

Department of Labor & Industry

HB 152 - Title 37 Reform

Representative Bill Mercer, HD 46

Pursuant to Executive Order 1-2021 “Red Tape Reform” the Department of Labor & Industry, Employment Standards Division proposes the following legislation affecting Montana professional and occupational licensing to address “excessive, outdated, unnecessary, or burdensome” regulations. In addition to the reforms detailed below, this bill repeals 274 duplicative sections of code to ensure clear understanding and enforcement of licensing standards across all covered occupations.

Easing Licensing Restrictions

- Expands Opportunities for the Military and their Families
 - Authorizes a three-year temporary license to the spouse of an active military member who has an active license in good standing from another jurisdiction.
 - Extends the continuing education and licensing renewal requirements exemption for active-duty military to six months after the completion of active duty.
 - Repeals 35 verbatim rules to simplify the “relevant military training, service, or education” equivalencies for licensing requirements into a single chapter.
- License by Endorsement – Increasing License Mobility for Licensees from Other States
 - Grants the Department the authority – rather than a board – to make substantial equivalency decisions on applicants licensed in another state. The Department will refer to the board only those applications the department has deemed not substantially equivalent.
 - If the state standards of the predicate license are not substantially equivalent to Montana’s, the department will present the individual applicant’s qualifications and work experience to the board for the final decision.

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- Creates a “provisional” license to allow licensure pending a fingerprint and background check or verification of additional information provided if the applicant has attested to having no adverse licensure, criminal, employment, or other history.
- Board Specific Changes
 - Chiropractors: Repeals the obsolete Chiropractic Impairment Evaluator Certification – as all chiropractors can perform evaluations for purposes of worker’s compensation.
 - Midwives: Eliminates requirements beyond the standards of the North American Registry of Midwives.

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Consistency and Clarity

- Adds the term “program” where “board” is specified in order to enact uniform procedures and principles that apply to all boards and programs.
- Authorizes the Department to set all fees to ensure consistent and transparent fee structures.
- Adopts uniform language as applicable to: defining the scope of practice, the title of the license type that may engage in the practice, title protection, and unprofessional conduct; as well as establishing licensing qualification and standards of practice.
- Removes unnecessary repetition of unprofessional conduct provisions and consolidates those provisions in one chapter to include:
 - Conduct defined as a sexual crime regardless of whether the conduct occurs during or relating to the practice.
 - Conduct that is a violation of the Human Rights Act.
 - Failing to cooperate with an investigation.
 - Violation of federal, state, or local law related to the profession.
- Strikes language from practice acts and administrative rules that do not focus on provisions unique to the profession or occupation.

