

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.101.413 pertaining to renewal ) PROPOSED AMENDMENT  
dates and requirements )

TO: All Concerned Persons

1. On August 25, 2023, at 9:00 a.m., a public hearing will be held via remote conferencing to consider the proposed changes to the above-stated rule. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

- a. Join Zoom Meeting, <https://mt-gov.zoom.us/j/83660735539>  
Meeting ID: 836 6073 5539, Passcode: 111511  
-OR-
- b. Dial by telephone, +1 406 444 9999 or +1 646 558 8656  
Meeting ID: 836 6073 5539, Passcode: 111511

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on August 18, 2023, to advise us of the nature of the accommodation that you need. Please contact the department at P.O. Box 1728, Helena, Montana 59624-1728; telephone (406) 444-5466; Montana Relay 711; or e-mail [laborlegal@mt.gov](mailto:laborlegal@mt.gov).

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) ~~Specific procedures and grace periods for renewal are set by department or board rule, or statute applicable to a particular profession, or 37-1-141, MCA. Such procedures shall take account of, and be based upon, the renewal dates in this rule. An existing license ends on the renewal date specified for each profession and occupation listed and must be renewed on or before this date, or the license will lapse, expire, and terminate per 37-1-141, MCA.~~

(2) If a timely and sufficient application is submitted ~~on or prior to such~~ before the renewal date, the applicant's continued practice is governed under 2-4-631, MCA. ~~In order for an application to be~~ A timely and sufficient it application must be:

- (a) completed ~~with truthful information;~~
- (b) through (d) remain the same.

(e) submitted by using the online renewal service available on the department's website before 11:59 p.m. Mountain time on the renewal date. ~~Although the department strives to keep its website accessible at all times, licensees should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties~~

in accessing the online renewal service do not excuse late renewals;

~~(i) online renewal transactions must be fully completed prior to midnight Mountain time on the renewal date.~~

(3) If the requirements of this rule are not met, a late penalty fee as specified in ARM 24.101.403 ~~will be~~ is required in order to renew.

~~(4) The provisions of ARM 24.101.408 and 24.101.414 are applicable to all license renewals.~~

(5) remains the same but is renumbered (4).

~~(6)~~(5) The following are renewal dates for the professions and occupations listed:

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(a)	Alternative Health Care	<u>Acupuncturist</u>	<u>Biennially</u>	<u>October 31</u>
		Naturopathic Physician	Annually	April 30
		Naturopathic Physician - Childbirth	Annually	April 30
		Direct-entry Midwife	Annually	April 30
		Direct-entry Midwife Apprentice	Annually	April 30

(b) through (r) remain the same.

(s)	Medical Examiners	<u>Acupuncturist</u>	<u>Biennially</u>	<u>October 31</u>
		Emergency Care Provider: AEMT, EMR, EMT, Paramedic	Biennially	March 31
		Nutritionist	Biennially	October 31
		Physician	Biennially	March 31
		Physician Assistant	Biennially	October 31
		Podiatrist	Biennially	October 31
		Resident Physician	Annually	June 30

(t) through (x) remain the same.

<u>(y)</u>	<u>Pediatric Complex Care</u>	<u>Pediatric Complex Care Assistant</u>	<u>Biennially</u>	<u>March 31</u>
<del>(y)</del> <u>(z)</u>	Pharmacy	Dangerous Drug Dispenser/Distributor/Manufacturer Endorsement	Annually	November 30

		Out-of-State Mail Order Pharmacy	Annually	November 30
		Pharmacist	Annually	June 30
		Community and Institutional Pharmacy	Annually	November 30
		Pharmacy Technician	Annually	June 30
		Pharmacy Technician Utilization Plan Endorsement	Annually	November 30
		Telepharmacy Endorsement	Annually	November 30
		<u>Veterinary Retail Facility</u>	<u>Annually</u>	<u>November 30</u>
		Wholesale Distributor	Annually	November 30

(z) and (aa) remain the same but are renumbered (aa) and (ab).

<del>(ab)</del> <u>(ac)</u>	Private Security Patrol Officers and Investigators	<del>Contract</del> <u>Private Security Company</u>	Annually	March 1
		Electronic Security Company	Annually	March 1
		<del>Proprietary Security Organization</del>	Annually	<del>March 1</del>
		<del>Branch Office</del>	Annually	<del>March 1</del>
		Private Investigator	Annually	March 1
		Private Investigator Trainee	Annually	March 1
		<del>Resident Manager</del>	Annually	<del>March 1</del>
		<del>Qualifying Agent</del>	Annually	<del>March 1</del>
		Security Guard	Annually	March 1
		Alarm Installer	Annually	March 1
		<del>Alarm Response Runner</del>	Annually	<del>March 1</del>
		Firearms Instructor	Annually	March 1
		Armed Status	Annually	

(ac) remains the same but is renumbered (ad).

<u>(ae)</u>	<u>Property Manager</u>	<u>Property Manager</u>	<u>Annually</u>	<u>October 31</u>
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(ad) through (ag) remain the same but are renumbered (af) through (ai).

<del>(ah)</del> <u>(aj)</u>	Realty Regulation	<u>Property Manager</u>	<u>Annually</u>	<u>October 31</u>
		Real Estate Broker	Annually	October 31
		Real Estate Salesperson	Annually	October 31

		Timeshare Salesperson	Annually	October 31
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(ai) and (aj) remain the same but are renumbered (ak) and (al).

<del>(ak)</del> (am)	Speech-Language Pathologists and Audiologists	Audiologist	Annually	February 1
		Speech-Language Pathologist	Annually	February 1
		Limited (Speech-Language Pathologist)	Nonrenewable	
		Active Temporary Speech Pathologist or Audiologist <u>Speech-Language Pathology and Audiology Assistants</u>	<del>Nonrenewable</del> <del>Two-year license</del> <u>Annually</u>	<u>February 1</u>

(al) remains the same but is renumbered (an).

<del>(am)</del> (ao)	Veterinary Medicine	Euthanasia Agency	Annually	May 30
		Embryo Transfer Technician	Annually	November 1
		Euthanasia Technician	Annually	May 30
		Veterinarian	Annually	November 1
		<u>Veterinary Dispensing Technician</u>	<u>Annually</u>	<u>November 1</u>
		Veterinary Technician	Annually	November 1

(7) and (8) remain the same but are renumbered (6) and (7).

AUTH: 37-1-101, 37-1-141, MCA

IMP: 37-1-101, 37-1-141, MCA

**REASON:** Sections (1) through (4) are amended to clarify, simplify, and shorten the rule and to eliminate superfluous language.

For acupuncturists, it is necessary to strike renewal requirements from the Board of Medical Examiners and place the renewal requirements in the Alternative Health Care Board, to implement Senate Bill (SB) 453.

House Bill (HB) 449 established licensure for pediatric complex care assistants. This rule seeks to include that license type for renewal.

Changes to the Board of Private Security result from SB 454.

For the Board of Realty Regulation, SB 455 transitioned property managers to a program and out of the board, and eliminated timeshare salesperson licensure.

For speech-language pathology, it is reasonably necessary to strike the obsolete language for active temporary licensure. Following passage of HB 347 in 2017, the board amended several rules and began issuing limited licenses instead of temporary. The department inadvertently missed removing the outdated license verbiage from this rule. Separately, the board is adding the renewal information for speech-language pathology and audiology assistants to implement SB 300.

Veterinary retail facility and veterinary dispensing technician renewals are required for licensing pursuant to SB 561. Licensed veterinary technicians' renewals are required pursuant to 2021 SB 106.

4. 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](http://dli.mt.gov/rules) or P.O. Box 1728; Helena, Montana 59624. Comments must be received no later than 5:00 p.m., September 1, 2023.

5. An electronic copy of this notice of public hearing is available at [dli.mt.gov/rules](http://dli.mt.gov/rules) and [sosmt.gov/ARM/register](http://sosmt.gov/ARM/register).

6. 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](http://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.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Pursuant to 2-4-111, MCA, the agency has determined that the rule changes proposed in this notice will not have a significant and direct impact upon small businesses.

9. Department staff has been designated to preside over and conduct this hearing.

/s/ QUINLAN L. O'CONNOR  
Quinlan L. O'Connor  
Rule Reviewer

/s/ JOHN ELIZANDRO  
John Elizandro, Acting Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State July 25, 2023.