

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO PROFESSIONAL  
5 LICENSING APPLICATIONS; REVISING LICENSING STATUTES FOR PROVISIONAL AND TEMPORARY  
6 LICENSES; CREATING STANDARDIZED PROCEDURES FOR PROVISIONAL LICENSES FOR ALL  
7 BOARDS AND PROGRAMS; UPDATING TERMINOLOGY FOR CLARITY AND REMOVING  
8 REDUNDANCIES; PROVIDING FOR REVIEW OF NONROUTINE OCCUPATIONAL LICENSING  
9 APPLICATIONS BY SCREENING PANELS OF LICENSING BOARDS; REMOVING DUPLICATIVE  
10 REFERENCES; AMENDING SECTIONS 37-1-131, 37-1-307, 37-1-319, 37-3-201, 37-4-201, 37-8-409, 37-8-  
11 421, 37-11-310, 37-14-102, 37-14-301, 37-14-305, 37-14-306, 37-14-307, 37-15-103, 37-17-302, 37-18-603,  
12 37-19-402, 37-19-703, 37-27-105, 37-27-201, 37-27-203, 37-28-104, 37-31-302, 37-31-305, 37-31-312, 37-36-  
13 201, 37-40-203, 37-40-302, 37-49-202, 37-51-324, 37-54-212, 37-56-106, 37-60-303, 37-68-311, 37-69-306,  
14 AND 37-73-203, MCA; REPEALING SECTIONS 37-1-305, 37-4-341, 37-27-205, 37-73-208, AND 37-73-216,  
15 MCA."

16

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18

19 NEW SECTION. **Section 1. Provisional license -- limitations -- validity -- temporary license.** (1)

20 The department may issue a provisional license to an applicant whom the department has initially determined  
21 to be eligible for licensure, except for one or more of the following pending conditions:

22 (a) passage of the required licensure examination;

23 (b) completion of supervised work or educational experience as a license holder;

24 (c) facility or equipment inspection;

25 (d) verification of licensure in good standing from other licensing jurisdictions and applicable  
26 national licensing databases; or

27 (e) verification of absence of relevant criminal charges or other action.

28 (2) A board or a program may, by rule, prescribe the time, place, supervision, or other limitations

1     respecting the provisional license.

2             (3)     The provisional license is valid until the applicant is issued a license or until one or more of the  
3     following occurs:

4             (a)     the applicant exceeds the prescribed time limit to complete the work experience or pass a  
5     licensure examination;

6             (b)     the applicant substantially and materially fails an inspection;

7             (c)     the applicant is found to have license discipline, criminal, or other action in conflict with  
8     information reported on the application; or

9             (d)     the applicant fails to act timely to complete the required condition.

10            (4)     On one or more of the occurrences in subsection (3), the department shall render the  
11     provisional license inactive without appeal or judicial review and notify the applicant of its decision.

12            (5)     On registration with the department, individuals actively licensed in good standing in another  
13     state may practice in Montana up to 21 days in a calendar year without licensure in this state to provide  
14     education, continuity of treatment, treatment to underserved populations, or highly specialized treatment care to  
15     clients or patients. For the purposes of this section, good standing includes verification of licensure in another  
16     state and any applicable disciplinary data bank.

17  
18            NEW SECTION. **Section 2. Nonroutine application review by screening panel.** (1) A screening  
19     panel shall review all nonroutine applications on behalf of a board in accordance with the provisions of 37-1-  
20     307.

21            (2)     A screening panel may grant, deny, or restrict a license and set conditions on a restricted  
22     license. The screening panel shall provide notice to the licensee or license applicant as provided in 37-1-309. If  
23     the license is not granted, the notice must set forth proposed restrictions on the license or that the license is  
24     denied.

25            (3)     A licensee or license applicant may request a hearing in accordance with 37-1-309. Failure to  
26     request a hearing constitutes a default on the notice, and the screening panel's proposed restrictions or denial  
27     becomes the final order.

28

1           **Section 3.** Section 37-1-131, MCA, is amended to read:

2           **"37-1-131. Duties of boards -- quorum required.** (1) Under the active supervision of the state as  
3 described in 37-1-121(1)(d), a quorum of each board within the department shall:

4           (a)       (i) set and enforce standards and adopt and enforce rules governing the licensing, certification,  
5 registration, and conduct of the members of the particular profession or occupation within the board's  
6 jurisdiction; and

7           (ii)       apply the standards and rules referred to in subsection (1)(a)(i) in a manner that does not  
8 discriminate against any person licensed by the board with regard to how the standards and rules are applied to  
9 other persons licensed by the board and that does not restrain trade or competition unless necessary to protect  
10 public health and safety;

11           (b)       except as provided in 37-1-321, sit in judgment in hearings for the suspension, revocation, or  
12 denial of a license of an actual or potential member of the particular profession or occupation within the board's  
13 jurisdiction. The hearings must be conducted by a hearings examiner when required under 37-1-121.

14           (c)       suspend, revoke, or deny a license of a person who the board determines, after a hearing as  
15 provided in subsection (1)(b), is guilty of knowingly defrauding, abusing, or aiding in the defrauding or abusing  
16 of the workers' compensation system in violation of the provisions of Title 39, chapter 71;

17           (d)       take disciplinary action against the license of a person in a medical assistance program under  
18 chapter 3, 4, 7, or 8 if, in the period under contract, the licensee has on three separate occasions returned to  
19 the use of a prohibited or proscribed substance. The requirements of this subsection (1)(d) may not be  
20 construed as affecting the rights of an employer to evaluate, discipline, or discharge an employee.

21           (e)       pay to the department the board's pro rata share of the assessed costs of the department  
22 under 37-1-101(6);

23           (f)       consult with the department before the board initiates a program expansion, under existing  
24 legislation, to determine if the board has adequate money and appropriation authority to fully pay all costs  
25 associated with the proposed program expansion. The board may not expand a program if the board does not  
26 have adequate money and appropriation authority available.

27           (2)       A board, board panel, or subcommittee convened to conduct board business must have a  
28 majority of its members, which constitutes a quorum, present to conduct business.

(3) A board that requires continuing education or continued state, regional, or national certification for licensees shall require licensees reactivating an expired license to submit proof of meeting the requirements of this subsection for the renewal cycle.

(4) The board under the active supervision of the state as described in 37-1-121(1)(d) or the department program may:

(a) establish the qualifications of applicants to take the licensure examination;

(b) determine the standards, content, type, and method of examination required for licensure or reinstatement of a license, the acceptable level of performance for each examination, and the standards and limitations for reexamination if an applicant fails an examination;

(c) examine applicants for licensure at reasonable places and times as determined by the board or enter into contracts with third-party testing agencies to administer examinations; and

(d) request that the applicant make a personal appearance before the screening panel of the board for nonroutine license applications as defined by the board.

(5) A board shall adopt rules governing the provision of public notice as required by 37-1-311."

**Section 4.** Section 37-1-307, MCA, is amended to read:

**"37-1-307. Board authority.** (1) A board may:

(a) hold hearings as provided in this part;

(b) issue subpoenas requiring the attendance of witnesses or the production of documents and administer oaths in connection with investigations and disciplinary proceedings under this part. Subpoenas must be relevant to the complaint and must be signed by a member of the board. Subpoenas may be enforced as provided in 2-4-104.

(c) authorize depositions and other discovery procedures under the Montana Rules of Civil Procedure in connection with an investigation, hearing, or proceeding held under this part;

(d) establish a screening panel to:

(i) review nonroutine license applications to determine whether there is reasonable cause to believe that an applicant has violated a particular statute, rule, or standard justifying restriction or denial of licensure; and

1           (ii) determine whether there is reasonable cause to believe that a licensee has violated a particular  
2 statute, rule, or standard justifying disciplinary proceedings. A screening panel is an agency for purposes of  
3 summary suspensions under 2-4-631. A screening panel shall specify in writing the particular statute, rule, or  
4 standard that the panel believes may have been violated. The screening panel shall also state in writing the  
5 reasonable grounds that support the panel's finding that a violation may have occurred. The assigned board  
6 members may not subsequently participate in a hearing of the case. The final decision on the case must be  
7 made by a majority of the board members who did not serve on the screening panel for the case. ;

8           (e)     grant or deny a license within 45 calendar days of receiving a complete application, including  
9 the confidential criminal justice information report, and notify an applicant within 10 days of receiving an  
10 application of any deficiencies for an incomplete application or provide information as to any exigent  
11 circumstances that may delay issuing a license in the 45 days; and

12           (f)     ~~upon~~on a finding of unprofessional conduct by an applicant or license holder, impose a  
13 sanction provided by this chapter.

14           (2)     A screening panel is an agency for the purposes of summary suspensions under 2-4-631. A  
15 screening panel shall specify in writing the particular statute, rule, or standard that the panel believes may have  
16 been violated. The screening panel shall also state in writing the reasonable grounds that support the panel's  
17 finding that a violation may have occurred. The assigned board members may not subsequently participate in a  
18 hearing of the case. The final decision on the case must be made by a majority of the board members who did  
19 not serve on the screening panel for the case.

20           (3)     Each board is designated as a criminal justice agency within the meaning of 44-5-103 for the  
21 purpose of obtaining confidential criminal justice information, as defined in 44-5-103, regarding the board's  
22 licensees and license applicants and regarding possible unlicensed practice, but the board may not record or  
23 retain any confidential criminal justice information without complying with the provisions of the Montana  
24 Criminal Justice Information Act of 1979, Title 44, chapter 5.

25           (4)     A board may contact and request information from the department of justice, which is  
26 designated as a criminal justice agency within the meaning of 44-5-103, for the purpose of obtaining criminal  
27 history record information regarding the board's licensees and license applicants and regarding possible  
28 unlicensed practice.

1           (5)     (a) A board that is statutorily authorized to obtain a criminal record background report as a  
2     prerequisite to the issuance of a license shall require the applicant to submit a full set of fingerprints for the  
3     purpose of fingerprint checks by the Montana department of justice and the federal bureau of investigation.

4           (b)     The applicant shall sign a release of information to the board and is responsible to the  
5     department of justice for the payment of all fees associated with the criminal record background report.

6           (c)     ~~Upon~~On completion of the criminal record background check, the department of justice shall  
7     forward all criminal history record information, as defined in 44-5-103, in any jurisdiction to the board as  
8     authorized in 44-5-303.

9           (d)     At the conclusion of any background check required by this section, the board must receive the  
10    criminal record background report but may not receive the fingerprint card of the applicant. ~~Upon~~On receipt of  
11    the criminal record background report, the department of justice shall promptly destroy the fingerprint card of  
12    the applicant.

13          ~~[(5) (6)]~~ Each board shall require a license applicant to provide the applicant's social security number  
14    as a part of the application. Each board shall keep the social security number from this source confidential,  
15    except that a board may provide the number to the department of public health and human services for use in  
16    administering Title IV-D of the Social Security Act.] (Bracketed language terminates on occurrence of  
17    contingency--sec. 1, Ch. 27, L. 1999.)"

18  
19          **Section 5.** Section 37-1-319, MCA, is amended to read:

20          **"37-1-319. Rules.** A board may adopt rules:

21          (1)     under the guidelines of 37-1-306, regarding continuing education and establishing the number  
22    of hours required each year, the methods of obtaining education, education topics, and carrying over hours to  
23    subsequent years;

24          ~~(2)——regarding practice limitations for temporary practice permits issued under 37-1-305 and~~  
25    ~~designed to ensure adequate supervision of the practice until all qualifications for licensure are met and a~~  
26    ~~license is granted;~~

27          (2)     regarding qualifications for inactive license status that may require compliance with stated  
28    continuing education requirements and may limit the number of years a person may remain on inactive status

1 without having to reestablish qualifications for licensure;

2 (3) regarding maintenance and safeguarding of client funds or property possessed by a licensee  
3 and requiring the funds or property to be maintained separately from the licensee's funds and property; and

4 (4) defining acts of unprofessional conduct, in addition to those contained in 37-1-316, that  
5 constitute a threat to public health, safety, or welfare and that are inappropriate to the practice of the profession  
6 or occupation."

7  
8 **Section 6.** Section 37-3-201, MCA, is amended to read:

9 **"37-3-201. Organization.** ~~(1) (a) (1)~~ The board shall elect from among its members a president, vice-  
10 president, and secretary.

11 (2) The board shall adopt a seal on which appear the words "The Board of Medical Examiners of  
12 Montana" and "Official Seal".

13 ~~(2) — The board shall establish a screening panel for disciplinary matters as provided for in 37-1-~~  
14 ~~307."~~

15  
16 **Section 7.** Section 37-4-201, MCA, is amended to read:

17 **"37-4-201. Official seal -- organization -- subpoena power -- screening panel.** ~~(1) (a) (1)~~ The  
18 board shall adopt an official seal of its own design and shall employ the seal to authenticate the board's acts  
19 and records.

20 (2) The board shall, at its annual meeting, choose from its members a president, vice-president,  
21 and secretary-treasurer, who shall serve at the pleasure of the board.

22 (3) Any member of the board may administer oaths and affirmations, and the board may hear  
23 testimony and subpoena witnesses with respect to matters relating to the duties imposed ~~upon~~ on the board by  
24 law.

25 ~~(2) — The board shall establish a screening panel for disciplinary matters as provided for in 37-1-307~~  
26 ~~and shall authorize the screening panel to oversee any rehabilitation program established pursuant to 37-4-~~  
27 ~~311."~~

1           **Section 8.** Section 37-8-409, MCA, is amended to read:

2           **"37-8-409. Advanced practice registered nursing -- when professional nurse may practice.** (1)A

3       person licensed under this chapter who holds a certificate in a field of advanced practice registered nursing  
4       may practice in the specified field of advanced practice registered nursing ~~upon~~on approval by the board of an  
5       amendment to the person's license granting a certificate in a field of advanced practice registered nursing. The  
6       board shall grant a certificate in a field of advanced practice registered nursing to a person who submits written  
7       verification of certification by a board-approved national certifying body appropriate to the specific field of  
8       advanced practice registered nursing and who meets any other qualification requirements that the board  
9       prescribes.

10           (2) ~~— The board may give temporary approval to practice in a specific field of advanced practice~~  
11       ~~registered nursing to a person who:~~

12           (a) ~~— intends to apply for approval under subsection (1); and~~

13           (b) ~~— has completed the advanced practice registered nursing education required in order for the~~  
14       ~~person to apply to take the first national certification examination available from a board-approved national~~  
15       ~~certifying body appropriate to the specific field of advanced practice registered nursing.~~

16           (3) ~~— If the person fails to obtain certification upon the person's first examination, the temporary~~  
17       ~~approval provided for in subsection (2) expires on receipt of the examination results. The temporary approval~~  
18       ~~may not be extended.~~

19           (4) ~~— In order to protect the public, the board may, in consultation with persons in the specific field of~~  
20       ~~advanced practice registered nursing, adopt specific rules for each field of advanced practice registered nursing~~  
21       ~~for the granting of temporary approval to practice and for determining the supervision of the licensee with~~  
22       ~~temporary approval."~~

23  
24           **Section 9.** Section 37-8-421, MCA, is amended to read:

25           **"37-8-421. Temporary practice permit Supervision under provisional license practice.** (1)The

26       board shall issue a temporary practice permit to an individual licensed in another state that has licensing  
27       standards substantially equivalent to those of this state if the board determines that:

28           (a) ~~— the applicant has submitted a completed application as approved by the board;~~



(b) — the initial screening by the board staff shows no current disciplinary action as identified by the board by rule; and

(c) — there is no reason to deny a temporary practice permit under the laws of this state governing the practice of nursing.

(2) — The individual may practice under a temporary practice permit until a license is granted, until a notice of proposal to deny a temporary practice permit is issued, or until the period of time adopted by the board by rule expires.

A nurse who is employed practices nursing under a temporary practice permit provisional license while awaiting examination results may function only under the supervision of a registered professional nurse, physician, dentist, osteopath, or podiatrist who, during the nurse's practice, is on the premises where and when the permittee is working and who and is specifically assigned the responsibility of supervising the performance of the temporary practice permittee the nurse."

**Section 10.** Section 37-11-310, MCA, is amended to read:

**"37-11-310. Foreign-trained applicants.** The foreign-trained physical therapist applicant's transcripts will be evaluated by a board-approved agency which ~~that~~ reviews credentials. ~~Upon~~ On receipt of this evaluation the board shall determine whether the number of academic credits awarded meets equivalent educational standards for a physical therapist degree or certificate established by an American physical therapist association accredited school of physical therapy. If the applicant's professional education credit hours are approved by the board, the applicant is eligible for a ~~temporary-provisional~~ license prior to examination."

**Section 11.** Section 37-14-102, MCA, is amended to read:

**"37-14-102. Definitions.** In this chapter, unless the context clearly requires otherwise, the following definitions apply:

(1) "Board" means the board of radiologic technologists provided for in 2-15-1738.

(2) "Department" means the department of labor and industry.

(3) "General supervision" means face-to-face communication, direction, observation, and evaluation by the radiologist at least monthly, with interim supervision occurring by other methods, such as

1 telephonic, electronic, or written communication.

2 (4) "License" means an authorization issued by the department to perform x-ray procedures on  
3 persons.

4 (5) "Licensed practitioner" means a person licensed or otherwise authorized by law to practice  
5 medicine, dentistry, denturistry, dental hygiene, podiatry, osteopathy, or chiropractic.

6 (6) "Limited permit" means an authorization that may be granted by the board to perform an x-ray  
7 procedure on a person when the applicant's qualifications do not meet standards required for the issuance of a  
8 license.

9 (7) "Limited permit technician holder" means a person who does not qualify for the issuance of a  
10 license under the provisions of this chapter but who has demonstrated, to the satisfaction of the board, the  
11 capability of performing specified high-quality x-ray procedures without endangering public health and safety.

12 (8) "Performance of x-ray procedures" means the involvement or completion of any portion of an x-  
13 ray procedure that may have an effect on the patient's accumulated x-ray radiation exposure, including  
14 positioning of the patient, technique selection, selection of ancillary equipment, initiation of exposure, and  
15 darkroom procedures.

16 (8) ~~—"Permit" means an authorization that may be granted by the board to perform x-ray procedures~~  
17 ~~on persons when the applicant's qualifications do not meet standards required for the issuance of a license.~~

18 (9) "Radiologic technologist" means a person, other than a licensed practitioner, who has qualified  
19 under the provisions of this chapter for the issuance of a license to perform diagnostic x-ray procedures on  
20 persons and who performs the following functions in connection with the diagnostic procedure:

21 (a) operates x-ray equipment to reveal the internal condition of patients for the diagnosis of  
22 fractures, diseases, and other injuries;

23 (b) prepares and positions patients for x-ray procedures;

24 (c) selects the proper radiographic technique for visualization of specific internal structures of the  
25 human body;

26 (d) selects the proper ancillary equipment to be used in the x-ray procedure to enhance the  
27 visualization of the desired structure;

28 (e) prepares film processing solutions and develops or processes the exposed x-ray film; and

1 (f) inspects, maintains, and performs minor repairs to x-ray equipment.

2 (10) "Radiologist" means a person who is licensed to practice medicine under Title 37, chapter 3,  
3 who is board eligible or board certified by the American board of radiology, and who resides and practices in  
4 Montana.

5 (11) "Radiologist assistant" means an advanced-level licensed radiologic technologist who works  
6 under the supervision of a radiologist to enhance patient care by assisting the radiologist in the diagnostic  
7 imaging environment."

8

9 **Section 12.** Section 37-14-301, MCA, is amended to read:

10 **"37-14-301. Limitation of license authority -- exemptions.** (1) A person may not perform x-ray  
11 procedures on a person unless licensed or granted a limited permit under this chapter, with the following  
12 provisos:

13 (a) Licensure is not required for:

14 (i) a student enrolled in and attending a school or college of medicine, osteopathy, podiatry,  
15 dentistry, dental hygiene, chiropractic, or radiologic technology who applies x-ray radiation to persons under the  
16 specific direction of a person licensed to prescribe examinations or treatment;

17 (ii) a person administering x-ray examinations related to the practice of dentistry or dentistry if the  
18 person is certified by the board of dentistry as having passed an examination testing the person's proficiency to  
19 administer x-ray examinations;

20 (iii) a person who performs only darkroom procedures and is under the supervision of a licensed  
21 radiologic technologist or radiologist or is able to show evidence of completion of formal training in darkroom  
22 procedures as established by rule; or

23 (iv) a person who only operates industrial x-ray equipment that does not involve procedures  
24 administered on people.

25 (b) This chapter may not be construed to limit or affect in any respect the practice of their  
26 respective professions by licensed practitioners.

27 (2) A person licensed as a radiologic technologist may perform x-ray procedures on persons for  
28 medical, diagnostic, or therapeutic purposes under the specific direction of a person licensed to prescribe x-ray

1 procedures.

2 (3) A radiologic technologist licensed under this chapter may inject contrast media and radioactive  
3 isotopes (radionuclide material) intravenously by the use of venous puncture and saline solution flush ~~upon~~on  
4 request and direction of a licensed practitioner. In the case of contrast media, the licensed practitioner  
5 requesting the procedure, the radiologist, or personnel trained in advanced cardiac life support must be  
6 immediately available in the facility. Injections must be for diagnostic studies only and not for therapeutic  
7 purposes. Except as provided in 37-14-313, permitted injections include peripheral intravenous injections but  
8 specifically exclude intra-arterial injections. An uncertified radiologic technologist, a limited permit ~~technician~~  
9 holder under 37-14-306, or an individual who is not licensed or authorized under a separate licensing act may  
10 not perform any of the activities listed in this subsection. A radiologist assistant licensed under 37-14-313 may  
11 give injections related to the procedures authorized by the board to be provided by a radiologist assistant  
12 without regard to the restrictions on radiologic technologists provided in this section, except that when contrast  
13 media is used, a licensed physician or additional medical personnel trained in advanced cardiac life support  
14 must be immediately available in the facility."

15

16 **Section 13.** Section 37-14-305, MCA, is amended to read:

17 **"37-14-305. Issuance of license or limited permit -- fee.** The board shall issue a license or limited  
18 permit to each applicant who has submitted a nonrefundable licensing fee set by the board and has met the  
19 requirements of this chapter."

20

21 **Section 14.** Section 37-14-306, MCA, is amended to read:

22 **"37-14-306. Permits Limited permits.** (1) The board may issue a limited permit to an applicant not  
23 qualifying for the issuance of a license under the provisions of this chapter but who has demonstrated to the  
24 satisfaction of the board the capability of performing high-quality x-ray procedures without endangering public  
25 health and safety. An applicant shall demonstrate this capability by completion of formal classroom training that  
26 meets the standards established by rule and by means of examination. ~~Permits-Limited permits~~ issued under  
27 the provisions of 37-14-305 and this section must specify x-ray procedures, defined and established by rule,  
28 that may be performed by the holder. ~~Permits-Limited permits~~ are valid for a period not to exceed 12 months

1 but may be renewed under the provisions established by rule.

2 (2) ~~— An applicant meeting minimum requirements for licensure must be issued a temporary permit~~  
3 ~~to work as a radiologic technologist. This temporary permit expires 15 days after the date of first opportunity for~~  
4 ~~examination.~~

5 (3) ~~— The board shall issue temporary permits to unlicensed persons to perform x-ray procedures~~  
6 ~~when adequate evidence is provided to the board that a temporary permit is necessary because of a regional~~  
7 ~~hardship or emergency condition and that the prospective recipient of a temporary permit is capable of~~  
8 ~~performing x-ray procedures without endangering public health and safety. Temporary permits may not exceed~~  
9 ~~12 months in duration but may be renewed by reestablishing to the board's satisfaction evidence of continued~~  
10 ~~regional hardship or emergency conditions. The required adequate evidence of regional hardship, emergency~~  
11 ~~conditions, and capability to perform x-ray procedures without endangering public health and safety must be~~  
12 ~~established by rule.~~

13 (2) Each applicant for a limited permit must:

14 (a) must be of good moral character;

15 (b) must be at least 18 years of age; and

16 (c) may not be addicted to intemperate use of alcohol or narcotic drugs."

17  
18 **Section 15.** Section 37-14-307, MCA, is amended to read:

19 **"37-14-307. Duty to carry or display license or limited permit.** Each radiologic technologist or  
20 limited permit technician holder shall carry or display the person's license or limited permit while at work. The  
21 license or limited permit must be displayed on request."

22  
23 **Section 16.** Section 37-15-103, MCA, is amended to read:

24 **"37-15-103. Exemptions -- rulemaking.** (1) This chapter does not prevent a person licensed in this  
25 state under any other law from engaging in the profession or business for which that person is licensed.

26 (2) This chapter does not restrict or prevent activities of a speech-language pathology or audiology  
27 nature or the use of the official title of the position for which the activities were performed on the part of a  
28 speech-language pathologist or audiologist employed by federal agencies.

1           (3)     Those persons performing activities described in subsection (2) who are not licensed under this  
2 chapter may perform those activities only within the confines of or under the jurisdiction of the organization in  
3 which they are employed and may not offer speech-language pathology or audiology services to the public for  
4 compensation over and above the salary they receive for performance of their official duties with organizations  
5 by which they are employed. However, without obtaining a license under this chapter, these persons may  
6 consult or disseminate their research findings and scientific information to other accredited academic  
7 institutions or governmental agencies. They also may offer lectures to the public for a fee without being licensed  
8 under this chapter.

9           (4)     This chapter does not restrict the activities and services of a student in speech-language  
10 pathology or audiology from pursuing a course of study in speech-language pathology or audiology at an  
11 accredited or approved college or university or an approved clinical training facility. However, these activities  
12 and services must constitute a part of a supervised course of study, and a fee may not accrue directly or  
13 indirectly to the student. These students must be designated by the title "speech-language pathology or  
14 audiology intern", "speech-language pathology or audiology trainee", or a title clearly indicating the training  
15 status appropriate to the level of training.

16           (5)     ~~This Except as provided in [section 1], this chapter does not restrict a person from another~~  
17 ~~state from offering speech-language pathology or audiology services in this state if the services are performed~~  
18 ~~for not more than 5 days in any calendar year and if the services are performed in cooperation with a speech-~~  
19 ~~language pathologist or audiologist licensed under this chapter. However, by securing a temporary license from~~  
20 ~~the board subject to limitations that the board may impose, a person not a resident of this state who is not~~  
21 ~~licensed under this chapter but who is licensed under the law of another state that has established licensure~~  
22 ~~requirements at least equivalent to those established by this chapter may offer speech-language pathology or~~  
23 ~~audiology services in this state for not more than 30 days in any calendar year if the services are performed in~~  
24 ~~cooperation with a speech-language pathologist or audiologist licensed under this chapter.~~

25           (6)     This chapter does not restrict a person holding a class A certificate issued by the conference of  
26 executives of American schools of the deaf from performing the functions for which the person qualifies.

27           (7)     This chapter does not restrict a person who is licensed in this state as a hearing aid dispenser  
28 from performing the functions for which the person qualifies and that are described in Title 37, chapter 16.

1 (8) (a) An audiologist who orders, sells, dispenses, or fits prescription hearing aids is exempt from  
2 the licensing requirements or other provisions of Title 37, chapter 16.

3 (b) The board may adopt rules pertaining to the selling, dispensing, and fitting of prescription  
4 hearing aids and prescription hearing aid parts, attachments, and accessories."  
5

6 **Section 17.** Section 37-17-302, MCA, is amended to read:

7 **"37-17-302. Qualifications.** The board shall license as a psychologist any person who pays the  
8 prescribed fee, passes the prescribed examination, and submits evidence that the person:

9 (1) is 18 years of age or older;

10 (2) is of good moral character;

11 (3) (a) has received a doctoral degree in clinical psychology from an accredited college or  
12 university having an appropriate graduate program approved by the American psychological association;

13 (b) has received a doctoral degree in psychology from an accredited college or university not  
14 approved by the American psychological association and has successfully completed a formal graduate  
15 retraining program in clinical psychology approved by the American psychological association; or

16 (c) has received a doctoral degree in psychology from an accredited college or university and has  
17 completed a course of studies that meets minimum standards specified in rules by the board; and

18 (4) has completed at the time of application a minimum of 2 years of supervised experience in the  
19 practice of psychology. One year of this experience must be postdoctoral but may not include more than 6  
20 months of supervised research, teaching, or a combination of both.

21 (5) An individual who has completed the education requirements under this section but who has  
22 not completed the postdoctoral supervised psychology practice may apply for a provisional license to practice  
23 psychology pursuant to [section 1] and an approved supervision plan prescribed by board rule."  
24

25 **Section 18.** Section 37-18-603, MCA, is amended to read:

26 **"37-18-603. Powers of board -- euthanasia certification.** The board may:

27 (1) establish qualifications and prescribe the application format for certification as a certified  
28 agency or as a certified euthanasia technician and review each application for compliance with certification

1 requirements;

2 (2) examine and determine the qualifications and fitness of applicants to operate as a certified  
3 agency or as a certified euthanasia technician;

4 (3) issue, renew, reinstate, deny, suspend, require voluntary surrender of, or revoke any  
5 certifications or temporary permits or impose other forms of discipline and enter into consent agreements and  
6 negotiated settlements with certified agencies or certified euthanasia technicians consistent with the provisions  
7 of this chapter and rules adopted pursuant to Title 37, chapter 1, and this chapter;

8 (4) establish a schedule of fees for certifying agencies and euthanasia technicians, ensuring that  
9 the fees are commensurate with the costs of the certification program;

10 (5) establish a list of controlled substances approved for the purpose of euthanasia;

11 (6) adopt other rules that the board or department considers necessary for the implementation of  
12 this part; and

13 (7) inspect any certified agency's controlled substance storage, inventory, administration  
14 procedures, and recordkeeping."  
15

16 **Section 19.** Section 37-19-402, MCA, is amended to read:

17 **"37-19-402. Operator's license requirements -- facility inspections -- transfer of license to new**  
18 **facility.** (1) The operation of a mortuary is prohibited by anyone not holding a mortician's license.

19 (2) A license to operate a new mortuary facility in Montana may be issued only if the proposed  
20 mortuary facility meets standards for operating mortuaries adopted by the board.

21 (3) (a) An applicant for a license to operate a new mortuary shall send to the department a written  
22 and verified application on a form prescribed by the board. The application must be accompanied by an initial  
23 inspection fee.

24 (b) The department shall inspect the proposed new mortuary and report its findings to the board.

25 (4) The board shall grant a license if the department determines that the proposed new facility  
26 meets the standards adopted by the board and will be operated by a person who has been issued a mortician's  
27 license.

28 (5) ~~The board may grant a temporary license to a mortuary until the initial inspection is completed.~~



1           (5)       A mortuary license may be transferred from one facility to another only when the proprietor of a  
2       licensed facility terminates services at the licensed facility and commences services at a new facility. The new  
3       facility must be inspected and must meet standards for operating mortuaries.

4           (6)       A mortuary may be inspected by members of the board or their representatives during business  
5       hours."

6  
7           **Section 20.** Section 37-19-703, MCA, is amended to read:

8           **"37-19-703. Application -- power of board to set standards -- inspection -- fees.** (1) Application  
9       for a crematory, crematory operator, or crematory technician license must be on forms prescribed by the board  
10      and must include the name of the applicant, name of the crematory facility, location of the crematory facility and  
11      its mailing address, and any further information the board requires. To be eligible for licensure:

12           (a)       as a crematory facility, an application must include a description of the type of structure and  
13      equipment to be used in the operation of the crematory facility;

14           (b)       as a crematory operator, an applicant must be at least 18 years of age, must be a high school  
15      graduate or have an equivalent degree, and must be of good moral character.

16           (2)       The application must be accompanied by an application fee set by the board.

17           (3)       The board must be notified of any change of ownership of a crematory within 30 days of the  
18      change.

19           (4)       A license to operate a crematory in Montana may be issued only ~~upon~~on inspection of the  
20      crematory facility and ~~upon~~on a finding of compliance with standards for operation set by the board.

21           ~~(5) — A temporary permit may be issued to operate a crematory facility, as prescribed by board rule,~~  
22      ~~that is effective until the initial inspection is completed to the board's satisfaction.~~

23           (5)       A crematory facility may be inspected by a board member or the board's designated  
24      representative during business hours.

25           (6)       The board shall adopt rules governing the cremation of human remains, the transportation of  
26      human remains, sanitation, equipment, fire protection, building construction, and recordkeeping.

27           (7)       A crematory facility shall comply with all local building codes, environmental standards, and  
28      applicable state and local regulations.

1           (8)     A new crematory facility shall pay an initial inspection fee, set by the board, that must  
2     accompany the application."

3  
4           **Section 21.** Section 37-27-105, MCA, is amended to read:

5           **"37-27-105. General powers and duties of board -- rulemaking authority.** (1) The board shall:

6           (a)     meet at least once annually, and at other times as agreed upon ~~upon~~ on, to elect officers and to  
7     perform the duties described in Title 37, chapter 1, and this section; and

8           (b)     administer oaths, take affidavits, summon witnesses, and take testimony as to matters within  
9     the scope of the board's duties.

10          (2)     The board has the authority to administer and enforce all the powers and duties granted  
11     statutorily or adopted administratively.

12          (3)     The board shall adopt rules to administer this chapter. The rules may include but are not limited  
13     to:

14          (a)     the establishment of criteria for minimum educational, ~~apprenticeship~~, and clinical requirements  
15     that, at a minimum, meet the standards established in 37-27-201;

16          (b)     the development of eligibility criteria for client screening by direct-entry midwives to achieve the  
17     goal of providing midwifery services to women during low-risk pregnancies;

18          (c)     the establishment of the circumstances that constitute a low risk of adverse birth outcomes for  
19     planned home births attended by direct-entry midwives;

20          (d)     the development of standardized informed consent and reporting forms;

21          (e)     the adoption of ethical standards for licensed direct-entry midwives; and

22          (f)     the adoption of supporting documentation requirements for primary birth attendants; and

23          ~~(g) the establishment of criteria limiting an apprenticeship that, at a minimum, meets the standards~~  
24     established in 37-27-201."

25  
26          **Section 22.** Section 37-27-201, MCA, is amended to read:

27          **"37-27-201. Qualifications of applicants for license -- educational and practical experience**  
28     **requirements -- provisional license.** (1) To be eligible for a license as a direct-entry midwife, an applicant:

- 1           (a)     must possess a high school diploma or its equivalent;
- 2           (b)     must be of good moral character and be at least 21 years of age;
- 3           (c)     shall satisfactorily complete educational requirements in pregnancy and natural childbirth,
- 4 approved by the board, which must include but are not limited to the following:
- 5           (i)     provision of care during the antepartum, intrapartum, postpartum, and newborn period;
- 6           (ii)    parenting education for prepared childbirth;
- 7           (iii)   observation skills;
- 8           (iv)    aseptic techniques;
- 9           (v)     management of birth and immediate care of the mother and the newborn;
- 10          (vi)    recognition of early signs of possible abnormalities;
- 11          (vii)   recognition and management of emergency situations;
- 12          (viii)   special requirements for home birth;
- 13          (ix)    intramuscular and subcutaneous injections;
- 14          (x)     suturing necessary for episiotomy repair;
- 15          (xi)    recognition of communicable diseases affecting the pregnancy, birth, newborn, and postpartum
- 16 periods;
- 17          (xii)   assessment skills; and
- 18          (xiii)   the use and administration of drugs authorized in 37-27-302;
- 19          (d)     shall acquire practical experience, which may be attained in a home, clinic, or hospital setting.
- 20 Practical experience attained in a hospital does not constitute training or supervision by the hospital, nor may a
- 21 hospital be required to provide practical experience. At a minimum, this experience must include the following
- 22 types and numbers of experiences acquired through an apprenticeship or other supervisory setting:
- 23          (i)     provision of 100 prenatal examinations;
- 24          (ii)    observation of 40 births; and
- 25          (iii)   participation as the primary birth attendant at 25 births, 15 of which included continuous care,
- 26 as evidenced by:
- 27          (A)     birth certificates from Montana or another state;
- 28          (B)     a signed affidavit from the birthing mother; or

1           (iii) (C) documented records from the person who supervised the births;

2           (e)       shall file documentation with the board that the applicant has been certified by the American  
3 heart association or American red cross to perform adult and infant cardiopulmonary resuscitation. Certification  
4 must be current at the time of application and remain valid throughout the license period; and

5           (f)       shall file documentation with the board that the applicant has been certified by the American  
6 academy of pediatrics or the American heart association to perform neonatal resuscitation. The applicant's  
7 certification must be current at the time of application and remain valid throughout the license period.

8           (2)       An applicant who has completed the education requirements toward certification but has not  
9 completed the practical experience may apply for a provisional license under [section 1] and as prescribed by  
10 board rule."

11  
12           **Section 23.** Section 37-27-203, MCA, is amended to read:

13           **"37-27-203. Examination -- exemption.** (1) Except as provided in subsection (4), an applicant for a  
14 license as a direct-entry midwife shall pass a qualifying, written examination, prescribed by the board, that is  
15 designed to test knowledge of theory regarding pregnancy and childbirth and to test clinical judgment in  
16 midwifery management. If considered necessary, an oral interview may be conducted in addition to the written  
17 examination to determine the fitness of the applicant to practice as a direct-entry midwife.

18           (2)       Before an applicant may take the examination, the applicant shall demonstrate to the board  
19 that the educational and practical experience requirements in 37-27-201(3) (1)(c) and ~~(4)-(1)(d)~~ have been met.

20           (3)       An applicant is exempt from the educational and practical experience requirements of 37-27-  
21 201(1)(c) and ~~(4)-(1)(d)~~ if the applicant has:

22           (a)       satisfactorily completed the first examination given by the board following July 1, 1991; and

23           (b)       filed supporting documentation, as required by the board by rule, certifying that the applicant  
24 has served as the primary birth attendant, providing continuous care at no less than 75 births within the 7 years  
25 prior to July 1, 1991, as verified by birth certificates from Montana or another state, a signed affidavit from the  
26 birthing mother, or documented records from the midwife.

27           (4)       Upon payment of the license fee established by the board, a nurse-midwife certified pursuant  
28 to 37-8-409 is exempt from the requirements of 37-27-201 and this section and may be licensed as a direct-

1 entry midwife."

2

3 **Section 24.** Section 37-28-104, MCA, is amended to read:

4 **"37-28-104. Board powers and duties.** (1) The board shall license, ~~grant temporary permits,~~ and  
5 renew the licenses ~~or permits~~ of duly qualified applicants.

6 (2) The board may adopt rules necessary to implement the provisions of this chapter."

7

8 **Section 25.** Section 37-31-302, MCA, is amended to read:

9 **"37-31-302. License required to practice, teach, or operate salon, shop, booth, or school.** (1) A  
10 person may practice barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring with  
11 a license as provided for in 37-31-304.

12 (2) A person may teach barbering, barbering nonchemical, cosmetology, electrology, esthetics, or  
13 manicuring with a license as provided for in 37-31-311.

14 (3) A place may be used to teach barbering, barbering nonchemical, cosmetology, electrology,  
15 esthetics, or manicuring for compensation with a license as provided for in 37-31-311.

16 (4) A person may operate or manage a salon or shop with a license or a ~~temporary operating~~  
17 ~~permit~~ provisional license as provided in 37-31-312.

18 (5) A person may not manage or operate a booth without a booth rental license.

19 (6) A person, firm, partnership, corporation, or other legal entity desiring to operate a salon, shop,  
20 or booth shall apply to the department for a license. The application must be accompanied by the license fee.

21 (7) A license may be issued when the inspection fees required in 37-31-312 have been paid."

22

23 **Section 26.** Section 37-31-305, MCA, is amended to read:

24 **"37-31-305. Qualifications of applicants for license to teach -- provisional teaching license.** (1)

25 An applicant for a license to teach under this chapter ~~licensure to teach the professions in this chapter must:~~

26 (a) ~~must have a license to practice issued by the department in the particular area of practice or~~  
27 ~~scope of practice, in which~~ in the same profession the person plans to teach;

28 (b) ~~must have been actively engaged in that particular area of practice~~ have practiced under the

- 1 license in subsection (1)(a) for 12 continuous months before taking the teacher's examination;
- 2 (c) — must have:
- 3 (c) have completed teacher training and received a diploma from a school authorized to offer a
- 4 course of study in teacher training as prescribed by the board by rule; or board-approved teacher course; and
- 5 (d) have passed the board-approved examination.
- 6 (2) have ~~An applicant who meets the criteria in subsection (1)(a) but has 3 or more years of~~
- 7 ~~experience in that particular area of practice. A person who qualifies for a license under this subsection (1)(c)(ii)~~
- 8 ~~has 2 years to complete board-approved coursework related to teaching methodology before a license to teach~~
- 9 ~~is renewed~~ practice in the profession the applicant plans to teach is eligible for a nonrenewable, 2-year
- 10 provisional license as a teacher while completing board-approved coursework related to teaching methodology
- 11 in lieu of a diploma in subsection (1)(c).
- 12 ~~(d) — except as provided in subsection (2), must have passed the examination prescribed by the~~
- 13 ~~board by rule to qualify for licensure; and~~
- 14 ~~(e) — shall file an application provided by the board.~~
- 15 (3) The board shall issue a license to teach under this chapter, without examination, to a person
- 16 licensed in another state if the board determines that:
- 17 (a) the other state's course of study hour requirement is equal to or greater than the hour
- 18 requirement in this state; and
- 19 (b) the person's license from the other state is current and the person is not subject to pending or
- 20 final disciplinary action for unprofessional conduct or impairment."

21

22 **Section 27.** Section 37-31-312, MCA, is amended to read:

23 **"37-31-312. Inspection -- ~~temporary permits~~ provisional licenses.** (1) The department shall

24 appoint one or more inspectors, each of whom shall devote time to inspecting salons or shops and performing

25 other duties as the department, in cooperation with the board, may direct. The inspectors may enter a salon or

26 shop, booth, or school during business hours for the purpose of inspection. The refusal of a licensee or school

27 to permit the inspection during business hours is cause for license revocation.

28 (2) When an owner or operator applies for a shop or salon license and pays licensure and

1 inspection fees prescribed by the board, the board:

2 (a) may authorize the department to grant to a new salon or shop a ~~temporary operating permit~~  
3 provisional license under [section 1]; or

4 (b) shall, in order to avoid a disruption of business, authorize the department to grant a ~~temporary~~  
5 ~~operating permit~~ provisional license to an existing shop or salon whose owner or operator is currently in good  
6 standing with the board, as defined by the board by rule, and who is relocating to a new location. An owner or  
7 operator of an existing shop or salon may not receive a ~~temporary operating permit~~ provisional license under  
8 this section within 90 days of a license renewal date.

9 (3) A ~~temporary operating permit~~ provisional license granted pursuant to subsection (2) authorizes  
10 the salon, or shop to operate until an inspection is conducted of the salon or shop and the salon or shop owner  
11 or manager has had 30 days to respond in writing to all inspection report violations to the board office. A license  
12 will not be granted to a salon or shop if the board does not receive a response within 30 days from the date of  
13 the inspection or the response received does not indicate that all of the inspection violations have been  
14 corrected, in which case a new license application must be filed. ~~A temporary permit is not renewable.~~

15 (4) The department shall require an inspector appointed under subsection (1) to conduct an annual  
16 inspection of each salon or shop in the state."  
17

18 **Section 28.** Section 37-36-201, MCA, is amended to read:

19 **"37-36-201. Qualifications -- ~~temporary license~~ -- exemption from examination.** (1) Applicants for  
20 licensure as an athletic trainer shall:

21 (a) satisfactorily complete an application and an examination prescribed by the department in  
22 accordance with rules adopted by the board;

23 (b) pay application, examination, and licensure fees established by the board;

24 (c) provide documentation that the applicant has received at least a baccalaureate degree from a  
25 postsecondary institution that meets the academic standards for athletic trainers established by the national  
26 athletic trainers' association board of certification;

27 (d) provide the board with letters of recommendation from at least two clinical supervisors familiar  
28 with the applicant's clinical training and other documentation by which the board may determine that an

1 applicant has not had a criminal conviction or disciplinary action taken against the applicant by a board or a  
 2 licensing agency in another state or territory of the United States that may have a direct bearing on the  
 3 applicant's ability to practice athletic training competently.

4 ~~(2) — (a) The board may issue a temporary license to an applicant who:~~

5 ~~(i) — meets the qualifications in subsections (1)(b) through (1)(d) but has not yet met the~~  
 6 ~~examination requirement in subsection (1)(a); or~~

7 ~~(ii) — has a valid license from another state or certification as provided in subsection (3)(a) or (3)(b).~~

8 ~~(b) — A temporary license issued under this section is valid after the date of issuance for 90 days or~~  
 9 ~~until the board acts on the person's license application, whichever is earlier.~~

10 ~~(2)~~ An applicant may be exempted from the examination requirement in subsection (1)(a) if the  
 11 applicant:

12 (a) has a current, valid license to practice athletic training in another state and that state's  
 13 standards, as determined by the board, are at least equal to the standards for licensure in this state; or

14 (b) is certified as an athletic trainer by an organization recognized by the national commission for  
 15 certifying agencies."

16  
 17 **Section 29.** Section 37-40-203, MCA, is amended to read:

18 **"37-40-203. Rulemaking power.** (1) The department may adopt rules, consistent with the purposes  
 19 of this chapter, as it considers necessary.

20 (2) The department shall adopt rules:  
 21 governing educational equivalency requirements, as provided in 37-40-302, for registration of  
 22 sanitarians; and

23 ~~(b) — defining qualifications for sanitarian-in-training status for issuance of the initial permit."~~

24  
 25 **Section 30.** Section 37-40-302, MCA, is amended to read:

26 **"37-40-302. Application -- examination -- certificate -- provisional license.** (1) A person wishing to  
 27 practice the profession of sanitarian may apply to the department on a form furnished by the department.

28 (2) An applicant must have a minimum of a bachelor's degree in environmental health or its



1 equivalent from an accredited university or college.

2 (3) If the applicant meets the department's standards and passes the examination prescribed by  
3 the department, the department shall issue a certificate of registration.

4 (4) An applicant may apply for a provisional license under [section 1] while completing educational  
5 requirements as prescribed by board rule.

6 (5) A holder of a current certificate is entitled to append to the holder's name the initials "R.S.".

7

8 **Section 31.** Section 37-49-202, MCA, is amended to read:

9 **"37-49-202. Licensure requirements -- examination -- fees --~~temporary practice.~~** (1) The  
10 department shall license as a genetic counselor an applicant who:

11 (a) submits an application and pays the fee required by the department;

12 (b) provides satisfactory evidence of having received certification from the American board of  
13 genetic counseling as a genetic counselor; and

14 (c) complies with other requirements established by the department by rule.

15 (2) The department may issue:

16 (a) ~~a temporary license to an applicant to whom the American board of genetic counseling has~~  
17 ~~granted active candidate status; and~~

18 a license to an applicant who satisfactorily demonstrates that the applicant is licensed or registered  
19 under the laws of another state, territory, or jurisdiction of the United States that in the department's opinion  
20 imposes substantially the same requirements for licensure as are required under this chapter.

21 (3) ~~A temporary license expires automatically on the earliest of the following:~~

22 (a) ~~issuance of a full license to a person who successfully passes the American board of genetic~~  
23 ~~counseling certification exam; or~~

24 (b) ~~at the time a person loses active candidate status for failure to complete or pass the American~~  
25 ~~board of genetic counseling certification exam.~~

26 (3) Licenses issued under this section are valid for the period established by the department by  
27 rule and may be renewed only on the filing of a renewal application and payment of the license renewal fee.

28 (4) An applicant shall submit an application fee in the amount established by the department by

1 rule and a written application on a form provided by the department that demonstrates the applicant has  
2 completed the eligibility requirements and competency standards required under this chapter and by the  
3 department by rule.

4 (5) The department may not license an applicant who has:

5 (a) committed any act that if committed by a licensee would be grounds for license suspension or  
6 revocation; or

7 (b) misrepresented any material fact on the application."  
8

9 **Section 32.** Section 37-51-324, MCA, is amended to read:

10 **"37-51-324. Penalty for failure to comply with trust account requirements.** (1) An employee of  
11 the department may issue a citation to a broker responsible for maintenance of a trust account for failure to  
12 comply with trust account maintenance requirements as provided by rule under 37-1-319(4) (3).

13 (2) The citation must include:

14 (a) the time and date on which the citation is issued;

15 (b) the name, title, mailing address, and signature of the person issuing the citation;

16 (c) reference to the statute or rule violated;

17 (d) the name, title, and mailing address of the person to whom the citation is being sent, along with  
18 information explaining the procedure for the person receiving the citation to follow to pay the fine or dispute the  
19 violation; and

20 (e) the amount of the applicable fine.

21 (3) The applicable civil fine for failure to comply with trust account maintenance requirements is  
22 \$50 for each cited violation.

23 (4) The person who issues the citation is authorized to collect the fine and deposit the proceeds in  
24 the state special revenue account to the credit of the board.

25 (5) The person who is issued a citation may pay the fine or file a written dispute of the violation  
26 with the board within 5 business days of the date of issuance.

27 (6) A person who refuses to sign and accept a citation but who does not file a written dispute of the  
28 violation is demonstrating unprofessional conduct."

1

2           **Section 33.** Section 37-54-212, MCA, is amended to read:

3           **"37-54-212. Temporary registration of certification and licensure of permit practice by out-of-**  
4 **state appraisers.** (1) ~~The board shall recognize on a temporary basis the certificate or license of an appraiser~~  
5 ~~issued by another state if: In accordance with policy statements issued by the appraisal subcommittee of the~~  
6 ~~federal financial institutions examination council under Title XI of the Financial Institutions Reform, Recovery,~~  
7 ~~and Enforcement Act of 1989, and without regard to the provisions of [section 1], the department shall issue a~~  
8 ~~temporary practice permit to an appraiser licensed or certified in another state if:~~

9           (a) ~~the appraiser's business in this state is of a temporary nature; and~~

10           (1) ~~the appraiser registers with the board; ; and~~

11           (2) ~~The out-of-state appraiser shall submit an application for temporary registration on a form~~  
12 ~~prescribed by the board and pay the required fee. In addition, a letter of good standing or license history~~  
13 ~~indicating that the applicant is currently in good standing must be submitted directly to the board's office from~~  
14 ~~the applicant's state of certification or licensure, or the board may obtain a national registry appraiser license~~  
15 ~~history report. the license or certificate is currently in good standing as verified by the national registry of~~  
16 ~~appraisers.~~

17           (3) ~~The temporary registration is valid only for a single appraisal assignment within this state. The~~  
18 ~~temporary registration may be awarded for a 6-month period and renewed one time within the 12-month period~~  
19 ~~following the original date on which the temporary registration was issued.~~

20           (4) ~~A single appraisal assignment may include one or more properties under a single contract with~~  
21 ~~a single client."~~

22

23           **Section 34.** Section 37-56-106, MCA, is amended to read:

24           **"37-56-106. Penalty for failure to comply with trust account requirements.** (1) An employee of  
25 the department may issue a citation to a property manager responsible for maintenance of a trust account for  
26 failure to comply with trust account maintenance requirements as provided by rule under 37-1-319(4) (3).

27           (2) The citation must include:

28           (a) the time and date on which the citation is issued;

- 1 (b) the name, title, mailing address, and signature of the person issuing the citation;
- 2 (c) reference to the statute or rule violated;
- 3 (d) the name, title, and mailing address of the person to whom the citation is being sent, along with
- 4 information explaining the procedure for the person receiving the citation to follow to pay the fine or dispute the
- 5 violation; and
- 6 (e) the amount of the applicable fine.
- 7 (3) The applicable civil fine for failure to comply with trust account maintenance requirements is
- 8 \$1,000 for each cited violation.
- 9 (4) The person who issues the citation is authorized to collect the fine and deposit the proceeds in
- 10 the state special revenue account to the credit of the board.
- 11 (5) The person who is issued a citation may pay the fine or file a written dispute of the violation
- 12 with the department within 5 business days of the date of issuance.
- 13 (6) A person who refuses to sign and accept a citation but who does not file a written dispute of the
- 14 violation is demonstrating unprofessional conduct."

15

16 **Section 35.** Section 37-60-303, MCA, is amended to read:

17 **"37-60-303. Private security services licensure qualifications -- fingerprinting -- insurance. (1)**

18 An applicant for licensure as a private investigator, private security firearms instructor, private security guard,

19 registered process server, or security alarm installer shall submit evidence satisfactory to the department that

20 the applicant:

- 21 (a) is at least 18 years of age;
- 22 (b) has completed high school or equivalent education;
- 23 (c) meets character and fitness for licensure as demonstrated by a lack of unprofessional conduct;
- 24 and
- 25 (d) has successfully completed training, experience, and examination requirements as the
- 26 department may prescribe by rule.
- 27 (2) In accordance with 34 U.S.C. 40316, the department shall require private investigator, private
- 28 security firearms instructor, private security guard, registered process server, and security alarm installer

1 license applicants to submit a full set of fingerprints to obtain a national criminal history background check by  
2 the Montana department of justice and the federal bureau of investigation for the purposes of licensure.

3 (3) An applicant for licensure as a private security firm must:

4 (a) be lawfully organized and registered with the secretary of state or otherwise qualified to do  
5 business within this state; and

6 (b) designate a manager to act as the primary contact between the firm and the department.

7 (4) An applicant for a private investigator license who has not met the training and examination  
8 requirements may apply for a provisional license subject to [section 1] and as prescribed by department rule."  
9

10 **Section 36.** Section 37-68-311, MCA, is amended to read:

11 **"37-68-311. Application fee -- license fee.** ~~(1)~~ Master electricians and journeyman or residential  
12 electricians installing or intending to install for hire electric wiring or equipment to convey electric current or  
13 apparatus to be operated by electric current shall apply for a license to the department. The application must be  
14 on a form furnished by the department and must be accompanied by an application fee set by the board. The  
15 forms must state the applicant's full name and address, the extent of work experience, and other information  
16 required by the board. If the applicant has complied with the rules adopted by the board and, being qualified,  
17 has successfully completed the examination, the department shall issue the proper license to the applicant.

18 ~~(2) — In addition to the temporary permits authorized in 37-1-305, the board may, in accordance with~~  
19 ~~criteria determined by the board, issue a second temporary practice permit for a person who fails the first~~  
20 ~~license examination and who submits a temporary practice permit fee with a request for a second temporary~~  
21 ~~practice permit to the board stating that the person intends to retake the license examination within 3 months of~~  
22 ~~failing the first examination."~~  
23

24 **Section 37.** Section 37-69-306, MCA, is amended to read:

25 **"37-69-306. Examination -- issuance of license.** (1) An applicant for a license to work in the field of  
26 plumbing must be examined as to the applicant's qualifications by the department, subject to 37-1-101(4). The  
27 department shall examine each applicant for a license to determine the applicant's skill and qualifications as a  
28 master plumber or journeyman plumber.

1           (2)     The applicant must, ~~upon-on~~ successfully passing an examination prescribed by the board, be  
2     issued a license authorizing the applicant to engage in the field of plumbing as a master plumber or journeyman  
3     plumber in the state of Montana.

4           (3)     In the case of a firm or corporation, the examination and issuance of a license to an individual  
5     of the firm or to a principal of the firm or corporation satisfies the requirements of this chapter as to master  
6     plumbers but not as to journeyman plumbers. An individual, firm, or corporation may not do the work of a  
7     master plumber unless licensed under this chapter.

8           (4) ~~—— In addition to the temporary permits authorized in 37-1-305, the board may, on a case-by-case~~  
9     ~~basis at the board's discretion in accordance with criteria determined by the board, renew a temporary practice~~  
10    ~~permit for a person who fails the first license examination for which the person is eligible."~~

11  
12           **Section 38.** Section 37-73-203, MCA, is amended to read:

13           **"37-73-203. Elevator mechanic's license -- limited mechanic's license.** (1) A person intending to  
14     work as an elevator mechanic shall file a license application with the department on forms furnished by the  
15     department.

16           (2)     Except as provided in subsection (3), an applicant shall furnish proof, under oath, that the  
17     person:

18           (a)     has successfully completed a state-approved apprenticeship or other education program that  
19     meets requirements established by the department by rule; or

20           (b)     has at least 3 years of experience, verified by current and previous employers, working with  
21     equipment subject to the provisions of Title 50, chapter 60, part 7, and has passed the examination provided for  
22     in 37-73-204.

23           (3)     The department shall adopt rules for the licensure, without examination, of an applicant who  
24     can demonstrate that the applicant has worked continuously as an elevator mechanic for the 3 years prior to  
25     October 1, 2005, and has the requisite experience for licensure. An applicant under this section shall pay the  
26     required application fee and shall submit any required proof under oath.

27           (4)     The department shall issue an elevator mechanic's license to an applicant that meets the  
28     requirements of this section.

(5) (a) The department may issue a limited mechanic's license to an applicant that authorizes a licensee to work only on platform lifts, stairway chairlifts, and dumbwaiters that are installed in private residences.

(b) The examination for a limited mechanic's license must be based on the applicable codes for the equipment that a licensee is authorized to install.

(c) The department shall issue a limited mechanic's license to an applicant that meets the requirements of this subsection (5).

(6) An elevator inspector who is not certified may conduct inspections under the supervision of certified personnel for up to 6 months under a provisional license in accordance with [section 1]."

**NEW SECTION. Section 39. Repealer.** The following sections of the Montana Code Annotated are repealed:

37-1-305. Temporary practice permits.

37-4-341. Licensure of out-of-state volunteer dentists and dental hygienists without examination.

37-27-205. Provisional license -- apprentice license.

37-73-208. Elevator inspector's license -- temporary license.

37-73-216. Temporary elevator mechanic's license.

**NEW SECTION. Section 40. Codification instruction.** (1) [Section 1] is intended to be codified as an integral part of Title 37, chapter 1, part 1, and the provisions of Title 37, chapter 1, part 1, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 37, chapter 1, part 3, and the provisions of Title 37, chapter 1, part 3, apply to [section 2].

- END -