

HOUSE BILL NO. 152

INTRODUCED BY B. MERCER

BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROFESSIONAL AND OCCUPATIONAL LICENSING BY THE DEPARTMENT OF LABOR AND INDUSTRY; REORGANIZING AND CLARIFYING GENERALLY APPLICABLE PROVISIONS UNDER AN ADMINISTRATIVE CHAPTER AND REMOVING REDUNDANT PROVISIONS; INCORPORATING DEPARTMENT LICENSING PROGRAMS INTO THE ADMINISTRATIVE CHAPTER; CREATING A UNIFORM LICENSING APPLICATION PROCESS; REVISING LICENSURE BY ENDORSEMENT AND CHANGING TERMINOLOGY; REDUCING TIMELINES AND REVISING PROVISIONS TO ISSUE LICENSES; REVISING AND CREATING UNIFORM DUTY OF LICENSEE AND LICENSE APPLICANT TO SELF-REPORT AND REPORT UNPROFESSIONAL CONDUCT OF OTHERS; REVISING UNIFORM FINGERPRINTING PROCESS FOR CERTAIN APPLICANTS; REVISING AND CREATING UNIFORM STANDARDS FOR MENTAL AND PHYSICAL EVALUATIONS; REVISING AND CREATING UNIFORM DUTY TO PROVIDE CONTACT INFORMATION; PROVIDING NOTICE OF PRIMARY METHOD OF COMMUNICATION; PROVIDING AUTHORITY TO CONSENT TO NOTICE BY ELECTRONIC PROCESS; REVISING PROVISIONS FOR LICENSE RENEWAL, LAPSE, TERMINATION, AND CONTINUING JURISDICTION; REVISING TEMPORARY LICENSURE TERMINOLOGY AND CREATING A PROVISIONAL LICENSE AND LIMITED PRACTICE REGISTRATION; ESTABLISHING A MILITARY SPOUSE TEMPORARY LICENSE; REVISING MILITARY PERSONNEL EXEMPTIONS; REVISING CONTINUING EDUCATION REQUIREMENTS; REVISING DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY; REVISING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY RELATED TO FISCAL ADMINISTRATION OF BOARDS AND PROGRAMS, DETERMINING SUBSTANTIAL EQUIVALENCY, AND INVESTIGATING COMPLAINTS; REVISING AND CLARIFYING PROVISIONS RELATED TO DISCIPLINARY ACTIONS AND CONTESTED CASES; REVISING RESPONSIBILITIES AND AUTHORITY OF BOARDS AND PROGRAMS; PROVIDING RULEMAKING AUTHORITY; AMENDING SECTIONS 2-15-121, 2-15-1738, 2-15-1749, 20-4-502, 20-5-420, 20-9-327, 20-26-1511, 25-1-1101, 27-1-1101, 27-12-206, 28-10-103, 32-9-104, 33-18-217, 33-22-111, 33-30-1013, 33-31-102, 37-1-104, 37-1-106, 37-

# Amendment - 1st Reading-white - Requested by: Edward Buttrey - (H) Business and Labor

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

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

**NEW SECTION. Section 1. Application -- licensing -- proof of licensure.** (1) To obtain a license or

an endorsement on a license to practice a profession or occupation or to operate a facility in which the practice  
takes place, a person must apply on a form and pay a fee prescribed by the department. The applicant must  
attest to and provide evidence satisfactory to the department that the applicant:

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

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

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

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

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

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

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

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

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

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

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

9        ~~(3)~~(2) An applicant for licensure as a speech-language pathologist or audiologist must, as further  
10 prescribed by board rule:

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

14        ~~(4)~~(3) An applicant for licensure as a speech-language pathology assistant or an audiology assistant  
15 must:

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

20        ~~(5)~~(4) This section may not be construed to prohibit speech-language pathologists, audiologists, or  
21 assistants from delegating tasks to unlicensed individuals.

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

25            (2) An applicant for licensure as a psychologist must:

- 26            (a) (i) have a doctoral degree in clinical psychology from an accredited college or university with a  
27 graduate program approved by the American psychological association; or  
28            (ii) if the doctoral degree possessed under subsection (2)(a) is in psychology and the graduate

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

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

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

(2) ~~To be eligible~~ An applicant for licensure as a veterinary technician, an applicant must:

~~(a) shall file an application on a form furnished by the department and pay fees as prescribed by rule;~~

~~(b) must meet the requirements of subsection (3); and~~

~~(c) must meet additional requirements set by the board by rule.~~

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

~~(b) An applicant who does not meet the qualifications required in subsection (3)(a) shall:~~

~~(i)(ii) obtain a minimum of~~ have 4,500 hours of experience equivalent to that of a licensed veterinary technician; and gained under the supervision and employment of a veterinarian; and

~~(ii)(b) pass an examination as prescribed by the board~~ rule.

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

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

**"37-19-302. License required for practice of mortuary science -- qualifications of applicants. (1)**

An individual may not practice mortuary science unless licensed as a mortician or a mortician intern under Title 37, chapter 1, and this chapter. ~~The practice of mortuary science is limited to:~~

~~(a) licensed morticians;~~

~~(b) licensed interns; and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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