards, and reporting forms for      | ) | CONTEMPLATED         |
| mortgage servicers, and the repeal of   | ) |                      |
| ARM 2.59.1728 and 2.59.1750             | ) |                      |
| pertaining to standardized forms and    | ) |                      |
| procedures of the Nationwide Mortgage   | ) |                      |
| Licensing System and clarification of   | ) |                      |
| definition                              | ) |                      |

TO: All Concerned Persons

1. On June 19, 2017, the Department of Administration proposes to amend and repeal the above-stated rules.

2. The Department of Administration 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 the Department of Administration no later than 5:00 p.m. on June 5, 2017, to advise us of the nature of the accommodation that you need. Please contact Wayne Johnston, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2918; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail banking@mt.gov.

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

2.59.1706 SURETY BOND (1) The surety bond ~~shall~~ must be issued by a surety company authorized to do business in the state of Montana. The bond, including any and all riders and endorsements executed subsequent to the effective date of the bond, ~~shall~~ must be placed on file with the ~~department~~ NMLS. The entity name on the application and on the surety bond must match exactly. The bond ~~shall~~ must be continuous. Whether or not the bond is renewed, continued, reinstated, reissued, or otherwise extended, replaced, or modified, including increases or decreases in the penal sum, it ~~shall be considered~~ is deemed one continuous obligation, and the surety upon the bond ~~shall not be~~ is not liable in an aggregate or cumulative amount exceeding the penal sum set forth on the face of the bond.

(2) remains the same.

AUTH: 32-9-130, MCA  
IMP: 32-9-123, MCA

GENERAL STATEMENT OF REASONABLE NECESSITY: As part of its required biennial review of rules, the Department of Administration has identified necessary changes identified in these proposed amendments.

STATEMENT OF REASONABLE NECESSITY: This rule is being amended to reflect the change in the method in which the division reviews and tracks the surety bond. Surety bonds are no longer mailed to the division; instead, they are uploaded into the licensee's NMLS record. Division-authorized users may view the uploaded surety bond in the licensee's NMLS record to verify compliance. The remaining proposed changes are to improve readability and follow drafting convention.

2.59.1708 TABLE FUNDING REQUIRES LICENSURE (1) remains the same.

AUTH: 32-9-130, MCA  
IMP: ~~32-9-108~~ 32-9-102, MCA

STATEMENT OF REASONABLE NECESSITY: This rule is being amended to replace the implementation statute 32-9-108, MCA, because it was repealed in 2009. This rule now implements 32-9-102, MCA.

2.59.1739 APPLICATION OF FINANCIAL STANDARDS (1) and (2) remain the same.

AUTH: 32-9-130, MCA  
IMP: 32-9-113, 32-9-117, 32-9-120, ~~32-9-166~~, MCA

STATEMENT OF REASONABLE NECESSITY: This rule is being amended to remove the implementation statute 32-9-166, MCA, because the statute was stated in error and does not apply to the application of financial standards.

2.59.1743 REPORTING FORMS FOR MORTGAGE SERVICERS

(1) remains the same.

(2) At the servicer's election, each servicer shall submit either the expanded mortgage call report (~~MCR~~) through the NMLS or the Quarterly Statement for Mortgage Servicing Activity dated ~~September 3, 2015~~ May 31, 2016, for every quarter during which it held a license.

(3) The Quarterly Statement for Mortgage Servicing Activity dated ~~September 3, 2015~~ May 31, 2016, which is adopted and incorporated by reference, is available on the division's web site at <http://banking.mt.gov/Home/Forms#164912243-loan-servicers>.

AUTH: 32-9-130, MCA  
IMP: 32-9-170, MCA

STATEMENT OF REASONABLE NECESSITY: This rule is being amended to reflect the current edition date of the Quarterly Statement for Mortgage Servicing Activity. The division forms must be updated to reflect the current reporting standards as directed by the NMLS. The remaining proposed change is to improve readability and follow drafting convention.

4. The department proposes to repeal the following rules:

2.59.1728 ADOPTION OF STANDARDIZED FORMS AND PROCEDURES OF THE NMLS, found on ARM page 2-6165.

AUTH: 32-9-130, MCA

IMP: 32-9-105, 32-9-110, 32-9-112, 32-9-130, 32-9-134, MCA

STATEMENT OF REASONABLE NECESSITY: This rule is being repealed because the adoption of standardized forms and procedures of the NMLS is now required by 32-9-105 and 32-9-112, MCA.

2.59.1750 CLARIFICATION OF DEFINITION, found on ARM page 2-6177.

AUTH: 32-9-130, MCA

IMP: 32-9-103(26), MCA

STATEMENT OF REASONABLE NECESSITY: When this rule was adopted in 2013, Montana did not have a definition of clerical or support duties. This meant all loan processors or underwriters had to be licensed as mortgage loan originators. That was not the intent of the SAFE Act or the Montana Mortgage Act. The division therefore adopted this rule to clarify that loan processors or underwriters need not be licensed. In 2015, the Montana legislature added a definition of clerical or support duties at 32-9-103(10), MCA, so this rule is no longer needed.

5. Concerned persons may present their data, views, or arguments concerning the proposed action to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to [banking@mt.gov](mailto:banking@mt.gov); and must be received no later than 5:00 p.m., June 12, 2017.

6. 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 the person listed in 5 above no later than 5:00 p.m., June 12, 2017.

7. If the Division of Banking and Financial Institutions 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 375 persons based on the 3,749 existing mortgage licensees.

8. An electronic copy of this proposal notice is available through the department's web site at <http://doa.mt.gov/administrativerules>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists 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 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 Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written requests may be mailed or delivered to Wayne Johnston, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to [banking@mt.gov](mailto:banking@mt.gov); or may be made by completing a request form at any rules hearing held by the department.

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

11. The department has determined that under 2-4-111, MCA, the proposed rule amendments and rule repeals will not significantly and directly affect small businesses.

By: /s/ John Lewis  
John Lewis, Director  
Department of Administration

By: /s/ Michael P. Manion  
Michael P. Manion, Rule Reviewer  
Department of Administration

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 8.94.3817 pertaining to the ) PROPOSED AMENDMENT  
administration of the 2019 Biennium )  
Treasure State Endowment Program )  
– Planning Grants )

TO: All Concerned Persons

1. On June 1, 2017, at 10:00 a.m., the Department of Commerce will hold a public hearing in Room 228 of the Park Avenue Building at 301 South Park Avenue, in Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Commerce 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 the Department of Commerce no later than 5:00 p.m., May 30, 2017, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0501; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail [bmartello@mt.gov](mailto:bmartello@mt.gov).

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

8.94.3817 INCORPORATION BY REFERENCE OF RULES FOR THE  
ADMINISTRATION OF THE TREASURE STATE ENDOWMENT PROGRAM

(TSEP) – PLANNING GRANTS (1) The Department of Commerce adopts and incorporates by reference the ~~2015~~ 2019 Biennium Infrastructure Planning Grant Application and Administration Guidelines for TSEP Infrastructure Planning Grants as rules for the administration of the ~~2017~~ 2019 Biennium Treasure State Endowment Program – Planning Grants.

(2) remains the same.

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Planning Bureau, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the Planning Bureau web site at <http://comdev.mt.gov/Programs/TSEP/PlanningGrants/Applying>.

AUTH: 90-6-701, MCA

IMP: 90-6-701, MCA

REASON: It is reasonably necessary to amend this rule to update the 2019 biennium guidelines.



4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Department of Commerce, Planning Bureau, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail DOCTSEP@mt.gov, and must be received no later than 5:00 p.m., June 9, 2017.

5. Anne Cossitt, Bureau Chief, Department of Commerce, has been designated to preside over and conduct this hearing.

6. 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 listed in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. 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 the 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.

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 department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Marty Tuttle  
Marty Tuttle  
Rule Reviewer

/s/ Douglas Mitchell  
Douglas Mitchell  
Deputy Director  
Department of Commerce

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF COMMERCE  
OF THE STATE OF MONTANA

|                                      |   |                             |
|--------------------------------------|---|-----------------------------|
| In the matter of the amendment of    | ) | NOTICE OF PUBLIC HEARING ON |
| ARM 8.94.3729 pertaining to the      | ) | PROPOSED AMENDMENT          |
| administration of the 2017 and 2018  | ) |                             |
| Program Year Federal Community       | ) |                             |
| Development Block Grant (CDBG)       | ) |                             |
| Program – Public Facilities Projects | ) |                             |
| and ARM 8.94.3730 pertaining to the  | ) |                             |
| administration of the 2017 and 2018  | ) |                             |
| Program Year Federal Community       | ) |                             |
| Development Block Grant (CDBG)       | ) |                             |
| Program – Affordable Housing         | ) |                             |
| Projects                             | ) |                             |

TO: All Concerned Persons

1. On June 1, 2017, at 11:00 a.m., the Department of Commerce will hold a public hearing in Room 228 of the Park Avenue Building at 301 South Park Avenue, in Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Commerce 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 the Department of Commerce no later than 5:00 p.m., May 30, 2017, to advise us of the nature of the accommodation that you need. Please contact Bonnie Martello, Department of Commerce, 301 South Park Avenue, P.O. Box 200501, Helena, Montana 59620-0523; telephone (406) 841-2596; TDD 841-2702; fax (406) 841-2771; or e-mail [bmartello@mt.gov](mailto:bmartello@mt.gov).

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

8.94.3729 INCORPORATION BY REFERENCE OF RULES FOR THE APPLICATION AND ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – PUBLIC FACILITIES PROJECTS (1) The Department of Commerce adopts and incorporates by reference the ~~2016-2017~~ 2017-2018 Application and Administrative Guidelines for Public Facilities Projects Grants as rules for the administration of the ~~2016-2017~~ 2017-2018 Community Development Block Grant (CDBG) Program.

(2) The rules incorporated by reference in (1) relate to the scope and procedures for the award, administration, monitoring, and close-out of matching planning grants to cities, towns, counties, and consolidated governments, ~~county or multicounty water, wastewater or solid waste districts, and tribal governments.~~

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Grants Bureau, 301 South Park Avenue, P.O.

Box 200523, Helena, Montana 59620-0523, or on the Grants Bureau web site at <http://comdev.mt.gov/Programs/CDBG/Facilities/GrantAdministration>  
<http://comdev.mt.gov/Programs/CDBG/Facilities/Overview>.

AUTH: 90-1-103, MCA  
IMP: 90-1-103, MCA

REASON: It is reasonably necessary to adopt this rule because the federal regulations governing the state's administration of the Community Development Block Grant Program (CDBG) and 90-1-103, MCA, require the department to adopt rules to implement the program.

8.94.3730 INCORPORATION BY REFERENCE OF RULES FOR THE ADMINISTRATION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) – AFFORDABLE HOUSING DEVELOPMENT PROJECTS (1) The Department of Commerce adopts and incorporates by reference the ~~2016-2017~~ 2017-2018 Application and Administrative Guidelines for Affordable Housing Development Projects as rules for the administration of the ~~2016-2017~~ 2017-2018 Community Development Block Grant (CDBG) Program.

(2) The rules incorporated by reference in (1) relate to the scope and procedures for the award, administration, monitoring, and close-out of matching project grants to cities, towns, counties, and consolidated governments, ~~county or multicounty water, wastewater or solid waste districts, and tribal governments.~~

(3) Copies of the regulations adopted by reference in (1) may be obtained from the Department of Commerce, Grants Bureau, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523, or on the Grants Bureau web site at <http://comdev.mt.gov/Programs/CDBG/Housing/GrantAdmin>.  
<http://comdev.mt.gov/Programs/CDBG/Housing/Overview>.

AUTH: 90-1-103, MCA  
IMP: 90-1-103, MCA

REASON: It is reasonably necessary to adopt this rule because the federal regulations governing the state's administration of the Community Development Block Grant Program (CDBG) and 90-1-103, MCA, require the department to adopt rules to implement the program.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Department of Commerce, Grants Bureau, 301 South Park Avenue, P.O. Box 200523, Helena, Montana 59620-0523; telephone (406) 841-2770; TDD 841-2702; fax (406) 841-2771; or e-mail [DOCCDBG@mt.gov](mailto:DOCCDBG@mt.gov), and must be received no later than 5:00 p.m., June 9, 2017.

5. Kathy Plettenberg, CDBG Public Facility and Housing Program Manager, Department of Commerce, has been designated to preside over and conduct this hearing.

6. 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 listed in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. 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 the 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.

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 department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

/s/ Marty Tuttle  
Marty Tuttle  
Rule Reviewer

/s/ Douglas Mitchell  
Douglas Mitchell  
Deputy Director  
Department of Commerce

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

|                                      |   |                    |
|--------------------------------------|---|--------------------|
| In the matter of the adoption of New | ) | NOTICE OF PROPOSED |
| Rule I pertaining to permits for dog | ) | ADOPTION           |
| training                             | ) |                    |
|                                      | ) | NO PUBLIC HEARING  |
|                                      | ) | CONTEMPLATED       |

TO: All Concerned Persons

1. The Department of Fish, Wildlife and Parks (department) proposes to adopt the above-stated rule.

2. The department 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 the department no later than May 26, 2017, to advise us of the nature of the accommodation that you need. Please contact Kaedy Gangstad, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; telephone (406) 444-4594; or e-mail kgangstad@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I PERMIT TO TRAIN DOGS IN UPLAND GAME BIRD NESTING AREAS (1) For purposes of this rule, the following definitions apply:

- (a) "bird nesting area" means any area within the state which the targeted game bird(s) could make a reasonable attempt to successfully produce a nest;
  - (b) "game preserve" means an area that is owned and managed by the state or federal natural agency for the purposes of game protection and propagation;
  - (c) "management area" means any property managed by the state or federal natural agency for the purposes of maintaining wildlife habitat, wildlife propagation or public hunting access;
  - (d) "open fields" means any area of natural surroundings where wildlife may naturally occur and may include bird nesting areas, management areas, or game preserves.
- (2) A person wishing to train dogs in open fields must apply for a permit by filing an application on a form provided by the department at the regional office in the region where the person will conduct such activity.
- (3) Permits to train dogs in open fields expire September 1 of each year.
- (4) Permit holders must follow the terms and conditions set forth in the permit.

AUTH: 87-4-913, MCA  
IMP: 87-4-915, MCA

REASON: In recent years, the department has received both written and verbal complaints regarding massive dog training occurrences, primarily in Eastern Montana on both private and public ground. The dog training that has been documented includes as many as 60 dogs and also includes the use of horses. This happens in the months prior to hunting season and has had negative effects on the local bird populations and has decreased opportunity for the hunting public.

The Fish and Wildlife Commission was also approached by bird hunters who were noticing a large decrease in the available birds during the hunting season. The commission in turn asked the department to do something to curtail the large-scale dog training.

MCA 87-4-915 (5)(a) Dogs may be trained in open fields at any time without permission of the director only if:

- (i) live game birds are not killed or captured during training; and
- (ii) the training is more than 1 mile from any bird nesting or management area or game preserve.

The language in the statute indicates that permission from the director is needed to train dogs in bird nesting areas, management areas, or game preserves. The statute does not describe the mechanism by which an individual may attain permission nor does it define what bird nesting areas, management areas, or game preserves are. The language in the proposed rule will provide for that and help define a permitting system for the activities in question.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Enforcement Division, Attn: Mike Lee, Department of Fish, Wildlife and Parks, P.O. Box 200701, Helena, Montana, 59620-0701; or e-mail [FWPDogTraining@mt.gov](mailto:FWPDogTraining@mt.gov), and must be received no later than June 9, 2017.

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 Mike Lee at the above address no later than May 26, 2017.

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 greater than 25 persons based on the number of people in Montana who bird hunt with bird dogs.

7. The department maintains a list of interested persons who wish to receive notice of rulemaking actions proposed by the department or commission. Persons who wish to have their name added to the list shall make written request that includes the name and mailing address of the person to receive the notice and specifies the subject or subjects about which the person wishes to receive notice. Such written request may be mailed or delivered to Fish, Wildlife and Parks, Legal Unit, P.O. Box 200701, 1420 East Sixth Avenue, Helena, MT 59620-0701, or may be made by completing the 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 adoption of the above-referenced rule will not significantly and directly impact small businesses.

/s/ Aimee Hawkaluk  
Aimee Hawkaluk  
Rule Reviewer

/s/ Martha Williams  
Martha Williams  
Director  
Department of Fish, Wildlife and Parks

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF TRANSPORTATION  
OF THE STATE OF MONTANA

|  |   |                    |
|--|---|--------------------|
| In the matter of the amendment of      | ) | NOTICE OF PROPOSED |
| ARM 18.8.1502, 18.8.1503, and          | ) | AMENDMENT          |
| 18.8.1505, pertaining to Motor Carrier | ) |                    |
| Services Safety Requirements           | ) | NO PUBLIC HEARING  |
|  | ) | CONTEMPLATED       |

TO: All Concerned Persons

1. On June 12, 2017, the Department of Transportation proposes to amend the above-stated rules.

2. The Department of Transportation 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 the Department of Transportation no later than 5:00 p.m. on June 2, 2017, to advise us of the nature of the accommodation that you need. Please contact Dennis Hult, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-9237; fax (406) 444-6136; TTY Service (406) 444-7696 or (800) 335-7592; or e-mail dhult@mt.gov.

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

18.8.1502 FEDERAL MOTOR CARRIER SAFETY RULES AND STATE MODIFICATIONS (1) Any commercial motor vehicle or motor carrier subject to regulation by the department under 61-10-154, MCA, shall comply with and the department adopts by reference the following portions of the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, subject to the provisions of (2). The regulations adopted are 49 CFR part 373, 49 CFR part 375, 49 CFR parts 377 through 379, 49 CFR part 382, 49 CFR part 383, 49 CFR part 385, 49 CFR part 387, 49 CFR parts 390 through 399, and Appendix G to subchapter B of chapter III, Title 49 of the Code of Federal Regulations, as updated through ~~October 21, 2015~~ February 17, 2017. Copies of the regulations may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at [www.gpo.gov](http://www.gpo.gov).

(2) remains the same.

AUTH: 61-10-155, MCA  
IMP: 61-10-141, 61-10-154, MCA

REASON: The proposed amendment to all CFR sections is necessary to adopt the most current published Federal Motor Carrier Safety Regulations, thereby assuring MDT's administrative rule associated with commercial vehicle safety substantially



complies with the federal motor carrier safety regulations as listed in 61-10-154, MCA. The specific proposed amendment to 49 CFR Part 395 is necessary for Montana to adopt the new federal requirement that certain commercial vehicles must be equipped with Electronic Logging Devices (ELDS) to record hours-of-service of drivers. Adoption of all listed CFR sections will assure MDT remains eligible for continued Motor Carrier Safety Assistance Program (MCSAP) federal funding to support its Commercial Motor Vehicle (CMV) safety program.

18.8.1503 TRANSPORTATION OF HAZARDOUS MATERIALS (1) A commercial motor vehicle, motor carrier, or hazardous materials shipper shall comply with and the department adopts by reference the following federal regulations of the U.S. Department of Transportation concerning the transportation of hazardous materials: 49 CFR part 107, 49 CFR part 171, 49 CFR part 172, 49 CFR part 173, 49 CFR part 177, 49 CFR part 178, and 49 CFR part 180. The regulations adopted may be found in the Code of Federal Regulations, Title 49, chapter I, subchapters B and C, as updated through ~~November 1, 2015~~ February 17, 2017. Copies may be obtained from the U.S. Government Printing Office, 732 North Capitol Street, NW, Washington, DC 20401-0001, or at [www.gpo.gov](http://www.gpo.gov).

AUTH: 61-10-155, MCA  
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current published version of the federal hazardous materials regulations.

18.8.1505 SAFETY INSPECTION PROGRAM: PURPOSE AND OUT-OF-SERVICE CRITERIA (1) remains the same.

(2) In addition to the federal regulations adopted in ARM 18.8.1502, the safety inspection program will follow Commercial Vehicle Safety Alliance (CVSA), North American Standard Out-of-Service Criteria (April 1, ~~2016~~ 2017), incorporated by reference. A copy of the North American Standard Out-of-Service Criteria may be obtained from the Commercial Vehicle Safety Alliance, 6303 Ivy Lane, Suite 310, Greenbelt, MD 20770-6319 or at [www.cvsa.org](http://www.cvsa.org).

(3) remains the same.

AUTH: 61-10-155, MCA  
IMP: 61-10-154, MCA

REASON: The proposed amendment is necessary to adopt the most current CVSA (Commercial Vehicle Safety Alliance) North American Uniform "Out-of-Service" criteria. The CVSA North American out-of-service criteria is a standard used by all CVSA certified safety inspectors in the U.S., Canada, and Mexico to inspect commercial vehicles and drivers. The 2017 changes to the CVSA may be viewed at <http://cvsa.org/wp-content/uploads/April-1-2017-OOSC-Changes-Website-Version.pdf>.

4. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Dennis Hult, Department of Transportation, Motor Carrier Services Division, P.O. Box 201001, Helena, Montana, 59620-1001; telephone (406) 444-9237; fax (406) 444-6136; TTY Service (406) 444-7696 or (800) 335-7592; or e-mail [dhult@mt.gov](mailto:dhult@mt.gov), and must be received no later than 5:00 p.m., June 9, 2017.

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 Dennis Hult at the above address no later than 5:00 p.m., June 9, 2017.

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 765 persons based on the current 7652 active USDOT accounts based in Montana.

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 the amendment of ARM 18.8.1503 and 18.8.1505 will not significantly and directly impact small businesses. The department has determined the

amendment of ARM 18.8.1502 may significantly and directly impact certain small businesses.

11. With regard to the requirements of 2-15-142, MCA, the department has determined that the amendment of the above-referenced rules will not have direct tribal implications.

/s/ Carol Grell Morris  
Carol Grell Morris  
Rule Reviewer

/s/ Michael T. Tooley  
Michael T. Tooley  
Director  
Department of Transportation

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF LIVESTOCK  
OF THE STATE OF MONTANA

|                                      |   |                     |
|--------------------------------------|---|---------------------|
| In the matter of the adoption of NEW | ) | NOTICE OF PROPOSED  |
| RULE I special identification marks, | ) | ADOPTION AND REPEAL |
| and the repeal of ARM 32.18.102 age  | ) |                     |
| tally mark, 32.18.103 numeral mark,  | ) | NO PUBLIC HEARING   |
| and 32.18.104 placement of digits    | ) | CONTEMPLATED        |
|                                      | ) |                     |

TO: All Concerned Persons

1. The Department of Livestock proposes to adopt 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 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., June 1, 2017, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be adopted provides as follows:

NEW RULE I SPECIAL IDENTIFICATION MARKS (1) Special identification marks may be used on livestock as an age tally mark or as herd or individual animal identification.

(a) Marks must contain one to four numeric digits ("0-9" inclusive) and may also include a single letter ("A-Z" inclusive);

(b) Livestock must be branded with the registered brand of the livestock owner; and

(c) Marks may be applied to any location using freeze or hot iron branding methods.

(2) Special identification marks are not permitted if they create any discrepancy or confusion over livestock ownership.

(a) If ownership becomes an issue, the department will follow 81-3-204, MCA, and attempt to determine ownership.

AUTH: 81-1-102, MCA  
IMP: 81-1-102, 81-3-204, MCA

REASON: The department proposes to adopt NEW RULE I by consolidating language from ARM 32.18.102, 32.18.103, and 32.18.104 into one new rule and

adding that livestock using special identification marks are branded with the owner's registered brand, also known as a holding brand.

4. The department proposes to repeal the following rules:

32.18.102 AGE TALLY MARK

AUTH: 81-1-102, MCA  
IMP: 81-1-102, MCA

32.18.103 NUMERAL MARK

AUTH: 81-1-102, MCA  
IMP: 81-1-102, MCA

32.18.104 PLACEMENT OF DIGITS

AUTH: 81-1-102, MCA  
IMP: 81-1-102, MCA

REASON: Past changes in these rules have made them unclear and removed the requirement for a holding brand. The department proposes to repeal the above rules, consolidating language into one new rule (NEW RULE I) and adding that livestock using special identification marks are branded with the owner's registered brand, also known as a holding brand.

5. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Department of Livestock, 301 N. Roberts St., Room 306, 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., June 9, 2017.

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. June 9, 2017.

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 5,000 based upon approximately 50,000 owners holding a recorded brand certificate in the state of Montana.

8. 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 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 adoption and repeal of the above-referenced rules will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt  
Michael S. Honeycutt  
Executive Officer  
Board of Livestock  
Department of Livestock

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

Certified to the Secretary of State, May 1, 2017.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the adoption of New ) NOTICE OF PUBLIC HEARING ON  
Rules I, II, and III and the amendment ) PROPOSED ADOPTION AND  
of ARM 37.86.4412 pertaining to the ) AMENDMENT  
promising pregnancy care program )

TO: All Concerned Persons

1. On June 1, 2017, at 1:30 p.m., the Department of Public Health and Human Services will hold a public hearing in Room 207 of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed adoption and amendment of the above-stated rules.

2. The Department of Public Health and Human Services 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 the Department of Public Health and Human Services no later than 5:00 p.m. on May 24, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I PROMISING PREGNANCY CARE - DEFINITIONS

(1) "Group prenatal care" means a combination of individual prenatal care with facilitated group education and support. The groups consist of four to twelve pregnant women with similar due dates.

(2) "Promising Pregnancy Care (PPC)" means the Montana Healthcare Programs reimbursable group prenatal care program. The Montana Healthcare Programs include:

- (a) Montana Medicaid;
- (b) Healthy Montana Kids (HMK);
- (c) HMK Plus Medicaid; and
- (d) the Health and Economic Livelihood Plan (HELP).

(3) "Self-care activities" means activities that members complete on their own and includes activities such as measuring weight and blood pressure.

(4) "State approved program" means a program that meets the education requirement of the department or is Centering Certified through the Centering Healthcare Institute and has been approved for reimbursement by the department.

AUTH: 53-2-201, 53-6-113, MCA  
IMP: 53-2-201, 53-6-101, 53-6-113, MCA

NEW RULE II PROMISING PREGNANCY CARE - GENERAL PROVISIONS

- (1) These requirements are in addition to those requirements contained in rule and statutory provisions generally applicable to Medicaid providers.
- (2) For purposes of Medicaid reimbursement, providers must be a state-approved program.
- (3) Pregnant members of Montana Healthcare Programs are eligible for Promising Pregnancy Care.
- (4) The department must approve educational materials.
- (5) A pregnancy notebook that includes personal health tracking and education materials must be provided to class participants.
- (6) Data on all pregnant Medicaid members under the provider's care must be collected and reported to the department. The required data elements are available at the department's website at <http://medicaidprovider.mt.gov>.
- (7) Classes must be provided in a group setting.
- (8) Individual assessment will occur in a private area of the group space.
- (9) Each class must include time for the participants to interact with other participants.
- (10) The classes must be facilitated and have a planned learning objective.
- (11) Participants must engage in self-care activities.
- (12) The program must include the following information:
  - (a) nutrition information;
  - (b) healthy lifestyle choices;
  - (c) breastfeeding education;
  - (d) body changes in pregnancy;
  - (e) stress management;
  - (f) family planning;
  - (g) labor education, including types of delivery;
  - (h) newborn care;
  - (i) preventing shaken baby syndrome;
  - (j) preventing sudden infant death syndrome (SIDS); and
  - (k) postpartum care and adjustments.
- (13) The program must include a participant satisfaction survey. The results of this survey must be reported to the department semi-annually. A sample survey is posted at the department's web site at <http://medicaidprovider.mt.gov>.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-113, MCA

NEW RULE III PROMISING PREGNANCY CARE - REIMBURSEMENT

- (1) Promising Pregnancy Care is reimbursed at the lower of the following:
  - (a) the provider's usual and customary charge to the general public for the service; or
  - (b) the department's current fee schedule under ARM 37.85.105 for the appropriate provider type.



AUTH: 53-2-201, 53-6-113, MCA  
IMP: 53-2-201, 53-6-101, 53-6-113, MCA

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

37.86.4412 RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS, REIMBURSEMENT (1) and (2) remain the same.

(3) All RHCs and FQHCs will be reimbursed on a prospective payment system (PPS) beginning January 1, 2001 and each succeeding calendar year. ~~The prospective payment system~~ PPS will apply equally to provider based and independent RHCs and FQHCs.

(4) through (6) remain the same.

(7) ~~Approved RHC and FQHC education health service(s) payments will be reimbursed separately from their prospective payment at a rate determined by the department. The fee schedule is adopted and effective as provided at ARM 37.85.105. Effective July 1, 2017, approved RHCs and FQHCs participating in Promising Pregnancy Care (PPC) will be reimbursed an enhanced PPS rate. Therefore, RHCs and FQHCs will be reimbursed their existing PPS rate plus an additional amount, in accordance with the fee schedule adopted and effective as provided in ARM 37.85.105, whenever a member attends the educational aspect of the PPC session.~~

(8) Effective July 1, 2017, RHCs and FQHCs will be reimbursed separately for long-acting reversible contraceptives (LARCs) in addition to their PPS rate. LARCs include intrauterine devices (IUDs) and birth control implants.

AUTH: 53-2-201, 53-6-113, MCA  
IMP: 53-6-101, 53-6-111, 53-6-113, MCA

#### 5. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing new rules regarding the Promising Pregnancy Care program. The new rules outline the definitions, general provisions, and reimbursement requirements for the department's group prenatal program, Promising Pregnancy Care. The department is also proposing amendments to ARM 37.86.4412 regarding Federally Qualified Health Centers (FQHC) and Rural Health Clinics (RHC) and long-acting reversible contraceptives (LARCs).

#### New Rule I

Proposed New Rule I provides a set of definitions for principal terms appearing in the proposed rule. Definitions are an essential feature of understanding the meaning of written text. The department determined that a comprehensive presentation of the definitions in one rule is the most appropriate practice and is essential to the implementation of the new rules.

## New Rule II

Proposed New Rule II provides the department's requirements for a Promising Pregnancy Care (PPC) program. This rule specifies the topics that must be presented to members and it requires that providers commit to sharing data related to their pregnant Medicaid members, even if they are not enrolled in the providers PPC program. All providers who seek reimbursement for the PPC program must be state approved.

## New Rule III

Proposed New Rule III outlines the reimbursement policy for the new Promising Pregnancy Care program. Providers will be reimbursed for the group sessions in addition to the individual prenatal visit.

## Fiscal Impact

The proposed rule adoption is projected to have a total fiscal impact of \$42,000 in SFY2018. \$14,499 of this impact is from the state general fund. This rule will impact 45 FQHCs, 28 RHCs, 330 physicians, and 69,947 Medicaid members.

## ARM 37.86.4412

The department is proposing to make two amendments to this subsection of rule. In (7), the proposed amendment will allow an enhanced prospective payment system (PPS) rate for approved FQHCs and RHCs that participate in Promising Pregnancy Care. The proposed amendment provides an avenue for FQHCs and RHCs to receive payment for the educational portion of the new Promising Pregnancy Care program.

The department is proposing to add a new (8) which allows a separate reimbursement for LARCs in addition to the PPS rate. This proposed change is necessary to increase access to LARCs for the Medicaid population.

## Fiscal Impact

The proposed amendment is budget neutral.

6. The department intends to apply these rule adoptions and amendments retroactively to July 1, 2017. A retroactive application of the proposed rule adoptions and amendments does not result in a negative impact to any affected party.

7. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-

9744; or e-mail [dphhslegal@mt.gov](mailto:dphhslegal@mt.gov), and must be received no later than 5:00 p.m., June 9, 2017.

8. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

9. 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 7 above or may be made by completing a request form at any rules hearing held by the department.

10. 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 the 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.

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

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

13. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are appropriate for performance-based measurement and therefore are subject to the performance-based measures requirement of 53-6-196, MCA.

The proposed amendment to allow FQHCs and RHCs to reimburse an enhanced prospective payment system (PPS) rate for the prenatal educational aspect of the Promising Pregnancy Care (PPC) can be assessed by performance-based

measures. This will be completed by analyzing the first 9 months of the program and the number of:

1. state approved providers;
2. Medicaid members utilizing the program; and
3. classes that the utilizing members attend.

The proposed amendment to allow FQHCs and RHCs to be reimbursed separately for long-acting reversible contraceptives (LARCs) in addition to their PPS rate can be assessed by performance-based measures. This will be completed by analyzing the first 9 months of the program and the number of reimbursed LARCs by FQHC and RHC.

/s/ Brenda Elias  
Brenda Elias, Attorney  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF PUBLIC SERVICE REGULATION  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) AMENDED NOTICE OF PROPOSED  
RULES I through XII pertaining to ) ADOPTION  
minimum filing requirements for rate )  
adjustments for taxes and fees )

TO: All Concerned Persons:

1. On March 24, 2017, the Department of Public Service Regulation published MAR Notice No. 38-5-236 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 332 of the 2017 Montana Administrative Register, Issue Number 6. On April 18, 2017, at 1:30 pm, the department held a public hearing in the Bollinger Room, 1701 Prospect Avenue, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The department stated in paragraph eight of MAR Notice No. 38-5-236 that the bill sponsor contact requirements of 2-4-302, MCA, apply and the primary sponsor of the bill was contacted by phone. However, the department failed to include in the notice the date it contacted the sponsor. The department contacted the bill sponsor by phone on March 10, 2017.

/s/ JUSTIN KRASKE  
Justin Kraske  
Rule Reviewer

/s/ BRAD JOHNSON  
Brad Johnson  
Chairman  
Department of Public Service Regulation

Certified to the Secretary of State May 1, 2017.

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
AND THE DEPARTMENT OF ENVIRONMENTAL QUALITY  
OF THE STATE OF MONTANA

|  |   |                      |
|--|---|----------------------|
| In the matter of the amendment of      | ) | NOTICE OF AMENDMENT  |
| ARM 17.24.645, 17.24.646,              | ) |                      |
| 17.30.502, 17.30.607, 17.30.608,       | ) | (RECLAMATION)        |
| 17.30.609, 17.30.610, 17.30.611,       | ) | (WATER QUALITY)      |
| 17.30.619, 17.30.621, 17.30.622,       | ) | (SUBDIVISIONS)       |
| 17.30.623, 17.30.624, 17.30.625,       | ) | (CECRA)              |
| 17.30.626, 17.30.627, 17.30.628,       | ) | (UNDERGROUND STORAGE |
| 17.30.629, 17.30.641, 17.30.646,       | ) | TANKS)               |
| 17.30.650, 17.30.651, 17.30.652,       | ) |                      |
| 17.30.653, 17.30.654, 17.30.655,       | ) |                      |
| 17.30.656, 17.30.657, 17.30.702,       | ) |                      |
| 17.30.715, 17.30.1001, 17.30.1007,     | ) |                      |
| 17.30.1322, 17.36.345, 17.55.109,      | ) |                      |
| 17.56.507, and 17.56.608 pertaining to | ) |                      |
| ground and surface water monitoring,   | ) |                      |
| definitions, use and classification    | ) |                      |
| standards, and adoption by reference   | ) |                      |

TO: All Concerned Persons

1. On December 23, 2016, the Board of Environmental Review and the Department of Environmental Quality published MAR Notice No. 17-389 regarding a public hearing on the proposed amendment of the above-stated rules at page 2372, 2016 Montana Administrative Register, Issue Number 24.

2. The board and the department have amended ARM 17.24.645, 17.24.646, 17.30.502, 17.30.607, 17.30.608, 17.30.609, 17.30.610, 17.30.611, 17.30.619, 17.30.621, 17.30.622, 17.30.623, 17.30.624, 17.30.625, 17.30.626, 17.30.627, 17.30.628, 17.30.629, 17.30.641, 17.30.646, 17.30.650, 17.30.651, 17.30.652, 17.30.653, 17.30.654, 17.30.655, 17.30.656, 17.30.657, 17.30.702, 17.30.715, 17.30.1001, 17.30.1007, 17.30.1322, 17.36.345, 17.55.109, 17.56.507, and 17.56.608 exactly as proposed.

3. The following comment was received and appears with the board's response:

COMMENT NO. 1: Commenter stated that the reference dose used by the department to calculate the revised human health standard for the pesticide pinoxaden was significantly lower than the reference dose reported by the EPA in their 2017 Human Health Benchmarks for Pesticides. Commenter requests that the water quality standard for pinoxaden be recalculated using EPA's current reference dose of 0.3 milligrams per kilogram per day.

RESPONSE: EPA's Office of Pesticides updated its Human Health Benchmarks for Pesticides in drinking water in January 2017 to reflect the latest scientific information. The board is updating the human health standard for pinoxaden in DEQ-7 based on the January 2017 reference dose. The proposed rule language remains unchanged.

4. No other comments or testimony were received.

Reviewed by:

BOARD OF ENVIRONMENTAL REVIEW

/s/ John F. North  
JOHN F. NORTH  
Rule Reviewer

By: /s/ Joan Miles  
JOAN MILES,  
Chairman

DEPARTMENT OF ENVIRONMENTAL QUALITY

BY: /s/ Tom Livers  
TOM LIVERS  
Director

Certified to the Secretary of State, May 1, 2017.

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

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.159.301 and 24.159.2104 )  
pertaining to continuing education )

TO: All Concerned Persons

1. On December 23, 2016, the Board of Nursing (board) published MAR Notice No. 24-159-83 regarding the proposed amendment of the above-stated rules, at page 2406 of the 2016 Montana Administrative Register, Issue No. 24.

2. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: One commenter offered support for the proposed rule changes, noting that by striking language as proposed in ARM 24.159.301, the board understands nurses must carry knowledge and skills in many content areas that may not include traditional nursing content. The commenter noted further that updating ARM 24.159.301(20) appropriately adds flexibility to the rule because of changes at the national level of the entities that accredit nursing education programs, and these entities may continue to develop, partner, or merge.

RESPONSE 1: The board concurs with this commenter.

COMMENT 2: Numerous commenters expressed support for the proposed rule changes, noting that continuing education activities are based on best available evidence to meet the desired outcomes of addressing practice gaps, and clearly identifying measurable outcomes, ultimately improving the practice of nursing. The commenters asserted that the rule changes support these actions and recognize learners who achieve contact hours as evidence of completing continuing education activities.

RESPONSE 2: The board concurs with the commenters.

COMMENT 3: Several commenters supported the proposed rule changes, but suggested the board further amend ARM 24.159.301(20) and provided recommended language with more specific parameters for nursing program accreditation.

RESPONSE 3: The board proposed the amendment to (20) to generalize this rule, rather than add more detail, thus promoting flexibility in the rule's application. Also, the board will no longer need to continually amend the rule as accrediting bodies change. The board disagrees with the commenters' suggested changes because



they would reverse what the board intends to accomplish with the proposed amendment, and is amending the rule exactly as proposed.

COMMENT 4: Several commenters offered support for the proposed rule changes because they are supported by American Nurses Credentialing Center criteria and acknowledge licensees' ongoing efforts to maintain competence in nursing practice.

RESPONSE 4: The board concurs with the commenters.

COMMENT 5: One commenter expressed support for the proposed changes because they respect the learning needs of licensees and allow board recognition of licensees' professional development, in alignment with best practices as established by the American Nurses Credentialing Center.

RESPONSE 5: The board concurs with the commenter.

COMMENT 6: One commenter strongly supported the rule changes because they recognize the importance of profession-specific as well as interprofessional continuing education designed to address professional practice gaps that impact public safety.

RESPONSE 6: The board concurs with the commenter.

COMMENT 7: One commenter expressed general support for the proposed changes.

RESPONSE 7: The board appreciates all comments made in the rulemaking process.

3. The board has amended ARM 24.159.301 and 24.159.2104 exactly as proposed.

BOARD OF NURSING  
N. GREG KOHN, 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 May 1, 2017.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES  
OF THE STATE OF MONTANA

In the matter of the adoption of New ) NOTICE OF ADOPTION  
Rules I through X pertaining to the )  
creation and administration of the )  
Senior Farmers' Market Nutrition )  
Program (SFMNP) )

TO: All Concerned Persons

1. On March 10, 2017, the Department of Public Health and Human Services published MAR Notice No. 37-781 pertaining to the public hearing on the proposed adoption of the above-stated rules at page 271 of the 2017 Montana Administrative Register, Issue Number 5.

2. The department has adopted the above-stated rules as proposed: New Rule I (37.41.201), II (37.41.202), III (37.41.205), IV (37.41.206), V (37.41.207), VI (37.41.208), VII (37.41.211), VIII (37.41.212), IX (37.41.213), and X (37.41.214).

3. No comments or testimonies were received.

/s/ Caroline Warne  
Caroline Warne, Attorney  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 37.87.1410 pertaining to )  
specifying the location of minimum )  
scheduled face-to-face contacts )  
within a home and community )  
environment )

TO: All Concerned Persons

1. On February 17, 2017, the Department of Public Health and Human Services published MAR Notice No. 37-784 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 217 of the 2017 Montana Administrative Register, Issue Number 4.

2. The department has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

37.87.1410 HOME SUPPORT SERVICES (HSS) AND THERAPEUTIC FOSTER CARE (TFC), PROVIDER REQUIREMENTS (1) through (5) remain as proposed.

(6) The following requirements must be met by either the clinical lead, the HSS-S, or both:

(a) remains as proposed.

(b) conduct a minimum of four scheduled contacts or sessions with the caregiver in each four-week period, two of which must be face-to-face within the home and community environment, excluding ~~an~~ the provider's office or facility, based on the needs of the caregiver and documented in the ITP;

(c) conduct a minimum of two scheduled face-to-face treatment sessions within the home and community environment, excluding ~~an~~ the provider's office or facility, with the youth in each four-week period, based on the needs of the youth and documented in the ITP; and

(d) services provided above the minimum face-to-face contact requirements in (b) and (c) may be provided in ~~an~~ the provider's office or facility to further meet the identified needs of the youth and the caregiver documented in the ITP. The duration of the contacts are not limited.

(7) and (8) remain as proposed.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, MCA

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: One commenter stated that it would be appropriate for each agency's licensed clinical staff supervising the home support specialist to assist in determining the appropriate setting for weekly contacts rather than following a sterile rule that may not fit all situations or allow for family voice and choice.

RESPONSE #1: As defined in ARM 37.87.1402, Home Support Services are medically necessary, intensive in-home services delivered by providers with specialized training and experience working with caregivers and youth in their homes. The parent/caregiver agrees to in-home support services to strengthen their capacity to support the youth effectively and improve the functioning of the youth as evidenced by a signature from the youth, if appropriate, and caregiver on the individualized treatment plan. The home support specialist or licensed clinical staff has flexibility in determining the appropriate setting for the minimum face-to-face contacts with the proposed rule amendment.

COMMENT #2: One commenter asked what is meant by "It has been brought to our attention there is confusion regarding the location in which the minimum face-to-face contacts may be held."

RESPONSE #2: The intent of the rulemaking is to clarify that the minimum face-to-face contacts, defined in ARM 37.87.1410, must be in the home or community. The youth and parent/caregiver require more intensive therapeutic interventions than are available through other outpatient services. The provider's office or facility is not considered the community for the purpose of the minimum contacts.

COMMENT #3: One commenter asked what constitutes an agency office. Can weekly contacts be facilitated in the Department of Family Services (DFS) office? Are DFS offices considered agency offices or community settings? Home Support Services is a quality service available to families when children have been removed and are in the process of reunification. DFS facilities may be the best location to meet for all parties in these situations.

RESPONSE #3: The department appreciates the comment and agrees. The department has amended the proposed rule in (6) by adding the word "provider's," which clarifies it is the provider's office or facility that is being excluded.

COMMENT #4: One commenter asked how amending this rule improves outcomes or treatment of Home Support Services clients.

RESPONSE #4: The proposed rulemaking refers to the minimum required face-to-face contacts. Home Support Services requires a structured, consistent, strength-based therapeutic relationship between the provider and the youth and parent/caregiver for the purpose of treating the behavioral health needs of the youth,

including improving the caregiver's ability to provide effective support for the youth and to promote healthy functioning. To receive this service, symptoms of the serious emotional disturbance of the youth must be of a persistent nature requiring in-home behavioral intervention.

COMMENT #5: Two commenters asked how an agency handles situations where a family requests to have weekly contacts in the agency's office due to convenience or privacy. Would they be denied services?

RESPONSE #5: Home Support Services admission criteria require the parent/caregiver agrees to in-home support services with the flexibility of the community environment. Face-to-face contacts over and above the minimum requirement may be in the provider's office or facility.

COMMENT #6: Two commenters stated occasional situations where the family home presents safety concerns for the provider such as extraordinarily unsanitary living conditions, illicit drug use, multiple unrelated individuals present in the home, or inaccessible roads due to inclement weather. The commenter requests exceptions are required to be clearly documented for justification upon retrospective review.

RESPONSE #6: The focus of this rulemaking is the minimum required face-to-face contacts. Contacts over and above the minimum requirement may be in the provider's office or facility. Home Support Services helps parents develop the skills and tools to manage their child's behaviors in the home. Safety concerns are addressed in the benefit exclusion criteria when the home environment presents a serious safety risk to the staff persons providing the service.

COMMENT #7: One commenter stated it is unusual for the Home Support Services benefit exclusion criteria to include the safety risk to the staff persons providing the service. In the case of a serious safety risk, would the department determine the provider is not allowed to provide Home Support Services? The commenter recommends the safety criteria be removed from the benefit exclusion criteria.

RESPONSE #7: This comment is outside the scope of the proposed rulemaking.

/s/ Jorge Quintana  
Jorge Quintana, Attorney  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State May 1, 2017.

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 37.108.507 pertaining to )  
healthcare effectiveness data and )  
information set (HEDIS) measures )

TO: All Concerned Persons

1. On March 24, 2017, the Department of Public Health and Human Services published MAR Notice No. 37-786 pertaining to the proposed amendment of the above-stated rule at page 328 of the 2017 Montana Administrative Register, Issue Number 6.

2. The department has amended the above-stated rule as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: A comment was received in favor of the department's choice to reaffirm the commitment to quality measurement in health plans but states the Healthcare Effectiveness Data and Information Set (HEDIS) data is inadequate for evaluation of dental managed care plans offered in Montana. The department was urged to include use of national dental quality measures to assess and compare quality in dental managed care health plans in the rule.

RESPONSE #1: The department appreciates the suggestions offered but they are not within the scope of the rule.

4. The department intends to apply the amendment of this rule retroactively to January 1, 2017. A retroactive application of the amendment does not result in a negative impact to any affected party.

/s/ Flint Murfitt  
Flint Murfitt, Attorney  
Rule Reviewer

/s/ Sheila Hogan  
Sheila Hogan, Director  
Public Health and Human Services

Certified to the Secretary of State May 1, 2017.

## **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.

**Water Policy Interim Committee (where the primary concern is the quality or quantity of water):**

- 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.<br>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 December 31, 2016. This table includes those rules adopted during the period September 30, 2016, through December 31, 2016, 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 December 31, 2016, this table, and the table of contents of this issue of the Register.

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 either the 2016 or 2017 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.

### ADMINISTRATION, Department of, Title 2

- |           |   |
|-----------|---|
| 2.21.4002 | and other rules - Equal Employment Opportunity - Nondiscrimination - Harassment Prevention, p. 617, 1838, 130   |
| 2.59.104  | and other rules - Semiannual Assessment - Retention of Bank Records - Definitions - Change in Location - Application and Review Procedures - State, County, and Municipal Issues for Banks, p. 1744, 2326 |
| 2.59.301  | and other rules - Advertising - Standardized Forms and Procedures - Annual Reporting Form for Consumer Loan Licensees - Transition of Licenses to the NMLS, p. 1750, 2327                                 |
| 2.59.401  | and other rules - Model Bylaws and Statutory Reference for Credit Unions - Supervisory and Examination Fees - Limited Income Persons - Corporate Credit Unions, p. 1738, 2325                             |
| 2.59.701  | and other rule - Application Procedure - Standardized Forms and Procedures - Transition of Escrow Business Licensees to the NMLS, p. 1879, 2410   |
| 2.59.1201 | and other rule - Standardized Forms and Procedures - Transition of Sales Finance Company Licensees to the NMLS, p. 1883, 2411   |
| 2.59.1506 | and other rules - Definitions - Standardized Forms and Procedures - Annual Reporting Form for Deferred Deposit Lending, p. 1886, 2412   |
| 2.59.1738 | and other rule - Definition of "Regularly Engage" - Renewal Fees for Mortgage Brokers, Lenders, Servicers, and Originators, p. 1287, 1845   |

(State Banking Board)

2.60.203 and other rules - Closure or Relocation of Bank Branch - Certificate of Authorization - Procedural Rules - Deposit Liability - Incorporation for State-Chartered Banks, p. 260, 486

(Montana Lottery Commission)

2.63.204 and other rules - General Provisions - Revocation or Suspension of License - Prizes, p. 1591, 2185

2.63.1201 Prizes, p. 388

AGRICULTURE, Department of, Title 4

New Rules Hemp Definitions - License Applications, p. 114, 283

4.4.306 Hail Insurance Program, p. 207, 437

4.5.206 and other rules - State Noxious Weed List, p. 2257, 185

4.10.201 and other rules - Pesticide Housekeeping Changes, p. 2261

4.13.1001A Grain Fee Schedule, p. 2089, 131

STATE AUDITOR, Office of, Title 6

(Commissioner of Securities and Insurance)

New Rule Adoption of the NAIC Valuation Manual, p. 1494, 1846

New Rule and other rules - Group Disability Income Opt Out, p. 1497, 2057

New Rule and other rules - Annuity Mortality Tables – Determining Reserve Liabilities, p. 1890, 2328

6.6.201 and other rules - Life Insurance Buyer's Guide, p. 1754, 2329

6.6.1906 and other rules - Comprehensive Health Care Association and Plan, p. 2026, 2413

6.6.3801 and other rules - Credit for Reinsurance - Letters of Credit Used in Reduction of Liability for Reinsurance Ceded, p. 1596, 2186

6.6.4902 and other rules - Patient-Centered Medical Homes, p. 1895, 85

COMMERCE, Department of, Title 8

New Rule Administration of the 2017 and 2018 Program Year Community Development Block Grant (CDBG) Program – Small-Scale Housing Development and Rehabilitation Application Guidelines, p. 1292, 1944

8.22.2702 and other rules - Board of Horse Racing, p. 2300, 132

8.111.303 and other rules - Financing Programs - Conditions of Financial Assistance - Approved Lenders - Approved Servicers - Counseling Requirements - Eligibility Requirements - Repayment of the Loan - Definitions - Housing Credit Allocation Procedure - Lender and Servicer Requirements and Limits - Loan Terms and Conditions - Confidentiality and Disclosure of Information, p. 460

EDUCATION, Title 10

(Board of Public Education)

- 10.53.101 and other rules - K-12 Science Content Standards, p. 1298, 1955
- 10.57.101 and other rules - Educator Licensure, p. 1775, 2330
- 10.64.301 School Bus Requirements, p. 391

FISH, WILDLIFE AND PARKS, Department of, Title 12

- 12.5.701 and other rules - Aquatic Invasive Species, p. 209, 438

(Fish and Wildlife Commission)

- 12.6.2215 Exotic Species Classification, p. 1501, 2335
- 12.11.501 and other rules - Recreational Use on Rivers in Montana, p. 2094, 1
- 12.11.501 and other rules - Flathead Lake, p. 118
- 12.11.501 and other rule - Madison River, p. 121
- 12.11.501 and other rules - Fort Peck Dredge Cuts - Fort Peck Reservoir, p. 124

GOVERNOR, Office of, Title 14

- 14.6.101 and other rules - Implementation of the Sage-Grouse Stewardship Act, p. 2359

ENVIRONMENTAL QUALITY, Department of, Title 17

- 17.30.660 Nutrient Standard Variances, p. 394, 470
- 17.50.403 and other rules - Definitions of Solid Waste Management - Landfarm Facility Standards - Compost Standards and Definitions, p. 3, 285
- 17.56.506 and other rules - Reporting of Confirmed Releases - Adoption by Reference - Release Categorization, p. 2029, 186

(Board of Environmental Review)

- 17.8.102 and other rule - Incorporation by Reference--Publication Dates - Incorporation by Reference and Availability of Referenced Documents, p. 1109, 1848
- 17.24.645 and other rules - Ground and Surface Water Monitoring - Definitions - Use and Classification Standards - Adoption by Reference, p. 2372
- 17.38.104 and other rules - Public Water Supply Systems, p. 1900, 220

TRANSPORTATION, Department of, Title 18

- 18.9.101 and other rules - Motor Fuels Tax, p. 1317, 1849, 2417

CORRECTIONS, Department of, Title 20

- New Rule Inmate Worker Savings Subaccount, p. 1623, 286
- New Rule Inmate Trust Accounts, p. 1628, 294

JUSTICE, Department of, Title 23

New Rule and other rules - Ignition Interlock Devices, p. 2305, 2394  
23.16.101 and other rules - Social Card Games Played for Prizes of Minimal Value - Location Managers - Definitions - Transfer of Interest Among Licensees - Transfer of Interest to New Owners - Application for Operator License - Change in Managers, Officers, and Directors - Card Game Tournaments - Large-Stakes Card Game Tournaments - Video Gambling Machine Ticket Vouchers, p. 1914, 87

LABOR AND INDUSTRY, Department of, Title 24

Boards under the Business Standards Division are listed in alphabetical order by chapter following the department rules.

24.8.201 and other rules - Human Rights Matters, p. 1504, 91  
24.11.204 and other rules - Unemployment Insurance Program, p. 1630, 2058  
24.17.127 and other rules - Prevailing Wage Rates for Public Works Projects, p. 2035, 93  
24.26.695 Labor-Management Relations and Grievances, p. 187  
24.29.1433 and other rules - Workers' Compensation Facility Service Rules and Rates and Conversion Factors, p. 399  
24.29.1591 Utilization and Treatment Guidelines for Workers' Compensation Injuries, p. 1520, 2420  
24.101.413 and other rules - Renewal Dates and Requirements - Procedural Rules - Public Participation Rules - Definitions - Fees - Prohibitions - General Licensing Requirements - Bout Approval - Fee Abatement - Promoter - Contest Regulations - Boxing Contestants - Female Contestants - Managers - Physical Examination - Ringside Health Care Professional Requirements - Number and Duration of Rounds - Down - Fouls - Appeal of Decisions of Officials - Hand Wraps - Official Boxing Gloves - Mouthpiece - Ring--Equipment - Officials Required - Judges - Seconds/Corners - Referee - Unprofessional Conduct - Department Representatives - Contracts and Penalties - Medical Advisor - Tickets - Elimination-Type Events - Inspectors – Announcer, p. 404

(Board of Barbers and Cosmetologists)

24.121.301 and other rules - Definitions - Nonroutine Applications - Licensure by Examination - Licensure by Credentialing With an Out-of-State License - Licensure Equivalency for Professional Education - Application for Postsecondary School Licensure - Inspection–School Layout - School Curricula - Teacher-Training Curriculum - Teaching Methodology Coursework - Salons/Booth Rental - Implements, Instruments, Supplies, and Equipment - Anonymous Complaints, p. 2396, 221

(Board of Clinical Laboratory Science Practitioners)

24.129.401 and other rules - Fees - Supervision - Minimum Standards for Licensure - Military Training or Experience - Temporary Practice Permits - Unprofessional Conduct - Nonroutine Applications, p. 2040, 299

(Board of Dentistry)

24.138.3227 Onsite Inspection of Facilities, p. 45, 223

(Board of Medical Examiners)

24.156.501 and other rules - Renewal Dates and Requirements - Definitions - Medical Student's Supervision and Permitted Activities - Internship - Fee Schedule - Revocation or Suspension Proceedings - Unprofessional Conduct - Application for Licensure - Professional Conduct and Standards of Professional Practice - Application for Physician Assistant License - Supervision of Physician Assistant - Chart Review - Continuing Education and Refresher Requirements - Medical Direction - Application for Temporary Non-Disciplinary Physician License - Application for Physician Licensure in Another State Via Interstate Compact - Post-Graduates-Supervision and Permitted Activities - Board Meetings - Medical Schools - Intern's Scope of Practice - Residency - Resident's Scope of Practice - Temporary License - Reinstatement - License Requirement - Application for a Telemedicine License - Fees - Failure to Submit Fees - Issuance of a Telemedicine License - Renewals - Effect of Determination That Application for Telemedicine License Does Not Meet Requirements - Sanctions - Obligation to Report to Board - Board Policy - Maintaining NCPPA Certification, p. 49, 487

(Board of Nursing)

24.159.301 and other rule - Continuing Education, p. 2406

(Board of Nursing Home Administrators)

24.162.401 and other rules - General Requirements - Fee Schedule - Military Training or Experience - Examinations - Reciprocity Licenses - Inactive License - Continuing Education - Nonroutine Applications - Quorum - Submittals and Requests - Record of Minutes and Hearings - Application Denial - Hearings or Proceedings - Reinstatement - Renewals, p. 1222, 1958

(Board of Occupational Therapy Practice)

24.165.302 and other rules - Definitions - Fees - Continuing Education, p. 1523, 2422

(Board of Optometry)

24.168.401 and other rule - Fees - Continuing Education, p. 214

(Board of Outfitters)

- 24.171.401 and other rules - Fees - Outfitter Records - Watercraft Identification - Outfitter Qualifications - Fishing Outfitter Operations Plans - Outfitter Examination - Operations Plans and Amendments - Renewals - Unprofessional Conduct and Misconduct - Transfer of River-Use Days, p. 855, 1960
- 24.171.408 and other rules - Outfitter Records - Safety and First Aid Provisions - Watercraft Identification - Outfitter Qualifications - Successorship - Fishing Outfitter Operations Plan - Operations Plans and Amendments - Renewals, p. 428

(Board of Pharmacy)

- 24.174.1712 Prescription Drug Registry Fee, p. 264

(Board of Plumbers)

- 24.180.2102 and other rules - Continuing Education Requirements - Board Meetings - General Responsibilities - Investigation - Renewals - Complaint Procedure, p. 1790, 189

(Board of Professional Engineers and Professional Land Surveyors)

- 24.101.413 and other rules - Renewal Dates and Requirements - Standards of Responsible Charge - Fee Schedule - Branch Office - Teaching of Advanced Engineering Subjects - Certificate of Authorization - Board-Approved Curricula - Applications - Exhibits of Land Surveying - Examination Procedures - Grant and Issue Licenses - License Seal - Comity - Classification of Experience - Uniform Standards - Inactive Status - Complaints - Teaching of Land Surveying Subjects - Definitions - Direct Supervision - Application for Emeritus Status - Renewals - Late Renewals, p. 1117, 2424

(Board of Psychologists)

- 24.189.401 and other rules - Fee Schedule - Application Procedures - Minimum Standards - Work Samples—Examination - Temporary Permit - License Preparation - Renewals - Complaint Procedure, p. 1348, 2337

(Board of Real Estate Appraisers)

- 24.207.2101 Continuing Education, p. 995, 1853

(Board of Realty Regulation)

- 24.210.641 and other rules - Unprofessional Conduct - New Licensee Mandatory Continuing Education - Salespersons - Course Provider - Continuing Real Estate Education - Course Approval - Continuing Real Estate Education - Instructor Approval - Renewals - New Licensee Mandatory Continuing Education - Property Manager - Nonroutine Applications - Trust Account Course Requirement - Application for Determination of Equivalent Experience for Broker Licensing, p. 319

(Board of Veterinary Medicine)

24.225.425 and other rules - Nonroutine Applications - Unprofessional Conduct - Renewals, p. 1795, 191

LIVESTOCK, Department of, Title 32

32.2.401 and other rule - Department of Livestock Animal Health Division Fees - Exportation of Alternative Livestock, p. 1646, 2062

32.2.401 and other rules - Animal Health Division Fees - Definitions - Testing Within the DSA - Brucellosis Tests to Be Reported, p. 267, 492

32.3.207 and other rules - Permits - Special Requirements for Sheep - Brands and Earmarks, p. 2047, 2428

32.6.712 Food Safety and Inspection Service (Meat, Poultry), p. 1527, 1854

(Board of Milk Control)

32.23.301 Licensee Assessments, p. 127, 304

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

(Board of Oil and Gas Conservation)

New Rule Notification of Application for Permit to Drill, p. 1531, 97

PUBLIC HEALTH AND HUMAN SERVICES, Department of, Title 37

New Rules Surveillance and Utilization Review Section (SURS) Program-Integrity Activities to Prevent, Identify, and Recover Erroneous Medicaid Payments as Outlined Under Federal or State Law, p. 71, 447

New Rules Creation and Administration of the Senior Farmers' Market Nutrition Program (SFMNP), p. 271

37.40.101 and other rule - Updating Direct Care Wage Effective Dates and Reimbursement Dates Effective January 1, 2017, p. 2317, 193

37.40.830 Hospice Reimbursement, p. 81, 305

37.57.101 and other rules - Children's Special Health Services Financial Assistance Program, p. 664, 1855

37.62.501 and other rules - Updating Child Support Enforcement Rules, p. 2104, 135

37.81.304 Maximum Big Sky Rx Premium Change, p. 1802, 2434

37.85.104 and other rule - Updating Medicaid Fee Schedules With Medicare Rates - Updating Effective Dates to July 1, 2016 and January 1, 2017, p. 1924, 2431

37.85.204 Medicaid Cost Share, p. 2051, 100

37.85.212 and other rule - Adding a New Provider Called Mobile Imaging/Portable X-Ray Provider Type - Reimbursement for State Fiscal Year 2017, p. 1932, 2435

37.86.1005 Removal of Dental Orthodontia Service Lifetime Limits in Medicaid Dental Services, p. 1373, 134



- 37.86.1105 Revising Medicaid Outpatient Drug Reimbursement Amounts, p. 471
- 37.86.2102 and other rule - Medicaid Eyeglass Reimbursement, p. 1656, 2064
- 37.86.2928 Inpatient Hospital Reimbursement, p. 1799, 2429
- 37.86.3503 Clarifying the Definition of Severe Disabling Mental Illness, p. 280
- 37.86.4401 and other rules - Collaborative Practice Drug Therapy Management, p. 475
- 37.87.809 Targeted Case Management Services for Youth With Serious Emotional Disturbance, Reimbursement, p. 1534, 2063
- 37.87.1303 and other rules - Integrated Co-Occurring Treatment Provider Requirements, p. 1408, 1856
- 37.87.1410 Specifying the Location of Minimum Scheduled Face-To-Face Contacts Within a Home and Community Environment, p. 217
- 37.95.162 and other rules - Annual Training Requirements for Child Care Facilities, p. 1649, 2102, 192
- 37.108.507 Healthcare Effectiveness Data and Information Set (HEDIS) Measures, p. 328
- 37.114.101 and other rules - Reporting and Control of Communicable Disease, p. 161, 343

PUBLIC SERVICE REGULATION, Department of, Title 38

- New Rules Minimum Filing Requirements for Rate Adjustments for Taxes and Fees, p. 332
- 38.2.4801 and other rules - Procedural Rules, p. 580, 877, 1966
- 38.5.1010 and other rules - Electric Standards for Utilities - Pipeline Safety, p. 2321

REVENUE, Department of, Title 42

- New Rule Montana Ammunition Availability Act - Property Tax Exemption Applications, p. 1251, 1862
- New Rule Requests for Nondisclosure of Property Owner Record Information, p. 1429, 1971
- 42.2.304 and other rules - Application of Penalties and Interest - Reasonable Cause - Timeframe for Appealing Notices of Assessment, p. 1668, 2073, 2205
- 42.2.705 Alternative Business Office Hours in Qualified County Offices, p. 1376, 1863
- 42.2.705 Alternative Business Office Hours in Qualified County Offices - Removing Pondera County, p. 182, 355
- 42.9.110 and other rules - Pass-Through Entity Audit Adjustments - Computation of Composite Tax - Pension and Annuity Income Exclusions - Small Business Liability Funds, p. 1660, 2072
- 42.12.105 and other rules - Premises Suitability Requirements - Conditions for Operating All Types of Alcoholic Beverage Licenses, p. 2117, 493

- 42.12.132 and other rules - Alcoholic Beverage Establishment Location Managers - Compliance With Laws and Rules - Penalty Schedule - Consumer Promotions - Contract Manufacturing, p. 2170, 346
- 42.17.101 and other rules - Computation of Wage Withholding for State Income Taxes, p. 1557, 1974
- 42.18.122 and other rules - Property Reappraisal, p. 1805, 2339
- 42.19.401 and other rules - Property Tax Assistance Programs, p. 1379, 1865
- 42.19.1401 and other rules - Urban Renewal Districts (URD), Targeted Economic Development Districts (TEDD), Tax Increment Finance Districts (TIFD), p. 1424, 1968
- 42.20.106 and other rule - Golf Course Valuation, p. 1433, 2188
- 42.20.173 and other rules - Property Reappraisal Cycles - Assessment Review Deadlines - Electronic Classification and Appraisal Notices - Agricultural Land Regions - Bona Fide Agricultural Operation Determinations (Montana Tax Appeal Board Ruling), p. 1416, 1537, 2065
- 42.20.660 and other rules - Agricultural Land Valuation, p. 1833, 2341
- 42.21.113 and other rules - Trended Depreciation Schedules for Valuing Property, p. 1813, 2340

SECRETARY OF STATE, Office of, Title 44

- New Rule Rotation of Executive Branch Agencies on the State Records Committee, p. 1565, 1866
- 1.2.104 and other rule - Fees Charged by Administrative Rules Services, p. 1939, 2344
- 1.2.104 Administrative Rules Services Fees, p. 483
- 1.2.419 Scheduled Dates for the 2017 Montana Administrative Register, p. 1936, 2342
- 44.2.204 Access to Documents and Fees for Copies, p. 2055, 2436
- 44.14.301 and other rules - Fees Charged by the Records and Information Management Division, p. 480

(Commissioner of Political Practices)

- 44.12.204 Payment Threshold--Inflation Adjustment for Lobbyists, p. 2182, 101