

1 HOUSE BILL NO. 152
2 INTRODUCED BY B. MERCER
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROFESSIONAL AND
6 OCCUPATIONAL LICENSING BY THE DEPARTMENT OF LABOR AND INDUSTRY; REORGANIZING AND
7 CLARIFYING GENERALLY APPLICABLE PROVISIONS UNDER AN ADMINISTRATIVE CHAPTER AND
8 REMOVING REDUNDANT PROVISIONS; INCORPORATING DEPARTMENT LICENSING PROGRAMS INTO
9 THE ADMINISTRATIVE CHAPTER; CREATING A UNIFORM LICENSING APPLICATION PROCESS;
10 REVISING LICENSURE BY ENDORSEMENT AND CHANGING TERMINOLOGY; REDUCING TIMELINES
11 AND REVISING PROVISIONS TO ISSUE LICENSES; REVISING AND CREATING UNIFORM DUTY OF
12 LICENSEE AND LICENSE APPLICANT TO SELF-REPORT AND REPORT UNPROFESSIONAL CONDUCT
13 OF OTHERS; REVISING UNIFORM FINGERPRINTING PROCESS FOR CERTAIN APPLICANTS; REVISING
14 AND CREATING UNIFORM STANDARDS FOR MENTAL AND PHYSICAL EVALUATIONS; REVISING AND
15 CREATING UNIFORM DUTY TO PROVIDE CONTACT INFORMATION; PROVIDING NOTICE OF PRIMARY
16 METHOD OF COMMUNICATION; PROVIDING AUTHORITY TO CONSENT TO NOTICE BY ELECTRONIC
17 PROCESS; REVISING PROVISIONS FOR LICENSE RENEWAL, LAPSE, TERMINATION, AND
18 CONTINUING JURISDICTION; REVISING TEMPORARY LICENSURE TERMINOLOGY AND CREATING A
19 PROVISIONAL LICENSE AND LIMITED PRACTICE REGISTRATION; ESTABLISHING A MILITARY SPOUSE
20 TEMPORARY LICENSE; REVISING MILITARY PERSONNEL EXEMPTIONS; REVISING CONTINUING
21 EDUCATION REQUIREMENTS; REVISING DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF
22 LABOR AND INDUSTRY; REVISING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY
23 RELATED TO FISCAL ADMINISTRATION OF BOARDS AND PROGRAMS, DETERMINING SUBSTANTIAL
24 EQUIVALENCY, AND INVESTIGATING COMPLAINTS; REVISING AND CLARIFYING PROVISIONS
25 RELATED TO DISCIPLINARY ACTIONS AND CONTESTED CASES; REVISING RESPONSIBILITIES AND
26 AUTHORITY OF BOARDS AND PROGRAMS; PROVIDING RULEMAKING AUTHORITY; AMENDING
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Amendment - 1st Reading-white - Requested by: Edward Buttrey - (H) Business and Labor

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3 208, 37-73-216, 37-73-220, 37-73-221, 37-73-225, 37-73-226, AND 37-73-227, MCA.”

4

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

6

7 **NEW SECTION. Section 1. Application -- licensing -- proof of licensure.** (1) To obtain a license or
8 an endorsement on a license to practice a profession or occupation or to operate a facility in which the practice
9 takes place, a person must apply on a form and pay a fee prescribed by the department. The applicant must
10 attest to and provide evidence satisfactory to the department that the applicant:

11 (a) (i) meets the education, experience, examination, and other qualifications for licensure set by
12 board or program statute or rule; or

13 (ii) is eligible for licensure by endorsement from licensure in another jurisdiction as provided in 37-
14 1-304; and

15 (b) is fit to practice the profession or occupation, as shown by an absence of unprofessional
16 conduct in the applicant's history.

17 (2) Except as otherwise provided by law, an applicant must provide the applicant's social security
18 number or taxpayer identification number.

19 (3) An applicant's submission of a license application constitutes consent to release information as
20 may be necessary for the department to verify the information provided by the applicant.

21 (4) Except as provided by [section 11], on verification by the department that an applicant meets
22 the qualifications and fitness for licensure, the department shall issue the license, subject to the renewal and
23 termination provisions of 37-1-141.

24 (5) Unless otherwise provided by board or program rule, a licensee must

25 (a) continuously display the license in publicly accessible locations at any fixed location where the
26 licensee practices; or

27 (b) while engaged in a practice that occurs outside of any fixed location, carry a department-issued
28 paper or electronic license and produce it on request by a member of the public or an agency.

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NEW SECTION. Section 21. Speech-language pathology and audiology licenses and assistant licenses required -- qualifications. (1) An individual may not practice speech-language pathology or audiology unless licensed under Title 37, chapter 1, and this chapter. An individual may be licensed in both areas if the individual meets the respective qualifications, and in those instances, the license fee must be as though for one license.

~~(2) — An individual may not practice as a speech-language pathology assistant or audiology assistant unless licensed under Title 37, chapter 1, and this chapter.~~

~~(3)(2)~~ An applicant for licensure as a speech-language pathologist or audiologist must, as further prescribed by board rule:

- (a) have completed an academic, supervised clinical practicum;
- (b) have completed supervised professional experience; and
- (c) have passed an examination.

~~(4)(3)~~ An applicant for licensure as a speech-language pathology assistant or an audiology assistant must:

- (a) have completed requirements in subsections ~~(3)(a)(2)(a)~~ and ~~(3)(b)(2)(b)~~ as prescribed by board rule for assistant-level licensure; or
- (b) if gained before January 1, 2024, have experience working as an unlicensed assistant in an amount and character prescribed by board rule that is equivalent to the requirements in ~~(3)(a)(2)(a)~~.

~~(5)(4)~~ This section may not be construed to prohibit speech-language pathologists, audiologists, or assistants from delegating tasks to unlicensed individuals.

NEW SECTION. Section 22. Psychologist license required -- qualifications. (1) An individual may not practice psychology unless the individual is licensed under Title 37, chapter 1, and this chapter.

- (2) An applicant for licensure as a psychologist must:
- (a) (i) have a doctoral degree in clinical psychology from an accredited college or university with a graduate program approved by the American psychological association; or
 - (ii) if the doctoral degree possessed under subsection (2)(a) is in psychology and the graduate

1 unless the certified euthanasia technician is under the direct supervision of a licensed veterinarian."

2

3 **Section 129.** Section 37-18-701, MCA, is amended to read:

4 **"37-18-701. (Effective January 1, 2023) License required for to use veterinary technicians--**
5 **requirements -- license renewal -- use of initials or terms technician title.** (1) (a) An individual seeking to
6 practice as a may not use the title veterinary technician in this state must be unless licensed as a veterinary
7 technician by the board under Title 37, chapter 1, and this chapter.

8 (2) ~~To be eligible~~ An applicant for licensure as a veterinary technician, an applicant must:
9 (a) ~~shall file an application on a form furnished by the department and pay fees as prescribed by rule;~~
10 (b) ~~must meet the requirements of subsection (3); and~~
11 (c) ~~must meet additional requirements set by the board by rule.~~

12 (3) ~~(a) (i) Except as provided in subsection (3)(b), an applicant must be a graduate of~~ have
13 graduated from a program accredited by the American veterinary medical association as determined by board
14 rule and pass an examination as prescribed by the board.; or

15 (b) ~~An applicant who does not meet the qualifications required in subsection (3)(a) shall:~~
16 (i)(ii) ~~obtain a minimum of~~ have 4,500 hours of experience equivalent to that of a licensed veterinary
17 technician; and gained under the supervision and employment of a veterinarian; and
18 (ii)(b) ~~pass an examination as prescribed by the board rule.~~

19 (4) ~~Subject to review by the board, a person who does not hold an active license as a veterinary~~
20 technician may not state or imply orally, in writing, or in print that the person is a "licensed veterinary technician"
21 or use the initials "LVT."

22

23 **Section 130.** Section 37-19-302, MCA, is amended to read:

24 **"37-19-302. License required for practice of mortuary science -- qualifications of applicants. (1)**
25 An individual may not practice mortuary science unless licensed as a mortician or a mortician intern under Title
26 37, chapter 1, and this chapter. ~~The practice of mortuary science is limited to:~~

27 (a) ~~licensed morticians;~~

28 (b) ~~licensed interns; and~~

1 ~~(c) students exempted under 37-19-308.~~

2 ~~(2) A person 18 years of age or older wishing to practice mortuary science in this state must apply to~~
3 ~~the board on the form and in the manner prescribed by the board.~~

4 ~~(3)(2)~~ To qualify for a mortician's license, a person An applicant for licensure as a mortician intern
5 must have:

6 ~~(a) be of good moral character;~~

7 ~~(b)(a)~~ have graduated from an accredited college or university with an associate degree in mortuary
8 science; and

9 ~~(c)(b)~~ pass ~~passed~~ an examination prescribed by the board and pay the application fee set by the
10 board by rule; and,

11 ~~(d)(3)~~ serveAn applicant for licensure as a mortician must, in addition to the requirements in
12 subsection (2), have served a 1-year internship under the supervision of a licensed mortician in a licensed
13 mortuary after passing the examination provided for in subsection (3)(c) as prescribed by board rule.

14 ~~(4) A person who fails the examination required in subsection (3)(c) may retake the examination~~
15 ~~under conditions prescribed by rule of the board."~~

16

17 **Section 131.** Section 37-19-402, MCA, is amended to read:

18 **"37-19-402. Operator's Mortuary license requirements -- required facility inspections -- transfer**
19 **of license to new facility.** (1) The operation of A person may not operate a mortuary is prohibited by anyone
20 not holding a mortician's license. without an active mortuary license issued under Title 37, chapter 1, and this
21 chapter.

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

24 ~~(3)(2)~~ ~~(a) An applicant for a license to operate a new mortuary~~ must ~~shall send to the department a~~
25 ~~written and verified application on a form prescribed by the board. The application must be accompanied by an~~
26 ~~initial inspection fee.;~~

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

28 ~~(a)~~ have a licensed mortician in charge of the mortuary; and