



MONTANA
ADMINISTRATIVE
REGISTER



**BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-207.1

Summary

Implementation of Senate Bill 279 and House Bill 806 following the 2025 Montana legislative session.

Hearing Date and Time

Tuesday, March 31, 2026, at 11:00 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/81273990008>

Meeting ID: 812 7399 0008; Password: 0564017551

Dial by Telephone: +1 646 558 8656

Meeting ID: 812 7399 0008; Password: 0564017551

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, April 3, 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 Tuesday, March 24, 2026, at 5:00 p.m.

Contact

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

Rulemaking Actions

AMEND

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

24.156.407 APPLICATION FOR LICENSURE

- (1) Each application for licensure from the board must include:
 - (a) a completed application form;
 - (b) the initial license fee; and
 - (c) verification of applicable educational requirements.
- (2) The board's designee will obtain a query from the National Practitioner Data Bank. Applicants for podiatric licensure shall cause a disciplinary report from the Federation of Podiatric Medical Boards to be transmitted directly to the board.
- (3) Applicants for initial licensure as a dietitian or nutritionist shall submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check in accordance with 37-25-311, MCA. The board may require a licensee renewing a nutritionist or dietitian license to submit a full set of the licensee's fingerprints for the same purpose, as authorized by 37-25-311, MCA.
- ~~(3)~~(4) An applicant licensed in any other jurisdiction at any time shall cause the other jurisdictions to submit a current verification of licensure directly to the board.

~~(4)~~(5) An applicant may voluntarily withdraw their application by written request if the application has not appeared on a board agenda. Application fees are not refundable.

Authorizing statute(s): 37-1-131, 37-3-203, 37-6-106, 37-20-202, 37-25-201, ~~50-6-203~~, MCA

Implementing statute(s): 37-1-131, 37-6-302, 37-20-203, 37-20-302, 37-20-402, 37-25-302, ~~50-6-203~~, 37-25-311, MCA

Reasonable Necessity Statement

Amendment of the application for licensure is reasonably necessary to require all applicants for dietitian and nutritionist licensure to submit fingerprints, as authorized under Senate Bill 279 (2025). Incorporating fingerprint submission into the application process enables the board to obtain state and federal criminal history background checks on all applicants.

24.156.409 FEE SCHEDULE

(1) Initial and active license renewal application fees:	
(a) <u>Dietitian</u>	<u>\$75</u>
(b) <u>Dietitian privilege to practice via compact</u>	<u>75</u>
(a) (c) Physician license application fee	\$375
(b) (d) Physician letter of qualification for interstate compact	300
(c) (e) Resident	75
(d) (f) Podiatrist	375
(e) (g) Podiatrist ankle surgery certification	75
(f) (h) Nutritionist	75
(g) (i) Physician assistant	375
(j) <u>Physician assistant privilege to practice via compact</u>	<u>375</u>
(2) Inactive status license renewal application fees:	
(a) Physician	190
(b) Podiatrist	190

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|---|-----|
| (c) Physician assistant | 115 |
| (3) Inactive to active status conversion fees: | |
| (a) Physician | 185 |
| (b) Podiatrist | 185 |
| (c) Physician assistant | 75 |
| (4) Montana Health Corps Registration | 25 |
| (5) Additional standardized fees to be charged are specified in ARM 24.101.403. | |
| (6) All fees are nonrefundable. | |

Authorizing statute(s): 37-1-134, 37-3-203, 37-3-307, 37-3-308, 37-3-356, 37-3-802, 37-3-804, 37-6-106, 37-20-202, 37-25-201, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-3-305, 37-3-307, 37-3-308, 37-3-309, 37-3-313, 37-3-356, 37-3-804, 37-6-302, 37-20-302, 37-20-501, 37-25-302, 37-25-401, MCA

Reasonable Necessity Statement

Following the enactment of House Bill (HB) 806 and Senate Bill (SB) 279, it is necessary to establish additional fees related to the licensure and interstate practice of dietitians. Specifically, a licensure fee is required to support the administration and regulation of dietitians within the state. In addition, a privilege-to-practice fee is necessary for individuals practicing under the Dietitian Compact. These fees are required to ensure appropriate oversight, cover administrative costs associated with compact participation, and maintain compliance with the statutory requirements established under HB 806 and SB 279.

Further, a privilege-to-practice fee is necessary for individuals practicing under the Physician Assistant Compact. This fee is required to ensure appropriate oversight, cover administrative costs associated with compact participation, and maintain compliance with the statutory requirements established under HB 183.

24.156.1306 PROFESSIONAL CONDUCT AND STANDARDS OF PROFESSIONAL PRACTICE

- (1) A dietitian licensee shall conform to generally accepted standards of practice under 37-1-316, MCA, including those promulgated by or under the Academy of Nutrition

and Dietetics or Commission on Dietetic Registration, and other professional or governmental bodies.

- (2) ~~A licensee who demonstrates appropriate education and experience may engage in the practice of diabetes education as defined and credentialed by the Academy of Nutrition and Dietetics and the American Association of Diabetes Educators~~ nutritionist licensee shall conform to generally accepted standards of practice under 37-1-316, MCA, including those promulgated by or under the Board for Certification of Nutrition Specialists, and other professional or governmental bodies.

Authorizing statute(s): 37-1-131, 37-25-201, MCA

Implementing statute(s): 37-1-131, 37-25-201, 37-25-301, MCA

Reasonable Necessity Statement

Amendment of this rule is reasonably necessary to update the standards of professional practice to reflect the applicable professional standards for dietitians and nutritionists. Further, this amendment identifies the recognized organizations that establish and maintain these standards, and ensures that the rules are consistent with accepted national practice guidelines.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 APPLICATION FOR COMPACT PRIVILEGE VIA DIETITIAN LICENSURE COMPACT

- (1) A Montana-licensed dietitian who wishes to apply for compact privilege in another state that is a member of the Dietitian Licensure Compact shall:
- (a) submit a completed application on a form approved by the board;
 - (b) pay an application fee for compact privilege in another state via the Dietitian Licensure Compact per ARM 24.156.409; and
 - (c) designate Montana as the home state in compliance with 37-25-401, MCA.
- (2) Upon receiving an application for compact privilege to practice in Montana via the Dietitian Licensure Compact, the department shall:

- (a) conduct a review of qualifications and a criminal background check as required by 37-25-313, MCA; and
- (b) inform the Dietitian Licensure Compact Commission whether or not the applicant meets the qualifications of 37-25-401, MCA.

Authorizing statute(s): 37-3-203, MCA

Implementing statute(s): 37-25-313, 37-25-401, MCA

Reasonable Necessity Statement

Adoption of proposed NEW RULE 1 is reasonably necessary to implement the Dietitian Licensure Compact authorized by the Montana Legislature through the enactment of SB 279 (2025). The rule establishes the application process under which an eligible dietitian or nutritionist may be granted compact privilege.

Small Business Impact

Pursuant to 2-4-111(1), MCA, the small businesses that will likely be affected by the proposed fee changes are clinics and independent practitioners. The board has determined that the proposed rule changes will have an insignificant impact on these small businesses because they will be paying a privilege to practice fee in lieu of a license application fee. The privilege to practice fee is proposed to be the same amount as a license application fee, so the revenue impact is neutral.

Bill Sponsor Notification

The primary bill sponsors were notified on May 29, 2025, by email.

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

Ashleigh Magill, M.D., Chair, Board of Medical Examiners