



MONTANA
ADMINISTRATIVE
REGISTER



**BOARD OF ALLIED HEALTH CARE PROFESSIONALS
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-147.1

Summary

Establishing rules for the Board of Allied Health Care Professionals

Hearing Date and Time

Friday, May 29, 2026, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87822975781>

Meeting ID: 878 2297 5781; Password: 7483719560

Dial by Telephone: +1 646 558 8656

Meeting ID: 878 2297 5781; Password: 7483719560

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, June 5, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Friday, May 22, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

General Reasonable Necessity Statement

The 2025 Legislature passed House Bill (HB) 502, which effectuated the consolidation of three boards—Clinical Laboratory Science Practitioners, Respiratory Care Practitioners, and Radiologic Technologists—into the Board of Allied Health Care Professionals (board). There is reasonable necessity for this new board to establish the standards applicable to all license types under its jurisdiction. As a result of the consolidation, the rules of the three boards will no longer be effective. To provide clarity of process, the administrative rules of each board are specifically addressed in this rulemaking—rules are proposed for transfer and amendment or repeal. In addition, this rulemaking proposes several new rules. The primary effort of this rulemaking is to eliminate duplication from the rules currently in place and to effectuate stand-up of the new board. Substantive changes are proposed primarily where there is statutory duplication or change is necessitated by legislation.

Rulemaking Actions

TRANSFER AND AMEND

The rules proposed to be transferred and amended are as follows, stricken matter interlined, new matter underlined:

24.129.402 (24.110.605) SUPERVISION

- (1) The degree of supervision required of the clinical laboratory technician by the clinical laboratory scientist or specialist shall be determined by the supervisor after an evaluation of appropriate factors including but not limited to the following:
 - (a) the complexity of the test to be performed;

- (b) the training and capability of the technician to whom the laboratory test is delegated; and
 - (c) the demonstrated competence of the technician in the procedure being performed.
- (2) The supervisor shall make written documentation after an evaluation has occurred and a copy of the evaluation shall be made available to the technician.
 - (3) The supervisor must keep written documentation of the evaluation in accessible written or electronic format.
 - (4) Depending on the evaluation made pursuant to (1), the supervisor shall make a determination of how critical it is for the supervisor to be immediately available to provide guidance and supervision to the technician. The supervisor shall make a determination based on all relevant factors whether to be accessible via onsite, telephonic, or electronic consultation and shall identify the level of supervision, or different levels of supervision for different tests, on the written evaluation of the technician.
 - (a) Onsite supervision means that the supervisor is physically present on the premises and immediately available for direction and supervision of the technician at all times.
 - (5) The supervisor shall promptly provide copies of the evaluations of technicians to the board or board's representative upon request.

Authorizing statute(s): ~~37-34-201~~ 37-46-103, MCA

Implementing statute(s): 37-34-103, ~~37-34-201~~ 37-34-305, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502.

24.129.603 (24.110.601) MINIMUM STANDARDS FOR CLINICAL LABORATORY LICENSURE

- (1) In addition to the requirements of 37-34-303, MCA, applicants for licensure shall meet the following additional qualifications:
 - (a) Applicants for a license as a clinical laboratory scientist must have graduated from an accredited college or university with a baccalaureate degree with at

least 36 semester or 54 quarter hours in the physical and biological sciences. The applicant must also have passed a generalists examination offered by a national certifying body for clinical laboratory scientists.

(b) Applicants for a license as a clinical laboratory specialist must have graduated from an accredited college or university with a baccalaureate degree with at least 36 semester or 54 quarter hours in the physical and biological sciences. The applicant must also have passed a specialist examination offered by a national certifying body for clinical laboratory specialists. The following are areas of clinical laboratory science for which the board will grant a specialist's license:

- (i) clinical chemistry;
- (ii) hematology;
- (iii) microbiology;
- (iv) cytology;
- (v) immunohematology;
- (vi) cytogenetics; and
- (vii) molecular biology.

(c) Applicants for a license as a clinical laboratory technician must have graduated with an associate degree or possess 60 semester or 90 quarter hours in a science-related discipline, or completed a military medical laboratory training program of at least 12 months in duration. The applicant must also have passed a technician examination offered by a national certifying body for clinical laboratory science technicians.

(2) Examinations administered by the following national certification agencies are approved by the board:

- (a) American Association of Clinical Chemists (AACC);
- (b) American Medical Technologist (AMT);
- (c) American Society for Clinical Pathology (ASCP);
- (d) American Society for Microbiology (ASM);
- (e) International Society for Clinical Laboratory Technology (ISCLT);
- (f) American Board of Medical Genetics (ABMG);
- (g) National Registry of Certified Chemists (NRCC);
- (h) National Certification Agency (NCA); or

- (i) American Association of Bioanalysts (AAB).
- (3) Applicants holding valid licensure to practice in another state or jurisdiction shall submit verifications from all states where the applicant has held or holds a license.
- (4) Foreign-trained applicants shall be required to use an evaluation of educational background performed by the World Education Services (WES) or another evaluating entity approved by the board.

Authorizing statute(s): 37-1-131, ~~37-34-201~~ 37-46-103, MCA

Implementing statute(s): 37-1-131, 37-34-303, 37-34-305, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. The title of the rule is amended to include the title of the license type it governs. Due to the consolidation of multiple license types under a single board, this will provide clarity for users.

24.129.610 (24.110.610) INACTIVE STATUS

- (1) A licensee may place the licensee's license on inactive status by:
 - (a) submitting a written request for inactive status; ~~and~~
 - (b) paying the required fee in accordance with ~~37-1-134, MCA, and ARM 24.129.401;~~ and
 - (c) renewing the inactive license.
- ~~(2) A licensee on inactive status has sole responsibility for providing the board information regarding changes in residency or mailing address.~~
- ~~(3) With annual renewal, and payment of the required fee in accordance with ARM 24.129.401, a licensee may remain on inactive status.~~
- ~~(4)~~(2) No continuing education hours are required to maintain a license on inactive status.

Authorizing statute(s): 37-1-131, 37-1-134, 37-1-319, 37-46-103, MCA

Implementing statute(s): 37-1-131, 37-1-134, 37-1-141, 37-1-319, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. Sections (2) and (3) are proposed to be stricken as unnecessary.

24.129.611 (24.110.611) REACTIVATION OF INACTIVE LICENSE

- (1) For a licensee to reactivate an inactive license, the licensee must:
 - (a) file a reactivation of inactive status application form, as provided by the board, and pay the required fee ~~in accordance with ARM 24.129.401~~; and
 - (b) submit proof of obtaining the required continuing education ~~in accordance with ARM 24.129.2101~~, for the two-year period immediately preceding the submission of a reactivation application.

Authorizing statute(s): 37-1-131, 37-1-319, ~~37-34-201~~ 37-46-103, MCA

Implementing statute(s): 37-1-131, 37-1-319, ~~37-34-201~~ 37-1-141, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. Cross references are proposed to be stricken as unnecessary and incorrect due to the transfer of rules.

24.129.612 (24.110.612) ~~TEMPORARY PRACTICE PERMITS~~ PROVISIONAL LICENSES

- (1) An applicant for a ~~temporary practice permit~~ provisional license must:
 - (a) make application to the board on approved application forms;
 - (b) provide original college transcripts;
 - (c) pay the appropriate fee;
 - (d) be approved to take the first available examination; and
 - (e) identify the licensed individual(s) who shall be responsible for providing direct, onsite supervision.

- (2) A ~~temporary practice permit~~ provisional license expires after 120 days from the day of issuance.
- (3) Only one ~~temporary practice permit~~ provisional license will be issued per applicant.
- (4) An applicant who fails the ~~exam~~ examination must notify the board office immediately. Failure of the examination automatically ~~voids the temporary practice permit~~ expires the provisional license.
- (5) The applicant may retake the examination, but another ~~temporary practice permit~~ provisional license will not be issued.

Authorizing statute(s): 37-1-319, 37-46-103, MCA

Implementing statute(s): 37-1-144, 37-1-305, 37-1-319, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. References to temporary practice are amended to refer to provisional licensing due to legislative changes in HB 414 (2025), which standardized across all occupational licensing boards use of the terms temporary license and provisional license.

24.204.408 (24.110.808) RADIOLOGIC TECHNOLOGISTS APPLICATIONS

- (1) Applications shall be made on forms provided by the department.
- (2) ~~The application must be complete, accompanied by the appropriate fee(s), and contain sufficient evidence that the applicant possesses the qualifications set forth in Title 37, chapter 14, MCA, and rules promulgated thereunder.~~
- (3) ~~The board shall review fully completed nonroutine applications for compliance with board law and rules. The board may request additional information or clarification of information provided in the application as it deems reasonably necessary. Applicants shall be informed of incomplete applications with a statement regarding incomplete portions.~~
- (4) ~~The applicant shall correct any deficiencies and provide the missing information as requested. Failure to provide the missing information within 60 days shall be treated as a voluntary withdrawal of the application. In order to consider an applicant after voluntary withdrawal, a new application and fee(s) is required.~~

- ~~(5)(2)~~ An application for licensure shall be submitted to the board office with copies of the following documents:
- ~~(a)~~ three statements from persons attesting to the applicant's good moral character;
 - ~~(b)~~(a) application fee; and
 - ~~(c)~~ original license fee; and
 - ~~(d)~~(b) evidence of certification by the American Registry of Radiologic Technologists (ARRT) in x-ray technology. This evidence shall consist of the applicant being listed in the current ARRT directory. When the applicant is not listed in the current ARRT directory, the applicant shall submit to the board a certified copy issued by the ARRT of the original registration certificate. This certification must be maintained throughout licensure and attested to on renewal.
- ~~(6)~~ Applications and related data will be kept in permanent files and maintained by the board office.

Authorizing statute(s): 37-1-131, ~~37-14-202~~ 37-46-103, MCA

Implementing statute(s): ~~37-14-302~~, 37-14-305, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule to set forth the application requirements under the new board. There is necessity to strike (5)(a) because it constitutes a barrier to entry without providing a merits-based assessment of the qualifications of an applicant for licensure. Statutorily, a license applicant is required to be of good moral character; that three people write a statement to that effect does not constitute reasonable evidence of the same. There is necessity to strike (5)(c) because the fee types are proposed to be consolidated in this rulemaking. There is reasonable necessity to strike (2) through (4) and (6) because they set forth business processes which need not be in rule.

24.204.415 (24.110.815) INSPECTIONS

- (1) An inspection shall be conducted by the board or its designees in accordance with 37-14-322, MCA.
- (2) A reinspection shall be made for any noncompliance found by the board or its designees ~~in accordance with 37-14-307, MCA.~~

- (3) The inspection will commence no later than 20 minutes after the inspector's arrival.
- (4) It is up to the employer of a licensee or permit holder to determine whether licenses and permits must be posted at the facility.
- (5) Licenses or permits not posted must be immediately available to the inspector upon request.

Authorizing statute(s): ~~37-14-202~~ 37-46-103, MCA

Implementing statute(s): ~~37-14-307~~, 37-14-322, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502.

24.204.501 (24.110.820) LIMITED PERMIT APPLICATION - TYPES

- (1) A ~~temporary practice~~ limited permit as provided in 37-14-306, MCA, may be obtained by radiologic technologist course graduates who have completed all requirements for licensure other than passage of the American Registry of Radiologic Technologists (ARRT) examination. In reference to 37-14-306, MCA, when the examination has been taken, the ~~temporary~~ limited permit is valid until notification by the examination service that the person either fails the first license examination for which the person is eligible following issuance of the ~~temporary~~ limited permit, or passes the examination and is granted a license.
- (2) A limited ~~practice~~ permit as provided in 37-14-306, MCA, may be obtained by:
 - (a) graduates of a minimum 104-hour board approved course set forth in ARM ~~24.204.507~~ [24.110.827]; or
 - (b) students who have completed half of a radiologic technologist program accredited by a mechanism recognized by the ARRT.
- ~~(3) A temporary regional hardship permit as provided in 37-14-306, MCA, may be sought by applicants under the circumstances set forth in ARM 24.204.414.~~
- ~~(4)~~(3) Upon approval of the limited permit application, the applicant shall submit the appropriate examination fee.

~~(5)~~(4) Upon passage of the examination, the license is issued. Applicants who fail the examination must make a request to the board to be registered for the examination again and pay the examination fee.

Authorizing statute(s): 37-1-131,~~37-14-202~~, 37-14-306, 37-46-103, MCA

Implementing statute(s): 37-14-305, 37-14-306, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. There is necessity to change references from “temporary practice” to “limited permit” due to changes made in HB 414. These changes did not substantively change the purpose of the permit, but changed its title. However, the regional hardship permit was stricken from statute in the bill. As a result, there is necessity to repeal (3).

24.204.504 (24.110.824) LIMITED PERMITS - PRACTICE LIMITATIONS

- (1) Upon successful completion of the required formal training and the required examination, the board may issue a limited permit to the applicant which specifies the x-ray procedures the limited permit holder is authorized to perform. The limited permit holder may only take x-rays as follows:
 - (a) in the chest area, consisting of the thoracic region including the lungs, AP (anterior posterior) or PA (posterior anterior) views, lateral and apical lordotic routine chest exposures, and other views as needed by the ordering physician or interpreting radiologist, but in no case involving mammography procedures;
 - (b) of the extremities, AP or PA, lateral, and oblique routine exposures;
 - (c) of the spine, AP, lateral, and oblique routine exposures of the cervical, thoracic, and lumbar areas;
 - (d) all routine views of the skull and sinuses, with the exception of internal auditory canal series and mastoid series;
 - (e) of the abdomen, consisting of the region from the diaphragm to the pubis, routine supine and upright AP abdomen projection, and IVP (intravenous pyelogram) scout and follow-up films as specified by the supervising radiologist or physician; and

- (f) for GI (gastrointestinal) tract and associated overhead films, the limited permit holder may assist the physician in fluoroscopic examination of the GI tract and may produce films of all associated overhead views as ordered by the physician.
- (2) A limited practice permit holder or applicant may perform bone densitometry examinations upon successful completion of the bone densitometry equipment operators examination administered by the American Registry of Radiologic Technologists (ARRT) or the International Society of Clinical Densitometry (ISCD).
- (3) Limited permit holders who completed the 104-hour training are not authorized or permitted to perform fluoroscopy procedures due to the difficulty in monitoring, limiting, and controlling the accumulative doses of ionizing radiation.
- (4) A student of a radiologic technologist program accredited by a mechanism recognized by the ARRT is allowed to perform procedures with portable fluoroscopy equipment (also known as C-Arm), provided the student has submitted documentation to the board that:
 - (a) identifies the student as being enrolled in a radiology program accredited by a mechanism recognized by the ARRT;
 - (b) the student will be performing portable fluoroscopy procedures as a student with routine supervision;
 - (c) identifies the names of the student's clinical supervisors; and
 - (d) identifies the facility which will allow the student to receive clinical experience, including the performance of duties outside the scope of a limited permit holder.
- (5) If a student of a radiologic technologist program accredited by a mechanism recognized by the American Registry of Radiologic Technologists (ARRT) has completed the first two semesters of the program or its equivalent, as determined by the board, and has become a limited permit holder, that person may perform procedures while operating portable fluoroscopy equipment and may be compensated as long as the student is not performing procedures for course credit and has completed the clinical time requirements.

Authorizing statute(s): 37-1-131, ~~37-14-202~~ 37-46-103, MCA

Implementing statute(s): 37-14-301, 37-14-306, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. HB 414 necessitates changes to the rule to refer to limited permits, rather than “permits.”

24.204.507 (24.110.827) COURSE REQUIREMENTS FOR LIMITED PERMIT APPLICANTS

- (1) Course providers shall receive board approval for correspondence or online course(s), prior to offering the courses outlined below and shall submit a request for reapproval every two years thereafter. The provider shall submit for the board's review, a course outline, agenda and the identification and qualifications of all instructors. Board-approved course content must be compliant with American Registry of Radiologic Technologists (ARRT) recognized curriculum.
 - (a) Courses that meet the requirements of this rule shall be board approved.
 - (b) All instructors shall be ARRT certified or limited permit holders in the state of Montana. Approved course providers, instructors, or designees with five years experience include: radiologic technologists, limited permit holders, radiologic practitioner assistants/radiologist assistants, podiatrists, radiologists, and chiropractors.
- (2) The course shall be a minimum of 104 hours in length and shall include:
 - (a) fundamentals of radiobiology;
 - (b) imaging equipment;
 - (c) fundamentals of radiation protection;
 - (d) fundamentals of x-ray physics;
 - (e) radiographic technique and principles of radiographic exposure;
 - (f) darkroom procedures;
 - (g) interrelationship of the radiographic chain (i.e., technique vs. darkroom procedures);
 - (h) adverse contrast reaction;
 - (i) medical, legal and ethical - four hours;
 - (j) radiation safety - eight hours; and
 - (k) image production and evaluation - film critique - four hours.

- (3) Additional courses and clinical competencies to include anatomy, physiology, positioning, pathology, x-ray technique, and proper handling of trauma patients, shall be required for the applicant to qualify for examination in each of the specified limited x-ray procedures. Course length and clinical competencies specified for each limited x-ray procedure are:
 - (a) chest - minimum four hours, and passing competencies - ten actual;
 - (b) extremities - minimum eight hours, and passing upper extremities competencies - five actual and passing lower extremities competencies - five actual;
 - (c) spine - minimum eight hours, and passing competencies - ten actual;
 - (d) skull - minimum eight hours, and passing competencies - ten, all of which may be simulated;
 - (e) abdomen - minimum four hours, and passing competencies - ten actual;
 - (f) GI tract and associated overhead films - eight hours, and passing competencies - ten, all of which may be simulated; and
 - (g) positioning - minimum eight hours, and passing competencies - ten actual.
- (4) Demonstration of competence includes: requisition evaluation, patient assessment, room preparation, patient management, equipment operation, technique selection, position skills, radiation safety, image processing, and image evaluation.
- (5) Demonstration of clinical competence means that the approved course providers, instructors, or designee have observed the limited permit applicant performing the procedure, and that the applicant performed the procedure independently, consistently, and effectively. Applicants must demonstrate competence as outlined in (3) in the categories the applicant is requesting to be authorized to take x-ray procedures in.
- (6) A board approved checklist for demonstration of competencies will be included with the ~~downloadable~~ application.
- (7) At no time may the applicant initiate ionizing exposure during performance of the clinical competencies.
- (8) To be exempt under 37-14-301, MCA, from obtaining a permit, any person performing only darkroom procedures must complete an eight-hour course in darkroom procedures.

Authorizing statute(s): 37-1-131, ~~37-14-202~~ 37-46-103, MCA

Implementing statute(s): 37-14-301, 37-14-306, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502.

24.204.511 (24.110.831) LIMITED PERMIT EXAMINATIONS

- (1) All limited permit applicants shall take and pass the American Registry of Radiologic Technologists (ARRT) limited scope core examination.
 - (a) The ARRT limited scope core examination contains questions common to all areas of specified x-ray procedures and includes the following topics:
 - (i) basic radiobiology;
 - (ii) radiation protection;
 - (iii) imaging equipment;
 - (iv) x-ray physics;
 - (v) radiographic technique and principles of radiographic exposure;
 - (vi) darkroom procedures; and
 - (vii) interrelationship of the radiographic chain.
- (2) In addition to the ARRT limited scope core examination, 104-hour course graduates shall complete a module examination for selected anatomic regions in which the applicant desires to be permitted.
 - (a) Each module examination shall include questions common to the individual module in the following areas:
 - (i) anatomy;
 - (ii) physiology;
 - (iii) pathology; and
 - (iv) x-ray technique.
 - (b) Limited permits are issued in Montana in the following five categories:
 - (i) chest;
 - (ii) extremities;
 - (iii) skull and sinuses;

- (iv) spine; and
 - (v) abdomen, gastrointestinal tract, and hip and pelvis (state combined examination).
- (3) "State combined examination" as used in this rule means the examination consisting of abdomen (AB), gastrointestinal tract (GI) (postfluoroscopy films only), and hip and pelvis examinations.
- (4) Applicants may review their state combined examination with administrative staff for the board at the board office or at an approved site designated by the board.
- (5) A nonrefundable fee will be assessed for the combined examination. After failing the combined examination, the applicant will be required to submit another state combined examination retake fee.
- (6) Applicants for 104-hour course permit who fail any portion of the ARRT limited scope examination (core or any module examination) on two attempts shall be required to successfully complete additional coursework in the failed area(s) of the examination before being allowed to retake the failed portion(s) of the examination a third time.
 - (a) On a case-by-case hardship basis, the board may allow an unsuccessful applicant to receive tutoring in lieu of the additional coursework. A tutor must have at least five years experience as a licensed radiologic technologist and possess a current ARRT card or be a limited permit holder with five years experience and a current limited permit license. Limited permit holders cannot tutor radiologic technologists. The tutor must submit for board approval the tutor's qualifications and an outline of the materials and topics to be studied by the applicant under the instruction of the tutor. The applicant is responsible for paying all costs associated with the tutorial.
- (7) Student permit applicants (having completed two semesters or its equivalent from a radiologic technology program accredited by a mechanism recognized by the ARRT) are only required to take the ARRT limited scope core examination. If student permit applicants fail the ARRT limited scope core examination on two attempts they shall retake:
 - (a) the limited scope core examination;
 - (b) all four individual module examinations; and
 - (c) the state combined examination.
- (8) Temporary Limited permit applicants (graduates of a radiologic technology program accredited by a mechanism recognized by the ARRT) who have failed the ARRT radiologic technologist examination four times shall take:
 - (a) the ARRT limited scope core examination;

- (b) all four individual module examinations; and
 - (c) the state combined examination.
- (9) A minimum passing score of 70 percent is required on the ARRT limited scope core examination, each module examination, and the state combined examination.
- (10) All requests for reasonable accommodations under the Americans with Disabilities Act of 1990, 42 USC 12101, et seq., in regard to a board-administered licensing examination must be made on forms provided by the board and submitted with the application for examination prior to any deadline set by the board.

Authorizing statute(s): 37-1-131, ~~37-14-202~~ 37-46-103, MCA

Implementing statute(s): 37-1-131, 37-14-306, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. HB 414 necessitated changing “temporary” to “limited” in (8).

24.204.601 (24.110.840) QUALIFICATIONS

- (1) A radiologist assistant (RA) may also be referred to as a radiology practitioner assistant (RPA) pursuant to 37-14-313, MCA, including current licensees or students currently enrolled in the 2005 school year.
- (2) To practice as a RA/RPA, an applicant shall:
- (a) be a graduate of a RA educational program that:
 - (i) culminates in the award of a baccalaureate degree, postbaccalaureate certificate, or master's degree from an institution accredited by a mechanism recognized by either:
 - (A) ARRT;
 - (B) American college of radiology; or
 - (C) American society of radiologic technologists; and
 - (ii) incorporates a radiologist-directed clinical preceptorship; and
 - (iii) meets the eligibility requirements for certification by the ARRT.

- (A) The board will accept certification from the ARRT or the certification board for ~~radiologist~~ radiology practitioner assistants (CBRPA) for eligibility to sit for the CBRPA certification or ARRT examination;
- (b) maintain an active ARRT registration status in radiography;
- (c) submit a copy of current certification in advanced ~~cardiac~~ cardiovascular life support (ACLS) skills;
- (d) furnish validation of participation in continuing education activities with a minimum of 24 hours of continuing education credits annually;
- (e) hold a current Montana radiologic technologist (RT) license; and
- (f) submit to the board a letter from the supervising radiologist certifying completion of a clinical preceptorship.

Authorizing statute(s): 37-1-131, ~~37-14-202~~ 37-46-103, 37-14-313, MCA

Implementing statute(s): 37-14-313, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502.

24.204.603 (24.110.843) SCOPE OF PRACTICE - SPECIFIC DUTIES AND FUNCTIONS

- (1) The RA/RPA shall evaluate the day's schedule of procedures with the supervising radiologist or the radiologist designate and determine where the RA/RPA's skills will be best utilized.
- (2) After demonstrating competency, the RA/RPA, under the general supervision of the supervising radiologist or the radiologist designate, may perform the following procedures:
 - (a) fluoroscopic procedures (static and dynamic);
 - (b) arthrograms, pursuant to 37-14-301, MCA; and
 - (c) peripheral venograms, pursuant to 37-14-301, MCA.

- (3) The RA/RPA may make initial observations of diagnostic images and forward them to the supervising radiologist.
- (4) The RA/RPA shall assess and evaluate the psychological and physiological responsiveness of each patient.
- (5) The RA/RPA shall participate in patient management, including acquisition of additional imaging for completion of the exam and record documentation in medical records.
- (6) The RA/RPA shall administer intravenous contrast media or glucagon under the supervision of a radiologist or the attending physician pursuant to 37-14-301, MCA.
- (7) "Radiologist designate", ~~as used in this rule,~~ means a radiologist, MD who has been named radiologist designate by the supervising radiologist, MD. The radiologist designate must reside in Montana and have a current Montana license.

Authorizing statute(s): 37-1-131, ~~37-14-202~~, 37-14-313, 37-46-103, MCA

Implementing statute(s): 37-14-102, 37-14-301, 37-14-313, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502.

24.204.605 (24.110.845) SCOPE OF REQUIRED SUPERVISION

- (1) A RA/RPA may only perform diagnostic procedures under the general supervision of a licensed radiologist. In order for a RA/RPA to be considered under the general supervision of a radiologist, the RA/RPA must:
 - (a) meet with the supervising radiologist on a regularly scheduled basis of not less than once every month;
 - (b) provide the supervising radiologist with copies of records from procedures the RA/RPA has performed;
 - (c) seek input from the supervising radiologist regarding any issues relating to the RA/RPA's performance of diagnostic procedures; and
 - (d) have a means of contacting the radiologist in order to obtain a timely consultation.

- (i) Consultations with the supervising radiologist are considered timely if the radiologist replies to the RA/RPA within eight hours of the RA/RPA's request for consultation.
- (2) Consultations with the supervising radiologist shall be conducted as needed:
 - (a) in person;
 - (b) by telephone;
 - (c) by interactive videoconferencing; or
 - (d) by electronic means of communication, such as e-mail or picture, archives, and communication system (PACS)-.
- (3) The RA/RPA shall not perform any diagnostic procedure for which a consultation is needed or appropriate, until such time as consultation has occurred and the RA/RPA has been advised or directed by the radiologist on how to proceed.

Authorizing statute(s): 37-1-131, ~~37-14-202~~, 37-14-313, 37-46-103, MCA

Implementing statute(s): 37-14-102, 37-14-313, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502.

24.213.301 (24.110.1001) DEFINITIONS EMERGENCY PROCEDURES

- ~~(1) "Clinical supervision" means the availability of a licensed respiratory care practitioner for purposes of immediate communication and consultation.~~
- ~~(2)~~(1) "Emergency procedures" per 37-28-102, MCA, includes, but is not limited to, physician-approved protocols relating to life-sustaining procedures in emergency situations in the absence of the immediate direction of a physician. Emergency respiratory care may also be provided during transportation of a patient and under any circumstances where an epidemic, public disaster, or other emergency necessitates respiratory care.
- ~~(3) "NBRC" means the National Board for Respiratory Care.~~
- ~~(4) "Pulmonary function testing" means diagnostic procedures that, pursuant to the orders of a physician, may be performed only by or under clinical supervision of a~~

licensed respiratory care practitioner or other licensed health care provider who has met the minimum competency standards.

Authorizing statute(s): ~~37-28-104~~ 37-46-103, MCA

Implementing statute(s): 37-28-102, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and rename this rule because the board is required to define “emergency procedures.” However, the definitions of clinical supervision and pulmonary function testing are better included in the rules for authorization to perform pulmonary function testing, since that is the only place where the terms are used. This provides for a complete rule. NBRC is not used in this rule, and therefore can be stricken.

24.213.408 (24.110.1008) EXAMINATION

- (1) Respiratory care practitioner applicants must pass the National Board for Respiratory Care certification examination for entry-level respiratory therapy practitioners.

Authorizing statute(s): 37-1-131, ~~37-28-104~~ 37-14-202, MCA

Implementing statute(s): 37-1-131, 37-28-202, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502.

24.213.504 (24.110.1028) AUTHORIZATION TO PERFORM PULMONARY FUNCTION TESTING

- (1) Licensees may perform pulmonary function testing if the individual has passed any one of the following certification or registry examinations:
 - (a) entry level respiratory therapist (CRT);
 - (b) advanced level respiratory therapist (RRT);

- (c) entry level pulmonary function technologist (CPFT); or
- (d) advanced pulmonary function technologist (RPFT).

(2) For purposes of this rule, the following definitions apply:

- (a) “clinical supervision” means the availability of a licensed respiratory care practitioner for purposes of communication and consultation;
- (b) “pulmonary function testing” means diagnostic procedures that, pursuant to the orders of a physician, may be performed only by or under clinical supervision of a licensed respiratory care practitioner or other licensed health care provider who has met the minimum competency standards.

Authorizing statute(s): 37-1-131, ~~37-28-104~~ 37-46-103, MCA

Implementing statute(s): 37-1-131, 37-28-102, MCA

Reasonable Necessity Statement

There is reasonable necessity to transfer and amend this rule for the reasons set forth in the general statement of reasonable necessity. The authorization and implementation citations are amended due to HB 502. Additionally, see the reasonable necessity statement for ARM 24.213.301 (24.110.1001).

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 BOARD ORGANIZATION

- (1) The Board of Allied Health Care Professionals adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title.

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to set forth the board's organization. The rule is statutorily required. The adoption specifically references the organizational rules of the Department of Labor and Industry (department), in line with all other attached licensing boards.

NEW RULE 2 PROCEDURAL RULES

- (1) The Board of Allied Health Care Professionals adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title.

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to set forth the board's procedures. The rule is statutorily required. The adoption specifically references the procedural rules of the department, in line with all other attached licensing boards.

NEW RULE 3 PUBLIC PARTICIPATION

- (1) The Board of Allied Health Care Professionals adopts and incorporates the public participation rules of the Department of Labor and Industry as listed in chapter 2 of this title.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to set forth the board's public participation requirements. The rule is statutorily required. The adoption specifically references the public participation rules of the department, in line with all other attached licensing boards.

NEW RULE 4 FEES

- (1) Application fee:
 - (a) clinical laboratory scientist - \$100;
 - (b) clinical laboratory specialist - \$100;
 - (c) clinical laboratory technician - \$100;
 - (d) clinical laboratory scientist provisional license - \$25;
 - (e) radiologic technologist - \$100;
 - (f) radiologic technologist limited permit - \$100;
 - (g) respiratory care practitioner - \$100.
- (2) Renewal fee for active status:
 - (a) clinical laboratory scientist - \$100;
 - (b) clinical laboratory specialist - \$100;
 - (c) clinical laboratory technician - \$100;
 - (d) radiologic technologist - \$75;
 - (e) respiratory care practitioner - \$75.
- (3) Renewal fee for inactive status:
 - (a) clinical laboratory scientist - \$50;
 - (b) clinical laboratory specialist - \$50;
 - (c) clinical laboratory technician - \$50.
- (4) Additional standardized fees are specified in ARM 24.101.403.

Authorizing statute(s): 37-1-131, 37-46-103, MCA

Implementing statute(s): 37-1-134, 37-1-141, MCA

Reasonable Necessity Statement

There is reasonable necessity to set forth license application and renewal fees for all license types under the jurisdiction of the board. While set forth in a new rule, these fees are carried forward from those which existed under the prior boards.

NEW RULE 5 FEE ABATEMENT

- (1) The board adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301.

Authorizing statute(s): 37-1-131, 37-46-103, MCA

Implementing statute(s): 17-2-302, 17-2-303, 37-1-134, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to adopt the department's standard rule regarding fee abatement. This rule sets forth the means by which fees can be abated, and has been adopted by all licensing boards attached to the department.

NEW RULE 6 ADMINISTRATIVE SUSPENSION

- (1) The board authorizes the department to:
 - (a) administratively suspend licenses for deficiencies set forth in 37-1-321(1)(a) through (e), MCA; or
 - (b) file a complaint pertaining to the deficiencies in (1) that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action.
- (2) An administrative suspension is not a negative, adverse, or disciplinary action under Title 37, MCA, and is not reportable under federal law and regulations implementing the Healthcare Practitioner Databank or the department's licensee lookup and license verification databank.

Authorizing statute(s): 37-1-131, 37-46-103, MCA

Implementing statute(s): 37-1-321, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to authorize the department to administratively suspend licenses for those reasons set forth in 37-1-321, MCA. These are non-disciplinary actions which are administratively handled by the department, without necessitating further board action.

NEW RULE 7 NONROUTINE APPLICATIONS

- (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.
- (2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

Authorizing statute(s): 37-1-131, 37-46-103, MCA

Implementing statute(s): 37-1-101, 37-1-131, 37-1-307, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to set forth the process for processing and review of nonroutine licensing applications. This rule adopts the definitions of those terms set forth in departmental rule, in line with all other attached licensing boards. This ensures uniformity of processing across license types.

NEW RULE 8 APPLICANTS WITH CRIMINAL CONVICTIONS

- (1) The board incorporates and adopts ARM 24.101.406.

Authorizing statute(s): 37-1-131, 37-46-103, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule for the board to adopt the standard processing procedures and standards for processing applications from those with criminal convictions. This standardization ensures appropriate processing of licensing complaints.

NEW RULE 9 SUBSTANTIAL EQUIVALENCY

- (1) The board adopts and incorporates by reference the 2026 substantial equivalency list for the Board of Allied Health Care Professionals publication. The publication is available on the board's website.
- (2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board proposes NEW RULE 9. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

NEW RULE 10 CONTINUING EDUCATION

- (1) The board and department staff do not preapprove continuing education programs or sponsors. Licensees must select quality programs that focus on protecting the health, safety, and welfare of the public and which contribute to the licensee's professional knowledge and competence.
 - (a) Applicable college course work may be approved for continuing education. One semester credit is equal to 15 hours. One quarter credit is equal to 10 hours.
 - (b) Credit may not be obtained by attending the same course more than once in a renewal period.
- (2) Licensees must maintain records and documentation of completion of continuing education requirements.
- (3) Continuing education requirements do not apply until after the licensee's first renewal. Licensees may apply to the board for a hardship waiver due to disabling illness or other personal emergency which substantially interferes with the ability to complete the requirements.
- (4) The department may conduct continuing education audits and shall determine the percentage to audit based on a statistically relevant sampling of the total number of licensees and the compliance rate of past audits.
- (5) Credits must be obtained in the following quantities annually:
 - (a) Clinical laboratory science practitioners - 14 hours;
 - (b) Radiologic technologists - 12 hours;
 - (c) Radiologic technologist limited permittees - 6 hours;
 - (d) Respiratory care practitioners - 12 hours.

Authorizing statute(s): 37-1-131, 37-46-103, MCA

Implementing statute(s): 37-1-306, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to set forth the continuing education requirements for all licensees of the board. This consolidated, streamlined rule replaces all continuing education rules from the three predecessor boards.

NEW RULE 11 UNPROFESSIONAL CONDUCT

- (1) The following is unprofessional conduct:
 - (a) failure to adequately supervise according to generally accepted standards of practice, including for a clinical laboratory science practitioner, failure to be accessible at all times that testing is being performed by the technician in order to provide on-site, telephonic, or electronic consultation;
 - (b) abusive billing practices;
 - (c) failure to provide records when requested by a patient or legal representative of a patient;
 - (d) practice in unsanitary or unsafe conditions;
 - (e) discontinue professional services unless:
 - (i) services are completed;
 - (ii) discontinuation is requested;
 - (iii) alternative or replacement services are arranged; or
 - (iv) there is reasonable opportunity to arrange alternative or replacement services prior to discontinuation of service;
 - (f) for radiologic technologists:
 - (i) performing radiologic procedures outside the scope of the license or permit;
 - (ii) performing a radiologic technologist procedure (other than a screening mammogram) without an order from a licensed provider;
 - (iii) unnecessarily exposing a patient or the public to radiation; and
 - (iv) violations of the Standards of Ethics by the American Registry of Radiologic Technologists, revised September 1, 2023.

Authorizing statute(s): 37-1-131, 37-1-319, 37-46-103, MCA

Implementing statute(s): 37-1-131, 37-1-316, 37-1-319, MCA

Reasonable Necessity Statement

There is reasonable necessity to adopt this rule to set forth the unprofessional conduct standards applicable to licensees under the jurisdiction of the board. These provisions have previously been adopted under separate rules by the predecessor boards. However, this rule has been streamlined and deduplicated across boards and as compared to statute. For specific modifications, review the reasonable necessity statements of the repealed unprofessional conduct rules.

REPEAL

The rules proposed to be repealed are as follows:

24.129.101 BOARD ORGANIZATION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.129.201 PROCEDURAL RULES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.129.202 PUBLIC PARTICIPATION

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.129.401 FEES

Authorizing statute(s): 37-1-131, 37-1-134, 37-34-201, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-34-305, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.129.405 INSPECTIONS

Authorizing statute(s): 37-1-131, 37-34-201, MCA

Implementing statute(s): 37-34-102, 37-34-301, 37-34-307, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule because the Board of Clinical Laboratory Science Practitioners did not engage in inspection processes outside of disciplinary matters. To the extent of necessity for disciplinary matters, the authority is within the unprofessional conduct standards set forth in 37-1-316, MCA, and need not be set forth in this rule.

24.129.605 MILITARY TRAINING OR EXPERIENCE

Authorizing statute(s): 37-1-145, MCA

Implementing statute(s): 37-1-145, MCA

Reasonable Necessity Statement

Reasonable necessity exists to repeal this rule, effective October 1, 2023, at the earliest, due to HB 583 (2023). That legislation amends 37-1-145, MCA, and eliminates the requirement for adoption by the board of a specific military training rule, setting forth specific obligations for the board to accept military experience for granting licensure. As such, the need for this rule is obsolete.

24.129.606 NONROUTINE APPLICATIONS

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.129.608 APPLICANTS WITH CRIMINAL CONVICTIONS

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.129.2101 CONTINUING EDUCATION REQUIREMENTS

Authorizing statute(s): 37-1-319, MCA

Implementing statute(s): 37-1-306, 37-1-319, 37-1-321, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.129.2301 UNPROFESSIONAL CONDUCT

Authorizing statute(s): 37-1-131, 37-1-319, MCA

Implementing statute(s): 37-1-307, 37-1-316, 37-1-319, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule in favor of a consolidated unprofessional conduct rule applicable to all licensees under the new board. In addition, several provisions of this rule duplicate statute, and are not necessary. Subsection (1)(a) duplicates 37-1-316(1)(d), MCA. Subsection (1)(b) duplicates 37-1-316(1)(t), MCA. Subsection (1)(d) duplicates 37-1-316(1)(t) and (v), MCA. Subsection (1)(e) duplicates 37-1-316(1)(f) and (g), MCA. Subsection (1)(f) duplicates 37-1-316(1)(p), MCA. Subsection (1)(g) duplicates 37-1-316(1)(v), MCA. Subsection (1)(i) duplicates 37-1-316(1)(t), MCA, to the extent the work outside the specialty fails to meet the standard of care. The remaining subsections are proposed to be included in the unprofessional conduct rule.

24.204.101 BOARD ORGANIZATION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.201 PROCEDURAL RULES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.202 PUBLIC PARTICIPATION

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.401 FEE SCHEDULE

Authorizing statute(s): 37-1-131, 37-1-134, 37-14-202, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.404 PERMIT FEES

Authorizing statute(s): 37-1-131, 37-1-134, 37-14-202, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-14-305, 37-14-306, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule because the relevant fees are proposed to be incorporated into NEW RULE 4 (24.110.401).

24.204.406 ABATEMENT OF RENEWAL FEES

Authorizing statute(s): 37-1-131, 37-14-202, MCA

Implementing statute(s): 17-2-302, 17-2-303, 37-1-134, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.409 MILITARY TRAINING OR EXPERIENCE

Authorizing statute(s): 37-1-145, MCA

Implementing statute(s): 37-1-145, MCA

Reasonable Necessity Statement

Reasonable necessity exists to repeal this rule, effective October 1, 2023, at the earliest, due to HB 583 (2023). That legislation amends 37-1-145, MCA, and eliminates the requirement for adoption by the board of a specific military training rule, setting forth specific obligations for the board to accept military experience for granting licensure. As such, the need for this rule is obsolete.

24.204.411 REPLACEMENT LICENSES AND PERMITS

Authorizing statute(s): 37-1-131, 37-14-202, MCA

Implementing statute(s): 37-14-305, 37-14-308, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule because it is not necessary.

24.204.414 HARDSHIP TEMPORARY PERMITS

Authorizing statute(s): 37-14-202, 37-14-306, MCA

Implementing statute(s): 37-14-305, 37-14-306, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.417 NONROUTINE APPLICATIONS

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.418 APPLICANTS WITH CRIMINAL CONVICTIONS

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.607 CODE OF ETHICS

Authorizing statute(s): 37-1-131, 37-14-202, 37-14-313, MCA

Implementing statute(s): 37-1-131, 37-14-313, MCA

Reasonable Necessity Statement

Adoption of the code of ethics is proposed in the new unprofessional conduct rule for the board. As such, this rule is unnecessary and may be repealed.

24.204.2101 CONTINUING EDUCATION

Authorizing statute(s): 37-1-319, 37-14-202, MCA

Implementing statute(s): 37-1-131, 37-1-306, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.2102 WAIVER OF CONTINUING EDUCATION REQUIREMENT

Authorizing statute(s): 37-1-319, 37-14-202, MCA

Implementing statute(s): 37-1-306, 37-1-319, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.2116 RENEWAL - PROOF OF GOOD STANDING

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-141, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.204.2301 UNPROFESSIONAL CONDUCT

Authorizing statute(s): 37-1-131, 37-1-319, 37-14-202, MCA

Implementing statute(s): 37-1-131, 37-1-316, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule in favor of a consolidated unprofessional conduct rule applicable to all licensees under the new board. In addition, several provisions of this rule duplicate statute, and are not necessary. Subsection (1)(a) duplicates 37-1-316(1)(c), MCA. Subsection (1)(c) duplicates 37-1-316(1)(t), MCA. Subsection (1)(e) duplicates HB 435, section 1. Subsection (1)(f) duplicates 37-1-316(1)(p), MCA. Subsection (1)(g) duplicates 37-1-316(1)(v), MCA. Subsection (1)(h) duplicates 37-1-316(1)(e), MCA. The remaining provisions are proposed to be included in the new unprofessional conduct rule.

24.213.101 BOARD ORGANIZATION

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.201 PROCEDURAL RULES

Authorizing statute(s): 2-4-201, MCA

Implementing statute(s): 2-4-201, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.202 PUBLIC PARTICIPATION

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.401 FEE SCHEDULE

Authorizing statute(s): 37-1-131, 37-1-134, 37-28-104, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-28-104, 37-28-202, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.403 ABATEMENT OF RENEWAL FEES

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 17-2-302, 17-2-303, 37-1-134, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.406 NONROUTINE APPLICATIONS

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.407 APPLICANTS WITH CRIMINAL CONVICTIONS

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-101, 37-1-131, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.423 ADMINISTRATIVE SUSPENSION

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-321, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.2130 CONTINUING EDUCATION

Authorizing statute(s): 37-1-131, 37-1-319, MCA

Implementing statute(s): 37-1-131, 37-1-141, 37-1-306, 37-1-319, 37-1-321, MCA

Reasonable Necessity Statement

See the general statement of reasonable necessity.

24.213.2310 UNPROFESSIONAL CONDUCT

Authorizing statute(s): 37-1-131, 37-1-319, MCA

Implementing statute(s): 37-1-131, 37-1-316, 37-1-319, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule in favor of a consolidated unprofessional conduct rule applicable to all licensees under the new board. In addition, several provisions of this rule duplicate statute, and are not necessary. Subsection (1)(a) duplicates 37-1-316(1)(v), MCA. Subsection (1)(b) duplicates 37-1-316(1)(p), MCA. Subsection (1)(e) duplicates HB 435, section 1, which requires reporting of unprofessional conduct by other licensees of the same licensing board. Subsection (1)(f) to the extent it solely requires conformance to federal and state law, is duplicative of 37-1-316(1)(v), MCA. Subsection (1)(k) is duplicative of 37-1-316(1)(b), MCA. The remaining sections have been proposed for inclusion in the new unprofessional conduct rule.

Small Business Impact

Pursuant to 2-4-111(1), MCA, the small businesses that will likely be affected by the proposed rule changes are all of the small businesses in Montana that employ licensed clinical laboratory science practitioners, respiratory care practitioners, and radiologic technologists. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses.

Bill Sponsor Notification

Bill sponsors were contacted by e-mail on April 18, 2025, August 9, 2025, August 10, 2025, and August 14, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Chad Spangler, Chair, Board of Allied Health Care Professionals