

1 HOUSE BILL NO. 152
2 INTRODUCED BY B. MERCER
3 BY REQUEST OF THE DEPARTMENT OF LABOR AND INDUSTRY
4
5 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING LAWS RELATED TO PROFESSIONAL AND
6 OCCUPATIONAL LICENSING BY THE DEPARTMENT OF LABOR AND INDUSTRY; REORGANIZING AND
7 CLARIFYING GENERALLY APPLICABLE PROVISIONS UNDER AN ADMINISTRATIVE CHAPTER AND
8 REMOVING REDUNDANT PROVISIONS; INCORPORATING DEPARTMENT LICENSING PROGRAMS INTO
9 THE ADMINISTRATIVE CHAPTER; CREATING A UNIFORM LICENSING APPLICATION PROCESS;
10 REVISING LICENSURE BY ENDORSEMENT AND CHANGING TERMINOLOGY; REDUCING TIMELINES
11 AND REVISING PROVISIONS TO ISSUE LICENSES; REVISING AND CREATING UNIFORM DUTY OF
12 LICENSEE AND LICENSE APPLICANT TO SELF-REPORT AND REPORT UNPROFESSIONAL CONDUCT
13 OF OTHERS; REVISING UNIFORM FINGERPRINTING PROCESS FOR CERTAIN APPLICANTS; REVISING
14 AND CREATING UNIFORM STANDARDS FOR MENTAL AND PHYSICAL EVALUATIONS; REVISING AND
15 CREATING UNIFORM DUTY TO PROVIDE CONTACT INFORMATION; PROVIDING NOTICE OF PRIMARY
16 METHOD OF COMMUNICATION; PROVIDING AUTHORITY TO CONSENT TO NOTICE BY ELECTRONIC
17 PROCESS; REVISING PROVISIONS FOR LICENSE RENEWAL, LAPSE, TERMINATION, AND
18 CONTINUING JURISDICTION; REVISING TEMPORARY LICENSURE TERMINOLOGY AND CREATING A
19 PROVISIONAL LICENSE AND LIMITED PRACTICE REGISTRATION; ESTABLISHING A MILITARY SPOUSE
20 TEMPORARY LICENSE; REVISING MILITARY PERSONNEL EXEMPTIONS; REVISING CONTINUING
21 EDUCATION REQUIREMENTS; REVISING DUTIES OF THE COMMISSIONER OF THE DEPARTMENT OF
22 LABOR AND INDUSTRY; REVISING DUTIES OF THE DEPARTMENT OF LABOR AND INDUSTRY
23 RELATED TO FISCAL ADMINISTRATION OF BOARDS AND PROGRAMS, DETERMINING SUBSTANTIAL
24 EQUIVALENCY, AND INVESTIGATING COMPLAINTS; REVISING AND CLARIFYING PROVISIONS
25 RELATED TO DISCIPLINARY ACTIONS AND CONTESTED CASES; REVISING RESPONSIBILITIES AND
26 AUTHORITY OF BOARDS AND PROGRAMS; PROVIDING RULEMAKING AUTHORITY; AMENDING
27 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-
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3 102, 37-73-203, 37-73-204, 37-73-208, 37-73-216, 37-73-220, 37-73-221, 37-73-225, 37-73-226, AND 37-73-
4 227, MCA.”

5

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

7

8 **NEW SECTION. Section 1. Application -- licensing -- proof of licensure.** (1) To obtain a license or
9 an endorsement on a license to practice a profession or occupation or to operate a facility in which the practice
10 takes place, a person must apply on a form and pay a fee prescribed by the department. The applicant must
11 attest to and provide evidence satisfactory to the department that the applicant:

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

14 (ii) is eligible for licensure by endorsement from licensure in another jurisdiction as provided in 37-
15 1-304; and

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

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

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

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

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

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

28 (b) while engaged in a practice that occurs outside of any fixed location, carry a department-issued

1 (5) Licensees and license applicants must notify the department within 30 days of any change in
 2 any information previously furnished to the department, including but not limited to personal history information,
 3 individual or business name, contact information, supervisory relationships, supervisory or collaborative
 4 agreements, operation plans, designated individuals or licensees in charge, business location, and officers,
 5 directors, or owners.

6

7

NEW SECTION. Section 4. National criminal history background check -- applicant and

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licensee fingerprinting requirements. (1) In accordance with Public Law 92-544, 34 U.S.C. 40316, the

9

boards or programs listed in subsections (2) through (9) shall require initial applicants, and may require

10

renewing license applicants, for the listed license types to submit a full set of fingerprints to obtain a national

11

criminal history background check by the Montana department of justice and the federal bureau of investigation

12

as a prerequisite to the issuance or renewal of a license. The department may use and control criminal record

13

information received under this section only in accordance with laws, regulations, and procedures of the U.S.

14

department of justice under the National Crime Prevention and Privacy Compact Act of 1998 to administer the

15

licensing process and assist the listed licensing agencies to screen licensees and license applicants:

16

(2) Board of behavioral health, Title 37, chapters 22, 23, 35, 37, and 38:

17

(a) addiction counselor;

18

(b) addiction counselor candidate;

19

(a)(c) baccalaureate social worker;

20

(d) baccalaureate social worker candidate;

21

(b)(e) clinical professional counselor;

22

(e)(f) clinical professional counselor candidate;

23

(d)(g) clinical social worker;

24

(e)(h) clinical social worker candidate;

25

(f)(i) marriage family therapist;

26

(g)(j) marriage family therapist candidate;

27

(h)(k) master's-level social worker; and

28

(l) master's-level social worker candidate; and

- 1 ~~(i)~~(m) peer support specialist.
- 2 (3) Board of medical examiners, Title 37, chapter 3: physician ~~compact license applicants~~ applying
- 3 for expedited licensure in another state as allowed under 37-3-356.
- 4 (4) Board of nursing, Title 37, chapter 8:
 - 5 (a) advanced practice registered nurse;
 - 6 (b) medication aide 1;
 - 7 (c) medication aide 2;
 - 8 (d) practical nurse; and
 - 9 (e) registered nurse.
- 10 (5) Board of pharmacy, Title 37, chapter 7:
 - 11 (a) third-party logistics provider; and
 - 12 (b) wholesale distributor.
- 13 (6) Board of physical therapy, Title 37, chapter 11:
 - 14 (a) physical therapist; and
 - 15 (b) physical therapy assistant.
- 16 (7) Board of private security, Title 37, chapter 60:
 - 17 (a) alarm installer;
 - 18 (b) alarm response runner;
 - 19 (c) certified firearms instructor;
 - 20 (d) private investigator;
 - 21 (e) process server;
 - 22 (f) resident manager of a contract security company, electronic security company, or proprietary
 - 23 security organization; and
 - 24 (g) security guard.
- 25 (8) Board of ~~psychology~~ psychologists, Title 37, chapter 17:
 - 26 (a) assistant behavior analyst; and
 - 27 (b) behavior analyst.
- 28 (9) Board of real estate appraisers, Title 37, chapter 54:

- 1 (a) appraiser trainee;
- 2 (b) certified general appraiser;
- 3 (c) certified residential appraiser; and
- 4 (d) licensed real estate appraiser.

5

6 **NEW SECTION. Section 5. Mental and physical evaluations.** (1) If a board or program has
7 objective and reasonable belief that a licensee or license applicant presents a significant risk of substantial
8 harm to public health and safety, the board or program may require an evaluation of the licensee or license
9 applicant by a physician or other health care provider designated by department personnel.

10 (2) The evaluation must determine to what extent and how any existing mental or physical
11 impairment or disability or use of controlled substances by the individual may impact the individual's
12 performance of the profession or occupation with reasonable skill and safety. The factors to be considered
13 include but are not limited to:

- 14 (a) the duration of the risk;
- 15 (b) the nature and severity of the potential harm;
- 16 (c) the likelihood that the potential harm will occur; and
- 17 (d) the imminence of the potential harm.

18 (3) The board or program may consider additional mental or physical evaluations and may base a
19 proposed disciplinary or enforcement action on a single evaluation or the totality of any evaluations considered.

20 (4) The board or program may summarily suspend the license or suspend processing the
21 application of an individual who refuses to submit to the evaluation.

22

23 **NEW SECTION. Section 6. Military spouse temporary license.** (1) A spouse of an active member
24 serving in the United States armed forces stationed in Montana under military orders who is licensed in good
25 standing in another state or United States territory to practice a profession or occupation regulated by the
26 department is, on application to the department, entitled to receive a temporary license to practice.

27 (2) The department shall waive the application fee.

28 (3) A temporary license issued under this section has a term of 3 years after the date of issuance

1 15% noncompliance rate before the department administers the provisions of 37-1-321, the department may
2 audit up to 100% of the licensees in the next audit year.

3 (b) the department shall audit all licensees who renew an expired license for compliance with
4 continuing education, certification, or other recurring qualifications.

5 (3) The department shall notify licensees before the expiration of current certification or other
6 recurring qualifications and require submission of the qualifications.

7 (4) A licensee who fails to provide the department with proof of continuing education or a current
8 certification or other recurring qualifications requested under this section is subject to administrative suspension
9 of the license under 37-1-321.

10

11 **NEW SECTION. Section 13. Physician and resident licenses -- qualifications.** (1) An individual
12 may not practice medicine unless licensed under Title 37, chapter 1, and this chapter.

13 (2) An applicant for licensure as a physician must:

14 (a) have graduated from an approved medical school as defined in 37-3-102;

15 (b) have completed an approved residency program;

16 (c) have passed all steps of the United States medical licensing examination, the federation of
17 state medical boards' federation licensing examination, or an examination offered by any of the following
18 entities:

19 (i) the national board of medical examiners or its successors;

20 (ii) the national board of osteopathic medical examiners or its successors;

21 (iii) the medical council of Canada or its successors if the applicant is a graduate of a Canadian
22 medical school approved by the medical council of Canada or its successors; or

23 (iv) the educational commission for foreign medical graduates or its successors if the applicant is a
24 graduate of a foreign medical school outside of the United States or Canada; and

25 (d) be able to communicate in the English language as determined by the board.

26 (3) An applicant for licensure to practice medicine as a resident must have:

27 (a) good standing in an approved residency program and rotation; and

28 (b) supervision by a physician who possesses an active, unrestricted license to practice medicine

1 in this state.

2 (4) A resident license may not be issued for a period that exceeds 2 years. A resident license may
3 be renewed, at the board's discretion, for additional ~~2-year~~1-year periods if the resident is in good standing in
4 an approved residency program.

5
6 **NEW SECTION. Section 14. Podiatrist license required -- qualifications.** (1) An individual may not
7 practice podiatry unless licensed under Title 37, chapter 1, and this chapter.

8 (2) An applicant for licensure as a podiatrist must have:

9 (a) graduated from a school of podiatry approved by the board;

10 (b) completed at least 1 year of postgraduate training or equivalent experience or training
11 approved by the board; and

12 (c) passed an examination administered by the national board of podiatric medical examiners.

13

14 **NEW SECTION. Section 15. Pharmacist and pharmacy technician license required --**
15 **qualifications.** (1) An individual may not practice pharmacy or assist in the practice of pharmacy unless
16 licensed under Title 37, chapter 1, and this chapter.

17 (2) An applicant for licensure as a pharmacist must have:

18 (a) received an accredited pharmacy degree that has been approved by the board;

19 (b) complied with the internship requirements established by the board; and

20 (c) passed the licensing examinations prescribed by the board.

21 (3) An applicant for licensure as a pharmacy technician must have the qualifications prescribed by
22 board rule.

23

24 **NEW SECTION. Section 16. Certified pharmacy license required -- qualifications.** (1) A person
25 may not operate a pharmacy unless the pharmacy is licensed as a certified pharmacy under Title 37, chapter 1,
26 and this chapter.

27 (2) A certified pharmacy must have a licensed pharmacist in charge to operate, manage, and
28 supervise the certified pharmacy.

1 **NEW SECTION. Section 20. Acupuncturist license required -- qualifications.** (1) An individual
2 may not practice acupuncture unless licensed under Title 37, chapter 1, and this chapter.

3 (2) An applicant for licensure as an acupuncturist must have:

4 (a) graduated from a school of acupuncture that is approved by the accreditation commission for
5 acupuncture and herbal medicine and offers a course of at least 1,000 hours of entry-level training in
6 recognized branches of acupuncture, or an equivalent curriculum approved by the board; and

7 (b) passed an examination prepared and administered by the national certification commission for
8 acupuncture and oriental medicine or its successor.

9

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

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

17 (3) An applicant for licensure as a speech-language pathologist or audiologist must, as further
18 prescribed by board rule:

19 (a) have completed an academic ~~program~~;

20 ~~(b)~~ have completed a supervised clinical practicum;

21 ~~(b)(c)~~ have completed supervised professional experience; and

22 ~~(e)(d)~~ have passed an examination.

23 (4) An applicant for licensure as a speech-language pathology assistant or an audiology assistant
24 must:

25 (a) have completed academic requirements ~~in subsections (3)(a) and (3)(b)~~ as prescribed by board
26 rule for assistant-level licensure; or

27 (b) if gained before January 1, 2024, have experience working as an unlicensed assistant in an
28 amount and character prescribed by board rule that is equivalent to the requirements in ~~(3)(a)~~(4)(a).

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

3
4 **NEW SECTION. Section 22. Psychologist license required -- qualifications.** (1) An individual may
5 not practice psychology unless the individual is licensed under Title 37, chapter 1, and this chapter.

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

7 (a) (i) have a doctoral degree in clinical psychology from an accredited college or university with a
8 graduate program approved by the American psychological association; or

9 (ii) if the doctoral degree possessed under subsection (2)(a) is in psychology and the graduate
10 program is not approved by the American psychological association, have successfully completed:

11 (A) a formal graduate retraining program in clinical psychology approved by the American
12 psychological association; or

13 (B) a course of studies that meets minimum standards specified by board rule;

14 (b) have a minimum of 2 years of supervised experience in the practice of psychology, of which 1
15 year must be postdoctoral and include no more than 6 months of supervised research, teaching, or a
16 combination of both; and

17 (c) have passed an examination prescribed by board rule.

18 (3) An individual who has completed the education requirements under this section but who has
19 not completed the postdoctoral supervised psychology practice may apply for a provisional license to practice
20 psychology pursuant to [section 11] and an approved supervision plan prescribed by board rule.

21
22 **NEW SECTION. Section 23. Veterinarian license required -- qualifications.** (1) An individual may
23 not practice veterinary medicine unless licensed under Title 37, chapter 1, and this chapter.

24 (2) An applicant for licensure as a veterinarian must:

25 (a) have a degree from a veterinary medical school having educational standards equal to those
26 approved by the American veterinary medical association; and

27 (b) have passed a board-approved examination.

28

1 **NEW SECTION. Section 24. Occupational therapist and occupational therapist assistant**
2 **licenses required -- qualifications.** (1) An individual may not practice occupational therapy as a therapist or
3 an assistant unless licensed under Title 37, chapter 1, and this chapter.

4 (2) An applicant for licensure as an occupational therapist or an occupational therapy assistant
5 must have certification from the national board for certification in occupational therapy.

6
7 **NEW SECTION. Section 25. Dietitian nutritionist license required -- qualifications.** (1) An
8 individual may not practice ~~as a dietitian, dietitian nutritionist, or nutritionist~~ medical nutrition therapy unless
9 licensed under Title 37, chapter 1, and this chapter.

10 (2) An applicant for a dietitian nutritionist license must have a current credential as a registered
11 dietitian or a registered dietitian nutritionist from the commission on dietetic registration, as accredited by the
12 national commission for certifying agencies.

13 (3) The requirement in subsection (2) is necessary for continued licensure and is subject to audit
14 under [section 12].

15
16 **NEW SECTION. Section 26. Naturopathic physician license required -- qualifications.** (1) An
17 individual may not practice naturopathy unless licensed under Title 37, chapter 1, and this chapter.

18 (2) An applicant for licensure as a naturopathic physician must have:

- 19 (a) graduated from an approved naturopathic medical college; and
20 (b) passed an examination as prescribed by board rule.

21
22 **NEW SECTION. Section 27. Direct-entry midwife license required -- qualifications -- provisional**
23 **license.** (1) An individual may not practice as a direct-entry midwife unless licensed under Title 37, chapter 1,
24 and this chapter.

25 (2) An applicant for licensure as a direct-entry midwife must have:

- 26 (a) certification as a certified professional midwife from the North American registry of midwives;
27 and
28 (b) certification from the American academy of pediatrics or the American heart association to

1

2 NEW SECTION. Section 31. Clinical laboratory science license required -- qualifications. (1) An

3 individual may not practice clinical laboratory science unless licensed under Title 37, chapter 1, and this
4 chapter.

5 (2) An applicant for licensure as a clinical laboratory scientist must have:

6 (a) graduated with a baccalaureate degree, including a minimum number of hours in areas or
7 disciplines established by board rule; and

8 (b) passed a board-approved examination.

9 (3) An applicant for licensure as a clinical laboratory specialist must have:

10 (a) graduated with a baccalaureate degree as described in subsection (2)(a); and

11 (b) passed a board-approved examination.

12 (4) An applicant for licensure as a clinical laboratory technician must have:

13 (a) (i) earned an associate degree or 60 semester hours in a science-related discipline; or

14 (ii) completed other board-approved equivalent formal education; and

15 (b) passed a board-approved examination.

16

17 NEW SECTION. Section 32. Athletic trainer license required -- qualifications -- exemptions. (1)

18 An individual may not practice athletic training unless licensed under Title 37, chapter 1, and this chapter.

19 (2) An applicant for licensure as an athletic trainer must:

20 (a) have a ~~baccalaureate~~ degree from a postsecondary institution that meets the academic
21 standards for athletic trainers established by the national athletic trainers' association board of certification; and

22 (b) have passed a board-approved examination.

23 (3) An applicant is exempt from the examination requirement in subsection (2)(b) if the applicant is
24 certified as an athletic trainer by an organization recognized by the national commission for certifying agencies.

25 (4) This section does not prohibit:

26 (a) a health care professional licensed under Title 37 from:

27 (i) practicing an occupation or profession for which the health care professional is licensed; or

28 (ii) practicing on an athlete;

- 1 (b) an educator or an information specialist from providing general information regarding
- 2 prevention of athletic injuries;
- 3 (c) an individual from providing a first aid procedure incidental to the individual's employment or
- 4 volunteer duties;
- 5 (d) an intern or student trainee who is studying a course of athletic training at an accredited
- 6 postsecondary institution from providing athletic training under qualified supervision as part of the intern or
- 7 student trainee's course of study. The intern or student trainee shall use the title "athletic training student" while
- 8 carrying out athletic training activities.
- 9 (e) a personal trainer from providing personal training services;
- 10 (f) a massage therapist from providing massage; or
- 11 (g) a coach, physical education teacher, athletic director, other school employee, or supervised
- 12 volunteer from providing first aid, preventative care, or continual follow-up care of athletes and athletic injuries
- 13 in a school setting.

15 **NEW SECTION. Section 33. Sanitarian license required -- qualifications.** (1) An individual may

16 not practice the profession of sanitarian unless licensed under Title 37, chapter 1, and this chapter.

17 (2) An applicant for licensure as a sanitarian must:

- 18 (a) have a bachelor's degree in environmental health or its equivalent from an accredited university
- 19 or college; and
- 20 (b) have passed a board-approved examination.

22 **NEW SECTION. Section 34. Genetic counselor license required -- qualifications -- exemptions.**

23 (1) An individual may not practice genetic counseling unless licensed under Title 37, chapter 1, and this
24 chapter.

25 (2) An applicant for licensure as a genetic counselor must have certification from the American
26 board of genetic counseling as a genetic counselor.

27 (3) This chapter does not apply to:

- 28 (a) an individual licensed as a physician or advanced practice registered nurse or licensed to

1 (2) An applicant for licensure to practice landscape architecture must have successfully completed
2 the educational, practical experience, and examination requirements prescribed by board rule.

3

4 **NEW SECTION. Section 43. Professional engineer and professional land surveyor licenses**
5 **required -- qualifications.** (1) An individual may not practice as a professional engineer or a professional land
6 surveyor unless licensed under Title 37, chapter 1, and this chapter.

7 (2) An applicant for licensure as a professional engineer must:

8 (a) (i) have a baccalaureate or master's degree in engineering or engineering technology from an
9 accredited program or board-approved equivalent;

10 (ii) have passed the fundamentals of engineering examination; and

11 (iii) have completed 4 years of supervised progressive experience, except that if the degree in
12 subsection (2)(a)(i) is not accredited or is a bachelor of science degree, have completed 20 years of experience
13 on engineering projects, of which 10 years must be supervised progressive experience; or

14 (b) (i) have a doctoral degree in engineering from an accredited program or board-approved
15 equivalent;

16 (ii) except as provided in subsection (2)(b)(iii), have passed the fundamentals of engineering
17 examination; and

18 (iii) have 2 years of progressive experience unless the applicant has not taken the fundamentals of
19 engineering examination, in which case the applicant must have 4 years of progressive experience.

20 (3) After completion of the experience requirements, the applicant shall pass the principles and
21 practices of engineering examination to be eligible for a professional engineering license.

22 (4) An applicant for licensure as a professional land surveyor must:

23 (a) have a board-approved bachelor's degree in land surveying;

24 (b) have passed the fundamentals of surveying examination;

25 (c) have 4 years of combined office and field experience in land surveying under the direct
26 supervision of a licensed professional land surveyor, of which at least 3 years must be progressive experience
27 on land surveying projects, except that if the degree in subsection (4)(a) is ~~an~~ board-approved associate
28 degree in land surveying or a board-approved bachelor's degree with a minor in land surveying, the applicant

1 must have 6 years and 4 1/2 years, respectively, of the experience required in this subsection (4)(c).

2 (5) After completion of the experience requirements, to be eligible for a professional land surveyor
3 license the applicant:

4 (a) must have passed the principles and practices of land surveying; ~~and~~

5 (b) must have passed the Montana state-specific land surveyor examination; and

6 ~~(b)(c)~~ shall submit exhibits of land surveying projects as prescribed by board rule.

7
8 **NEW SECTION. Section 44. Electrical work licenses required -- qualifications.** (1) An individual
9 may not practice as a master electrician, journey-level electrician, residential electrician, or electrical contractor
10 unless licensed under Title 37, chapter 1, and this chapter.

11 (2) An applicant for a master electrician's license must, as may be further prescribed by board rule:

12 (a) have an electrical engineering degree from an accredited college or university and 2,000 hours
13 of practical experience; or

14 (b) have graduated from a board-approved electrical trade school and have 8,000 hours of
15 journey-level experience; and

16 (c) have passed an examination prescribed by board rule.

17 (3) An applicant for a journey-level electrician's license must, as may be further prescribed by
18 board rule:

19 (a) (i) have completed a board-approved apprenticeship program, training program, or trade
20 school;

21 (ii) have 8,000 hours of practical experience; or

22 (iii) have worked in the electrical maintenance field for at least 20,000 hours, of which 8,000 hours
23 must be practical experience; and

24 (b) have passed an examination prescribed by board rule.

25 (4) An applicant for a residential electrician's license must:

26 (a) have completed a board-approved residential electrician apprenticeship program, training
27 program, or trade school;

28 (b) have 4,000 hours of practical experience in the wiring for, installing, and repairing of electrical

1 apparatus and equipment for light, heat, and power in residential construction consisting of fewer than five living
2 units in a single structure;

3 (c) have worked in the electrical maintenance field for at least 20,000 hours, of which 8,000 hours
4 must be practical experience; and

5 (d) have passed an examination prescribed by board rule.

6 (5) (a) For the purposes of this section, "electrical maintenance" means the ordinary and
7 customary installations in a plant or onsite in addition to modifications, additions, or repairs that are limited to
8 replacing ballasts, relamping, trouble-shooting motor controls, and replacing motors, breakers, or magnetic
9 starters in a kind-for-kind manner. The term includes the connection of specific items of specialized equipment
10 that can be directly connected to an existing branch circuit panel by means of factory-installed leads.

11 (b) The term does not include installation of a new circuit to operate the equipment described in
12 subsection (5)(a) or installation that requires the size of supply conductors to be increased.

13 (6) An applicant for licensure as an electrical contractor must meet the qualifications as prescribed
14 by board rule.

15

16 **NEW SECTION. Section 45. Plumber license required -- qualifications -- restrictions on**
17 **authority for journey-level plumber.** (1) An individual may not practice in the field of plumbing as a master
18 plumber or as a journey-level plumber unless licensed under Title 37, chapter 1, and this chapter.

19 (2) An applicant for a master plumber's license must, as may be further prescribed by board rule:

20 (a) have 4 years of experience as a licensed journey-level plumber in the field of plumbing;

21 (b) have 3 years of experience, which may run concurrently with the requirement in subsection

22 (2)(a):

23 (i) working with a licensed master plumber; or

24 (ii) in a supervisory capacity in the field of plumbing; and

25 (c) have passed an examination prescribed by board rule.

26 (3) For the purposes of subsection (2), 1 year of experience is 1,500 hours or more of work in a
27 continuous 12-month period.

28 (4) An applicant for licensure as a journey-level plumber must, as may be further prescribed by

1 board rule:

2 (a) (i) have 5 years of experience in the field of plumbing, which may include credit for time
3 attending an accredited trade or other school; or

4 (ii) have successfully completed an apprenticeship program that meets standards set by the
5 department or the United States department of labor, bureau of apprenticeship; and

6 (b) have passed an examination of the techniques and methods employed in the field of plumbing.

7 ~~(5) — Credit toward the apprenticeship program may be given for time spent attending an accredited~~
8 ~~trade or other school specializing in the field of plumbing as prescribed by board rule.~~

9 ~~(6)(5)~~ In the case of a firm or corporation, the examination and issuance of a license to an individual
10 of the firm or to a principal of the firm or corporation satisfies the requirements of this chapter as to master
11 plumbers but not as to journey-level plumbers. An individual, firm, or corporation may not do the work of a
12 master plumber unless licensed under this chapter.

14 **NEW SECTION. Section 46. Construction blaster license required -- qualifications.** (1) An
15 individual may not practice construction blasting unless licensed under Title 37, chapter 1, and this chapter or
16 under the supervision of a construction blaster licensed under Title 37, chapter 1, and this chapter.

17 (2) An applicant for licensure as a construction blaster must:

18 (a) be at least 18 years of age;

19 (b) have completed a training program recognized by the explosives or construction industry and
20 the rules of the department; and

21 (c) have 2 years of experience in construction blasting.

22 (3) The department may not approve a training program under subsection (2)(b) unless the
23 program offers comprehensive instruction in types of explosives, methods and purposes of their use, and safety
24 and storage.

26 **NEW SECTION. Section 47. Elevator mechanic, inspector, and contractor licenses required --**
27 **qualifications.** (1) An individual may not practice as an elevator mechanic, limited elevator mechanic, or
28 elevator inspector or engage in the business of an elevator contractor or limited elevator contractor unless

1 **Section 65.** Section 37-1-106, MCA, is amended to read:

2 "**37-1-106. Biennial report.** The department, in cooperation with each licensing board and program,
3 shall prepare a biennial report. ~~The biennial report of the department shall contain for each board a summary of~~
4 ~~the board's activities, the board's~~ that summarizes the goals and objectives of each board and program, a
5 detailed breakdown of board and program revenues and expenditures, ~~statistics illustrating board activities~~
6 ~~concerning licensing, summary~~ the number of complaints received and their disposition, the number of licenses
7 ~~revoked or suspended~~ license applications received and their disposition, legislative or court action affecting the
8 board, and any other information the department or board or program considers relevant. The department shall
9 submit the report to the office of budget and program planning as a part of the information required by 17-7-
10 111."

11
12 **Section 66.** Section 37-1-121, MCA, is amended to read:

13 "**37-1-121. Duties of commissioner** ~~—definitions.~~ (1) In addition to the powers and duties under 2-
14 15-112 and 2-15-121, the commissioner of labor and industry shall:

15 (a) at the request of a party, appoint an impartial hearings examiner to conduct ~~hearings whenever~~
16 ~~any board or department program holds a contested case~~ a contested case hearing. ~~The hearings examiner~~
17 ~~shall conduct hearings in a proper and legal manner.;~~

18 (b) establish the qualifications of and hire all personnel to perform the administrative, fiscal,
19 inspection, investigative, and legal, and clerical functions of the department for the boards and programs.;
20 ~~Boards within the department do not have authority to establish the qualifications of, hire, or terminate~~
21 ~~personnel. The department shall consult with the boards regarding recommendations for qualifications for~~
22 ~~executive or executive director positions.~~

23 (c) approve all contracts and expenditures by boards ~~within the department~~ and programs. A
24 board ~~within the department~~ or program may not enter into a contract or expend funds without the approval of
25 the commissioner.

26 (d) provide oversight and supervision of the duties and authority exercised by boards regulated
27 under Title 37, other than chapters 42, 43, and 61, by exercising active supervision authority to approve or
28 disapprove any board action identified by the department as restraining or potentially restraining competition in

1 trade or commerce. A board action includes any policy, rule, or other action of the board subject to this ~~section~~
2 subsection (1)(d).

3 ~~(2)~~ Subject to the provisions of 37-1-122(6), the commissioner shall determine if the board action is
4 ~~made or taken pursuant to~~ based on a clearly articulated state policy and if the restraint or potential restraint of
5 trade or commerce is reasonable and necessary to protect the public health, safety, or welfare. Any approval or
6 disapproval under ~~this~~ subsection (1)(d) must be in writing, comply with the provisions in 37-1-122, and set forth
7 the ~~particular~~ reasons supporting the determination. A disapproval determination may include the
8 commissioner's recommended modifications, if any, for the board's consideration. The commissioner may
9 assign duties, as necessary, but may not assign final approval or disapproval.

10 ~~(2)(3)~~ If the department disapproves or modifies any board action under subsection (1)(d), the
11 department and not the board may be liable for claims resulting from the disapproval or modification.

12 ~~(3)~~ As used in this chapter, the following definitions apply:

13 ~~(a)~~ "Board action" means a policy, rule, or other action taken by a board subject to subsection (1)(d).

14 ~~(b)~~ "Commissioner" means the commissioner of labor and industry unless otherwise specified."

15

16 **Section 67.** Section 37-1-130, MCA, is amended to read:

17 **"37-1-130. Definitions.** As used in this part Title 37 pertaining to professional and occupational
18 licensing boards and programs, the following definitions apply:

19 ~~(1)~~ "Administrative fee" means a fee established by the department to cover the cost of administrative
20 services as provided for in 37-1-134.

21 ~~(2)(1)~~ "Board" means a licensing board created under Title 2, chapter 15, that regulates part 17, to
22 regulate a profession or occupation ~~and that is administratively attached to the department as provided in 2-15-~~
23 121.

24 ~~(2)~~ "Business entity" means a sole proprietor, corporation, partnership, limited partnership, limited
25 liability company, limited liability partnership, or association.

26 ~~(3)~~ "Complaint" means information provided to or obtained by the department that, if true, warrants
27 disciplinary, enforcement, or other action authorized by this chapter against a licensee, license applicant, or
28 other person.

1 on the alleged violator. The notice may be served by certified mail to the current address on file with the board
2 or by other means authorized by the Montana Rules of Civil Procedure. The notice may not allege a violation of
3 a particular statute, rule, or standard unless the board or the board's screening panel, if one has been
4 established, has made a written determination that there are reasonable grounds to believe that the particular
5 statute, rule, or standard has been violated of charges and any accompanying summary suspension order.

6 ~~(2)~~ A licensee or license applicant shall give the board the licensee's or applicant's current address
7 and any change of address within 30 days of the change.

8 ~~(3)~~(2) The notice must state that the licensee or license applicant may request a hearing to contest
9 the charge or charges. A request for a hearing must be in writing and received in the offices of by the
10 department within ~~20~~21 days after the licensee's receipt service of the notice. Failure to request a hearing
11 constitutes a default on the charge or charges, and the board or program may enter a decision based on the
12 ~~basis of the facts available to it.~~

13 (3) A disciplinary action under this section may not be taken against an individual who is in
14 compliance with Title 16, chapter 12, part 5.

15 (4) The remedies in this section do not preclude or in any way limit other remedies or action
16 otherwise permitted or required by law."

17
18 **Section 77.** Section 37-1-310, MCA, is amended to read:

19 **"37-1-310. Hearing -- adjudicative procedures.** (1) The procedures in Title 2, chapter 4, governing
20 adjudicative proceedings before agencies; the Montana Rules of Civil Procedure; and the Montana Rules of
21 Evidence govern a hearing under this part. A board or program has all the powers and duties granted by Title 2,
22 chapter 4.

23 (2) The department has the burden to prove the charges at the hearing by a preponderance of the
24 evidence."

25
26 **Section 78.** Section 37-1-311, MCA, is amended to read:

27 **"37-1-311. Findings of fact -- order -- report.** ~~(1) If the board decides by a preponderance of the~~
28 ~~evidence, following a hearing or on default, that a violation of this part occurred, the~~ An adjudication panel of

1 the board or the department on behalf of a program shall review and adjudicate proposed dispositions by
2 hearing, default, or stipulation in accordance with 2-4-621.

3 (2) ~~The department shall prepare and serve the board's deliver findings of fact and an order,~~
4 ~~including an order of dismissal as provided in Title 2, chapter 4 ~~42-4-623 2-4-623.~~ If the licensee or license~~
5 ~~applicant is found not to have violated this part, the department shall prepare and serve the board's findings of~~
6 ~~fact and an order of dismissal of the charges.~~

7 (2)(3) (a) The department shall within a reasonable amount of time report to the public the issuance
8 of a summary suspension, a notice under 37-1-309, an accepted stipulation, a hearing examiner's proposed
9 decision, and a final order.

10 (b) In addition to ~~any other means of notice~~ public dissemination of final orders required by 2-4-
11 623, the department shall post the required information on a publicly available website.

12 (c) This subsection (2) (3) may not be construed to require a meeting to be open or records to be
13 disseminated when the demands of individual privacy clearly exceed the merits of public disclosure."
14

15 **Section 79.** Section 37-1-312, MCA, is amended to read:

16 **"37-1-312. Sanctions -- stay -- costs -- stipulations.** (1) Upon a decision that a licensee or license
17 applicant has ~~violated this part or is unable to practice with reasonable skill and safety due to a physical or~~
18 ~~mental condition~~ committed unprofessional conduct or upon stipulation of the parties as provided in subsection
19 (3), ~~the a board or a program~~ may issue an order providing for one or any combination of the following
20 sanctions that are necessary to protect the public:

- 21 (a) revocation of the license;
- 22 (b) suspension of the license for a fixed or indefinite term;
- 23 (c) restriction or limitation of the practice;
- 24 (d) satisfactory completion of a specific program of remedial education or treatment;
- 25 (e) monitoring of the practice by a supervisor approved by the disciplining authority;
- 26 (f) censure or reprimand, ~~either public or private;~~
- 27 (g) compliance with conditions of probation for a designated period of time;
- 28 (h) payment of a fine not to exceed \$1,000 for each violation. Fines must be deposited in the state

1 general fund.

2 (i) denial of a license application or issuance of the license for a probationary period not to exceed
3 3 years;

4 (j) refund of costs and fees billed to and collected from a consumer; or

5 (k) other appropriate action.

6 (2) A sanction may be totally or partly stayed by the board or program. ~~To determine which~~
7 ~~sanctions are appropriate, the board shall first consider the sanctions that are necessary to protect or~~
8 ~~compensate the public. Only after the determination has been made may the board consider and include in the~~
9 ~~order any requirements designed to rehabilitate the licensee or license applicant.~~

10 (3) The licensee or license applicant may enter into a stipulated agreement resolving potential or
11 pending charges that includes one or more of the sanctions in this section. The stipulation is an informal
12 disposition for the purposes of 2-4-603.

13 ~~(4) A licensee shall surrender a suspended or revoked license to the board within 24 hours after~~
14 ~~receiving notification of the suspension or revocation by mailing it or delivering it personally to the board."~~

15

16 **Section 80.** Section 37-1-314, MCA, is amended to read:

17 **"37-1-314. Reinstatement.** (1) A Unless a board or program orders a permanent revocation, a
18 licensee whose license has been suspended or revoked under this part may petition the board or program for
19 reinstatement after an interval set by the board in the order. The board may hold a hearing on the petition and
20 or program may deny the petition or order reinstatement and impose the terms and conditions as provided in
21 37-1-312.

22 (2) The board or program may require the successful completion of an examination as a condition
23 of reinstatement and may treat a licensee whose license has been revoked ~~or suspended~~ as a new applicant
24 for purposes of establishing ~~the requisite licensure~~ licensure qualifications of licensure."

25

26 **Section 81.** Section 37-1-315, MCA, is amended to read:

27 **"37-1-315. Enforcement of fine.** (1) If payment of a fine is ~~included in an order and timely payment is~~
28 ~~not~~ not made as directed in the ~~an~~ order, the ~~board~~ department may enforce the order for payment in the district

1 court of the first judicial district.

2 (2) ~~In a proceeding for enforcement of an order of payment of a fine, the order is conclusive proof~~
3 ~~of the validity of the order of payment and the terms of payment. A proceeding under this section is not a review~~
4 ~~of the validity of the board or program order."~~

5

6 **Section 82.** Section 37-1-316, MCA, is amended to read:

7 **"37-1-316. Unprofessional conduct.** The following is unprofessional conduct for a licensee or
8 license applicant governed by this part:

9 (1) Subject to Title 37, chapter 1, part 2, having a conviction, including conviction following a plea
10 of nolo contendere, of a crime relating to or committed during the course of the person's practice of the
11 profession or occupation or involving violence, use or sale of drugs, fraud, deceit, or theft, whether or not an
12 appeal is pending;

13 (2) engaging in conduct defined as a sexual crime in Title 45, chapter 5, part 5, regardless of
14 whether the conduct occurred during or is related to the licensee's profession or occupation;

15 (3) engaging in conduct in the profession or occupation found to be a violation of the Montana
16 Human Rights Act, Title 49;

17 ~~(2)(4)~~ permitting, aiding, abetting, or conspiring with a person to violate or circumvent a law relating to
18 licensure or certification;

19 ~~(3)(5)~~ fraud, misrepresentation, deception, or concealment of a material fact in applying for or
20 assisting in securing a license or license renewal or in taking an examination required for licensure;

21 ~~(4)(6)~~ signing or issuing, in the licensee's professional capacity, a document or statement that the
22 licensee knows or reasonably ought to know contains a false or misleading statement;

23 ~~(5)(7)~~ a misleading, deceptive, false, or fraudulent advertisement or other representation in the
24 conduct of the profession or occupation;

25 ~~(6)(8)~~ offering, giving, or promising anything of value or benefit to a federal, state, or local
26 government employee or official for the purpose of influencing the employee or official to circumvent a federal,
27 state, or local law, rule, or ordinance governing the licensee's profession or occupation;

28 ~~(7)(9)~~ denial, suspension, revocation, probation, fine, surrender during investigation or in lieu of

1 ~~(5) an application fee."~~

2

3 **Section 93.** Section 37-4-402, MCA, is amended to read:

4 "**37-4-402. License -- examination Dental hygienist license required -- qualifications.** (1) The
5 department may issue licenses for the practice of dental hygiene to qualified applicants to be known as dental
6 hygienists An individual may not practice dental hygiene unless licensed under Title 37, chapter 1, and this
7 chapter.

8 ~~(2) Except as provided by rules adopted under 37-1-319, a person may not engage in the practice of~~
9 ~~dental hygiene or practice as a dental hygienist in this state until the person has passed an examination~~
10 ~~approved by the board under rules adopted by the board and has been issued a license by the department.~~

11 ~~(3)(2)~~ An applicant for licensure shall submit an application that must include, when required as a
12 dental hygienist must have:

13 (a) certification of successful completion of passed the national board written examination;

14 (b) certification of successful completion of passed a regional board practical examination; and

15 ~~(c) two affidavits of good moral character;~~

16 ~~(d)(c)~~ a certificate of graduation graduated from a board-approved dental hygiene school; and

17 ~~(e) an application fee."~~

18

19 **Section 94.** Section 37-7-101, MCA, is amended to read:

20 "**37-7-101. Definitions.** As used in this chapter, the following definitions apply:

21 (1) (a) "Administer" means the direct application of a drug to the body of a patient by injection,
22 inhalation, ingestion, or any other means.

23 (b) Except as provided in 37-7-105, the term does not include immunization by injection for
24 children under 18 years of age.

25 (2) "Board" means the board of pharmacy provided for in 2-15-1733.

26 (3) "Cancer drug" means a prescription drug used to treat:

27 (a) cancer or its side effects; or

28 (b) the side effects of a prescription drug used to treat cancer or its side effects.

1 (4) "Chemical" means medicinal or industrial substances, whether simple, compound, or obtained
2 through the process of the science and art of chemistry, whether of organic or inorganic origin.

3 (5) "Clinical pharmacist practitioner" means a licensed pharmacist in good standing who meets the
4 requirements specified in 37-7-306.

5 (6) "Collaborative pharmacy practice" means the practice of pharmacy by a pharmacist who has
6 agreed to work in conjunction with one or more prescribers, on a voluntary basis and under protocol, and who
7 may perform certain patient care functions under certain specified conditions or limitations authorized by the
8 prescriber.

9 (7) "Collaborative pharmacy practice agreement" means a written and signed agreement between
10 one or more pharmacists and one or more prescribers that provides for collaborative pharmacy practice for the
11 purpose of drug therapy management of patients.

12 (8) "Commercial purposes" means the ordinary purposes of trade, agriculture, industry, and
13 commerce, exclusive of the practices of medicine and pharmacy.

14 (9) "Compounding" means the preparation, mixing, assembling, packaging, or labeling of a drug or
15 device based on:

- 16 (a) a practitioner's prescription drug order;
- 17 (b) a professional practice relationship between a practitioner, pharmacist, and patient;
- 18 (c) research, instruction, or chemical analysis, but not for sale or dispensing; or
- 19 (d) the preparation of drugs or devices based on routine, regularly observed prescribing patterns.

20 (10) "Confidential patient information" means privileged information accessed by, maintained by, or
21 transmitted to a pharmacist in patient records or that is communicated to the patient as part of patient
22 counseling.

23 (11) "Controlled substance" means a substance designated in Schedules II through V of Title 50,
24 chapter 32, part 2.

25 (12) "Department" means the department of labor and industry provided for in Title 2, chapter 15,
26 part 17.

27 (13) "Device" has the same meaning as defined in 37-2-101.

28 (14) "Dispense" or "dispensing" means the interpretation, evaluation, and implementation of a

1 prescription drug order, including the preparation and delivery of a drug or device to a patient or patient's agent
2 in a suitable container appropriately labeled for administration to or use by a patient.

3 (15) "Distribute" or "distribution" means the sale, purchase, trade, delivery, handling, storage, or
4 receipt of a drug or device and does not include administering or dispensing a prescription drug, pursuant to
5 section 353(b)(1), or a new animal drug, pursuant to section 360b(b) of the Federal Food, Drug, and Cosmetic
6 Act, 21 U.S.C. 301, et seq.

7 (16) "Drug" means a substance:

8 (a) recognized as a drug in any official compendium or supplement;

9 (b) intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in humans or
10 animals;

11 (c) other than food, intended to affect the structure or function of the body of humans or animals;

12 and

13 (d) intended for use as a component of a substance specified in subsection (16)(a), (16)(b), or
14 (16)(c).

15 (17) "Drug utilization review" means an evaluation of a prescription drug order and patient records
16 for duplication of therapy, interactions, proper utilization, and optimum therapeutic outcomes. The term includes
17 but is not limited to the following evaluations:

18 (a) known allergies;

19 (b) rational therapy contraindications;

20 (c) reasonable dose and route administration;

21 (d) reasonable directions for use;

22 (e) drug-drug interactions;

23 (f) drug-food interactions;

24 (g) drug-disease interactions; and

25 (h) adverse drug reactions.

26 (18) "Equivalent drug product" means a drug product that has the same established name, active
27 ingredient or ingredients, strength or concentration, dosage form, and route of administration and meets the
28 same standards as another drug product as determined by any official compendium or supplement. Equivalent

1 drug products may differ in shape, scoring, configuration, packaging, excipients, and expiration time.

2 (19) "FDA" means the United States food and drug administration.

3 (20) "Health care facility" has the meaning provided in 50-5-101.

4 (21) (a) "Health clinic" means a facility in which advice, counseling, diagnosis, treatment, surgery,

5 care, or services relating to preserving or maintaining health are provided on an outpatient basis for a period of

6 less than 24 consecutive hours to a person not residing at or confined to the facility.

7 (b) The term includes an outpatient center for primary care and an outpatient center for surgical

8 services, as those terms are defined in 50-5-101, and a local public health agency as defined in 50-1-101.

9 (c) The term does not include a facility that provides routine health screenings, health education,

10 or immunizations.

11 (22) "Health information system" means one of the following systems used to compile and manage

12 patient health care information:

13 (a) an electronic health record system;

14 (b) a health information exchange approved by the board;

15 (c) a pharmacy dispensing system; or

16 (d) a system defined by the board by rule.

17 (23) "Hospital" has the meaning provided in 50-5-101.

18 (24) "Immunization-certified pharmacist" means a pharmacist who:

19 (a) has successfully completed an immunization delivery course of training that is approved by the

20 accreditation council for pharmacy education or by an authority approved by the board and that, at a minimum,

21 includes instruction in hands-on injection technique, clinical evaluation of indications and contraindications of

22 immunizations, storage and handling of immunizations, and documentation and reporting; and

23 (b) holds a current basic cardiopulmonary resuscitation certification issued by the American heart

24 association, the American red cross, or another recognized provider.

25 (25) "Intern" means:

26 (a) a person who is licensed by the state to engage in the practice of pharmacy while under the

27 personal supervision of a preceptor and who is satisfactorily progressing toward meeting the requirements for

28 licensure as a pharmacist;

1 (b) a graduate of an accredited college of pharmacy who is licensed by the state for the purpose of
2 obtaining practical experience as a requirement for licensure as a pharmacist;

3 (c) a qualified applicant awaiting examination for licensure; or

4 (d) a person participating in a residency or fellowship program.

5 (26) "Long-term care facility" has the meaning provided in 50-5-101.

6 (27) "Manufacturing" means the production, preparation, propagation, conversion, or processing of
7 a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by
8 means of chemical or biological synthesis.

9 (28) "Medicine" means a remedial agent that has the property of curing, preventing, treating, or
10 mitigating diseases or which is used for this purpose.

11 (29) "Outsourcing facility" means a facility at one geographic location or address that:

12 (a) engages in compounding of sterile drugs;

13 (b) has elected to register as an outsourcing facility with FDA; and

14 (c) complies with all the requirements of section 353b of the Federal Food, Drug, and Cosmetic
15 Act, 21 U.S.C. 301 et seq.

16 (30) "Participant" means a physician's office, pharmacy, hospital, or health clinic that has elected to
17 voluntarily participate in the cancer drug repository program provided for in 37-7-1403 and that accepts donated
18 cancer drugs or devices under rules adopted by the board.

19 (31) "Patient counseling" means the communication by the pharmacist of information, as defined by
20 the rules of the board, to the patient or caregiver in order to ensure the proper use of drugs or devices.

21 (32) "Person" includes an individual, partnership, corporation, association, or other legal entity.

22 (33) "Pharmaceutical care" means the provision of drug therapy and other patient care services
23 intended to achieve outcomes related to the cure or prevention of a disease, elimination or reduction of a
24 patient's symptoms, or arresting or slowing of a disease process.

25 (34) "Pharmacist" means a person licensed by the state to engage in the practice of pharmacy and
26 who may affix to the person's name the term "R.Ph."

27 (35) "Pharmacy" means an established location, either physical or electronic, registered by the
28 board where drugs or devices are dispensed with pharmaceutical care or where pharmaceutical care is

1 provided.

2 (36) "Pharmacy technician" means an individual who assists a pharmacist in the practice of
3 pharmacy.

4 (37) "Poison" means a substance that, when introduced into the system, either directly or by
5 absorption, produces violent, morbid, or fatal changes or that destroys living tissue with which it comes in
6 contact.

7 (38) "Practice of pharmacy" means:

8 (a) interpreting, evaluating, and implementing prescriber orders;

9 (b) administering drugs and devices pursuant to a collaborative practice agreement, except as
10 provided in 37-7-105, and compounding, labeling, dispensing, and distributing drugs and devices, including
11 patient counseling;

12 (c) properly and safely procuring, storing, distributing, and disposing of drugs and devices and
13 maintaining proper records;

14 (d) monitoring drug therapy and use;

15 (e) initiating or modifying drug therapy in accordance with collaborative pharmacy practice
16 agreements established and approved by health care facilities or voluntary agreements with prescribers;

17 (f) participating in quality assurance and performance improvement activities;

18 (g) providing information on drugs, dietary supplements, and devices to patients, the public, and
19 other health care providers; and

20 (h) participating in scientific or clinical research as an investigator or in collaboration with other
21 investigators.

22 (39) "Practice pharmacy by means of telehealth" means to provide pharmaceutical care through the
23 use of information technology to patients at a distance.

24 (40) "Preceptor" means an individual who is registered by the board and participates in the
25 instructional training of a pharmacy intern.

26 (41) "Prescriber" has the same meaning as provided in 37-7-502.

27 (42) "Prescription drug" means any drug that is required by federal law or regulation to be
28 dispensed only by a prescription subject to section 353(b) of the Federal Food, Drug, and Cosmetic Act, 21

1 U.S.C. 301 et seq.

2 (43) "Prescription drug order" means an order from a prescriber for a drug or device that is
3 communicated directly or indirectly by the prescriber to the furnisher by means of a signed order, by electronic
4 transmission, in person, or by telephone. The order must include the name and address of the prescriber, the
5 prescriber's license classification, the name and address of the patient, the name, strength, and quantity of the
6 drug, drugs, or device prescribed, the directions for use, and the date of its issue. These stipulations apply to
7 written, oral, electronically transmitted, and telephoned prescriptions and orders derived from collaborative
8 pharmacy practice.

9 (44) "Provisional community pharmacy" means a pharmacy that has been approved by the board,
10 including but not limited to federally qualified health centers, as defined in 42 CFR 405.2401, where prescription
11 drugs are dispensed to appropriately screened, qualified patients.

12 (45) "Qualified patient" means a person who is uninsured, indigent, or has insufficient funds to
13 obtain needed prescription drugs or cancer drugs.

14 (46) "Registry" means the prescription drug registry provided for in 37-7-1502.

15 ~~(47) "Utilization plan" means a plan under which a pharmacist may use the services of a pharmacy~~
16 ~~technician in the practice of pharmacy to perform tasks that:~~

17 ~~(a) do not require the exercise of the pharmacist's independent professional judgment; and~~

18 ~~(b) are verified by the pharmacist.~~

19 ~~(48)(47)~~ "Wholesale" means a sale for the purpose of resale."

20

21 **Section 95.** Section 37-7-201, MCA, is amended to read:

22 **"37-7-201. Organization -- powers Powers and duties -- rulemaking authority.** (1) The board shall
23 ~~meet at least once a year to transact its business. The board shall annually elect from its members a president,~~
24 ~~vice president, and secretary.~~

25 (2) ~~The board shall regulate the practice of pharmacy in this state, including but not limited to:~~

26 (a) ~~establishing establish~~ minimum standards for:

27 (i)(a) necessary pharmacy equipment necessary in and for a pharmacy;

28 (ii)(b) the purity and quality of drugs, devices, and other materials dispensed within the state through

1 problems, or ordering tests under the direction or supervision of a prescriber."

2

3 **Section 96.** Section 37-7-308, MCA, is amended to read:

4 ~~"37-7-308. Preparation and approval of utilization plan -- revocation of or refusal to renew plan~~
5 ~~-- contested case hearing inspection.~~ (1) A supervising pharmacist shall:

6 (a)(1) ~~prepare the utilization plan and submit a summary of the plan to the board for approval upon~~
7 ~~initial application;~~

8 (b)(2) ~~keep on file in the pharmacy a copy of comply with and maintain the utilization plan for~~
9 ~~department inspection by the board; and~~

10 (c)(3) ~~annually review the utilization plan and provide documentation to the board to ensure that the~~
11 ~~plan accurately reflects the current use of the services of a pharmacy technician or auxiliary.~~

12 (2) ~~The board shall refuse to approve or shall revoke or fail to renew approval of a utilization plan if it~~
13 ~~does not conform to the provisions of 37-7-307 through 37-7-309 and rules adopted under those sections.~~

14 (3) ~~One year after the board revokes approval of a utilization plan, the supervising pharmacist may~~
15 ~~reapply for approval by complying with the requirements of 37-7-307 through 37-7-309 and with rules adopted~~
16 ~~under those sections.~~

17 (4) ~~Before refusing to approve or before revoking or failing to renew approval of a utilization plan, the~~
18 ~~board shall provide the supervising pharmacist a reasonable time in which to supply additional information~~
19 ~~demonstrating compliance with the requirements of 37-7-307 through 37-7-309 and with rules adopted under~~
20 ~~those sections and the opportunity to request a hearing.~~

21 (5) ~~If a supervising pharmacist requests a hearing, the board shall conduct the hearing in accordance~~
22 ~~with the contested case procedures in Title 2, chapter 4, part 6."~~

23

24 **Section 97.** Section 37-7-323, MCA, is amended to read:

25 ~~"37-7-323. Penalty -- enforcement.~~ (1) A person, firm, partnership, or corporation violating any of the
26 ~~provisions of parts 1 through 3 of this chapter is guilty of a misdemeanor and upon conviction for each violation~~
27 ~~shall automatically lose any license issued by the board.~~

28 (2) ~~In addition to the penalty provided in subsection (1), the board may withdraw its approval of a~~

- 1 ~~utilization plan previously approved for a supervising pharmacist who:~~
- 2 ~~(a) violates any provision of 37-7-307 through 37-7-309 or 37-7-308 or rules adopted under those~~
- 3 ~~sections;~~
- 4 ~~(b) obtained the approval of the utilization plan through fraud; or~~
- 5 ~~(c) acts in a manner contrary to the terms of the utilization plan.~~
- 6 ~~(3) The board may seek an injunction to enforce the provisions of subsection (2)."~~

8 **Section 97.** Section 37-7-506, MCA, is amended to read:

9 **"37-7-506. Notice to purchaser.** ~~(4)~~A pharmacist who selects a drug product, as provided in 37-7-
10 505, shall notify the ~~person~~individual presenting the prescription that the ~~person~~individual may refuse the
11 product selection as provided in 37-7-505.

12 ~~(2) Each pharmacy shall display in a prominent place that is in clear and unobstructed public view, at~~
13 ~~or near the place where prescriptions are dispensed, a sign stating: "This pharmacy may be able to select a~~
14 ~~less expensive drug product that is equivalent to the one prescribed by your physician unless you or your~~
15 ~~physician request otherwise." The printing on the sign must be in block letters not less than 1 inch in height."~~

17 **Section 98.** Section 37-7-604, MCA, is amended to read:

18 **"37-7-604. Wholesale distributor, third-party logistics provider, manufacturer, and repackager**
19 **licensing requirements license required -- fee qualifications -- federal compliance.** (1) A person or
20 distribution outlet may not act as a wholesale distributor, third-party logistics provider, manufacturer, or
21 repackager without first obtaining a license from the board and paying the license fee unless licensed under
22 Title 37, chapter 1, and this chapter.

23 (2) ~~A license may not be issued or renewed for~~ An applicant for initial licensure or license renewal
24 as a wholesale distributor, third-party logistics provider, manufacturer, or repackager to operate in this state
25 unless the applicant: must

26 (a) ~~agrees~~ agree to abide by federal and state law and to comply with the rules adopted by the FDA
27 and the board; ~~and~~

28 (b) ~~pays the license fee set by the board.~~

- 1 (i) natural disaster or government emergency;
- 2 (ii) inventory inaccuracies or product shipping and receiving;
- 3 (iii) insufficient inspections for all incoming and outgoing product shipments;
- 4 (iv) lack of control of outdated or other unauthorized products;
- 5 (v) inappropriate disposition of returned goods; and
- 6 (vi) failure to promptly comply with product recalls; and
- 7 (h) operations in compliance with all federal requirements applicable to a wholesale distributor,
- 8 third-party logistics provider, manufacturer, or repackager.

9 (5) An agent or employee of a licensed wholesale distributor, third-party logistics provider,
 10 manufacturer, or repackager need not be licensed as a wholesale distributor, third-party logistics provider,
 11 manufacturer, or repackager.

12 (6) ~~For purposes of this section, all~~ All rules and regulations promulgated by the board pertaining
 13 to this section must conform to the wholesale distributor, third-party logistics provider, manufacturer, and
 14 repackager licensing guidelines and rules formally adopted by the FDA. If a conflict arises between an FDA
 15 guideline or rule and a rule or regulation of the board, the former controls.

16 (7) Wholesale distributors, third-party logistics providers, manufacturers, and repackagers licensed
 17 by the board shall comply with the tracing requirements defined in sections 353 and 360eee of the Drug Supply
 18 Chain Security Act, 21 U.S.C. 301, et seq., and all corresponding guidelines and rules."

20 **Section 99.** Section 37-7-703, MCA, is amended to read:

21 **"37-7-703. Registration requirements Out-of-state mail order pharmacy -- registration**
 22 **requirements.** Each out-of-state mail ~~service order~~ pharmacy must be registered with the board of pharmacy
 23 ~~under Title 37, chapter 1, and this chapter.~~ In order to be registered with the board to do business in this state
 24 ~~and for the renewal of its~~ To be registered and to renew the registration, an out-of-state mail ~~service order~~
 25 pharmacy shall:

26 (1) (a) ~~shall~~ submit a certificate from the ~~appropriate~~ licensing authority with which it is currently
 27 licensed and in good standing in the state in which its dispensing facilities are located; ~~and~~

28 (b)(2) shall comply with all applicable laws, regulations, and standards of that state and the United

1 States and, if requested by the board, provide evidence that it has complied;

2 (2)(3) shall register with the board and provide information on ownership and location, including the
3 names and titles of the corporate officers, of the out-of-state mail service order pharmacy and the identity of a
4 pharmacist licensed in the state in which the pharmacy is located who is in charge of dispensing prescriptions
5 for shipment to Montana from the out-of-state mail service order pharmacy; and

6 ~~(3)(4) shall submit a utilization plan for the employment of pharmacy technicians if allowed required~~
7 ~~by the state where the mail service order pharmacy is located. If the state in which the pharmacy is located~~
8 ~~does not establish a ratio of technicians to pharmacists for determining the number of pharmacy technicians or~~
9 ~~otherwise define the role of the pharmacist in compounding or dispensing drugs at the pharmacy, then the out-~~
10 ~~of state mail service pharmacy may not allow a pharmacist to supervise more than one supportive person at~~
11 ~~any one time in the compounding or dispensing of prescription drugs, unless approved by the board as~~
12 ~~provided in 37-7-307 through 37-7-309.; and~~

13 (4)(5)(4) shall submit to the board proof of the pharmacist's good standing with the licensing
14 authority in the state where the pharmacist is employed ~~and the pharmacist's written commitment to comply~~
15 ~~with the utilization plan, if any,~~ for each pharmacist identified under subsection (2) (3) and shall provide to the
16 board the same toll-free telephone service referenced in 37-7-706 in order to comply with all information
17 requests by the board; ~~and~~

18 (5) ~~shall pay an initial registration fee and a periodic renewal fee in an amount to be determined by~~
19 ~~the board and at a time established by the department by rule."~~

21 **Section 100.** Section 37-8-202, MCA, is amended to read:

22 **"37-8-202. Organization -- meetings -- powers Power and duties -- rulemaking authority.** (1) The
23 board shall:

24 (a) ~~meet annually and elect from among the members a president and a secretary;~~

25 (b) ~~hold other meetings when necessary to transact its business;~~

26 (c)(a) prescribe standards for schools preparing persons individuals for registration and licensure
27 under this chapter;

28 (d)(b) provide for surveys of schools at times the board considers necessary;

1 behavior analyst must an individual who:

2 (a) ~~submits an application as determined by the board by rule;~~

3 (b) ~~pays required applicant fees and subsequent renewal fees;~~

4 (c) ~~submits a full set of the applicant's fingerprints to the board to facilitate a fingerprint-based criminal~~
5 ~~record background check by the Montana department of justice and the federal bureau of investigation. The~~
6 ~~board may not disseminate criminal history record information resulting from the background check across state~~
7 ~~lines.~~

8 (d)(a) ~~provides evidence of current~~ have certification at the appropriate level from the behavior
9 analyst certification board;

10 (e) ~~is of good moral character; and~~

11 (f)(b) ~~attests~~ have attested to abiding by professional and ethical requirements indicated in the
12 Professional and Ethical Compliance Code for Behavior Analysts recognized by the behavior analyst
13 certification board.;

14 (3) ~~To obtain a license as a behavior analyst, an individual must meet the requirements in subsection~~
15 ~~(2) and:~~

16 (a)(c) ~~have passed the applicable board-certified behavior analyst or assistant behavior analyst~~
17 ~~examination by the behavior analyst certification board; and~~

18 (b) ~~be currently certified as a behavior analyst by the behavior analyst certification board; and~~

19 (e)(d) ~~have met the educational course work and requirements set by the board by rule.~~

20 (4) ~~To obtain a license as an assistant behavior analyst, an individual must meet the requirements in~~
21 ~~subsection (2) and:~~

22 (a) ~~have passed the board-certified assistant behavior analyst examination by the behavior analyst~~
23 ~~certification board;~~

24 (b) ~~be currently certified as an assistant behavior analyst by the behavior analyst certification board;~~

25 and

26 (c) ~~have met the educational course work and requirements set by the board by rule."~~

27

28 **Section 123.** Section 37-18-101, MCA, is amended to read:

1 " ~~37-18-101. (Temporary) Definitions.~~ Unless the context requires otherwise, in this chapter the
2 following definitions apply:

3 (1) ~~"Board" means the board of veterinary medicine provided for in 2-15-1742.~~

4 (2) ~~"Department" means the department of labor and industry provided for in Title 2, chapter 15, part
5 17.~~

6 **37-18-101. (Effective January 1, 2023) Definitions.** ~~Unless the context requires otherwise, As used~~
7 in this chapter, the following definitions apply:

8 (1) "Board" means the board of veterinary medicine provided for in 2-15-1742.

9 (2) ~~"Department" means the department of labor and industry provided for in Title 2, chapter 15, part
10 17."~~

11 ~~(3)(2) "Direct supervision" means direction on an animal patient's care provided supervision and
12 instruction on the care of a specific animal by a veterinarian licensed under this chapter who is on the premises
13 and readily available to take over direct care of or to consult on animal veterinary medical care directly with a
14 licensed veterinary technician.~~

15 ~~(4)(3)(2) "Emergency" means a life-threatening condition in which immediate treatment is
16 necessary to sustain life or, if death is imminent, to relieve pain and suffering.~~

17 ~~(5)(4) "Immediate supervision" means direction on an animal patient's care provided supervision by a
18 veterinarian licensed under this chapter who is within direct eyesight and hearing range of a licensed veterinary
19 technician and immediately available to take over veterinary medical care.~~

20 ~~(6)(5) "Indirect supervision" means direction on an animal patient's care supervision provided by a
21 veterinarian licensed under this chapter who is not on the premises but is readily available to perform the duties
22 of a licensed veterinarian by maintaining direct communication with a licensed veterinary technician and who is
23 in compliance with 37-18-309 communicate with electronically.~~

24 ~~(3) "Supervision" means instruction on the care of a specific animal by a veterinarian to a
25 veterinary technician under three levels of supervision as follows from the highest to lowest level:~~

26 ~~(a) "immediate" means within direct eyesight and hearing range and immediately available to take
27 over care or consult;~~

28 ~~(b) "direct" means on the same premises and readily available to take over care or consult; and~~

1 (c) "indirect" means to be readily available to communicate electronically to direct care or consult.

2 ~~(6)(4)~~ "Veterinary medicine" means to:

3 (a) diagnose, prescribe, or administer a drug, medicine, appliance, application, or treatment or
4 perform a surgical operation or manipulation for the prevention, cure, or relief of a pain, deformity, wound,
5 fracture, bodily injury, physical condition, or disease of animals;

6 (b) instruct, demonstrate, or solicit by a notice, sign, or other indication, with contract either
7 express or implied, or otherwise, with or without the necessary instruments, for the administration of biologics or
8 medicines or animal disease cures for the prevention and treatment of disease of animals and remedies for the
9 treatment of internal parasites in animals;

10 (c) perform a manual or laboratory procedure on livestock for the diagnosis of pregnancy, sterility,
11 or infertility for remuneration or hire, except that a person or the person's agent may conduct pregnancy testing
12 of the person's own farm animals;

13 (d) perform acupuncture, ova or embryo transfer, or dentistry on animals; and

14 (e) instruct others, except as exempted in 37-18-104(4) for compensation, to practice veterinary
15 medicine.

16 ~~(7)(5)~~ "Veterinary technician" means an ~~employee of a veterinarian individual~~ with an advanced level
17 of training or experience who performs delegated tasks under the direct, immediate, or indirect supervision of a
18 veterinarian as prescribed in this chapter and board rule."

19
20 **Section 124.** Section 37-18-104, MCA, is amended to read:

21 ~~" 37-18-104. (Temporary) Exemptions -- rules. (1) This chapter does not apply to:~~

22 ~~(a) a veterinarian in the performance of the veterinarian's official duties, either civil or military, in the~~
23 ~~service of the United States unless the veterinarian is engaged in the practice of veterinary medicine in a~~
24 ~~private capacity;~~

25 ~~(b) laboratory technicians and veterinary research workers, as distinguished from veterinarians, in the~~
26 ~~employ of this state or the United States and engaged in labors in laboratories under the direct supervision of~~
27 ~~the board of livestock, Montana state university Bozeman, or the United States;~~

28 ~~(c) a veterinarian practicing in another state or country and authorized under the laws of that state or~~

1 public trust and if the board determines that the applicant is not, the license may be denied.

2 (7) A person holding a license to practice as a licensed addiction counselor in this state may use
3 the title "licensed addiction counselor".
4

5 **Section 160.** Section 37-36-204, MCA, is amended to read:

6 **"37-36-204. Application and administration of topical medications -- recordkeeping.** (1) A

7 licensed athletic trainer may apply or administer topical medications by:

8 (a) direct application;

9 (b) iontophoresis, a process by which topical medications are applied ~~through the use of~~ with
10 electricity; or

11 (c) phonophoresis, a process by which topical medications are applied ~~through the use of~~ with
12 ultrasound.

13 (2) A licensed athletic trainer may apply or administer the following topical medications:

14 (a) bactericidal agents;

15 (b) debriding agents;

16 (c) anesthetic agents;

17 (d) anti-inflammatory agents;

18 (e) antispasmodic agents; and

19 (f) adrenocorticosteroids.

20 (3) Topical medications applied or administered by a licensed athletic trainer must be prescribed

21 on a specific or standing basis by a licensed medical practitioner authorized to order or prescribe topical

22 medications and must be purchased from a pharmacy certified under ~~37-7-324~~ [section 16]. Topical

23 medications dispensed under this section must comply with packaging and labeling guidelines developed by

24 the board of pharmacy under Title 37, chapter 7.

25 (4) Appropriate recordkeeping is required of a licensed athletic trainer who applies or administers

26 topical medications as authorized in this section."
27

28 **Section 161.** Section 37-37-201, MCA, is amended to read:

1 **"37-37-201. License requirements -- exemptions.** (1) An applicant for a license shall pay an
2 application fee set by the board by rule. The board may provide a separate, combined fee for persons licensed
3 by the board holding dual licenses. An applicant for a license under this section shall also complete an
4 application on a form provided by the department and provide documentation to the board that the applicant:
5 (a) (i) has a master's degree or a doctoral degree in marriage and family therapy from a
6 recognized educational institution or a degree from a program accredited by the commission on accreditation
7 for marriage and family therapy education;
8 (ii) has a graduate degree in an allied field from a recognized educational institution and graduate
9 level work that the board determines to be the equivalent of a master's degree in marriage and family therapy or
10 marriage and family counseling; or
11 (iii) has met additional postdegree experience requirements set by the board by rule as being
12 equivalent to the degree requirements in subsection (1)(a)(i) or (1)(a)(ii) if the applicant does not have a degree
13 as provided in subsection (1)(a)(i) or (1)(a)(ii);
14 (b) has successfully passed an examination prescribed by the board;
15 (c) has worked under the direct supervision of a qualified supervisor for at least 3,000 hours,
16 including 1,000 hours of face-to-face client contact in the practice of marriage and family therapy, of which up to
17 500 hours may be accumulated while achieving the educational credentials listed in subsection (1)(a)(i) or
18 (1)(a)(ii); and
19 (d) is of good moral character. Being of good moral character includes in its meaning that the
20 applicant has not been convicted by a court of competent jurisdiction of a crime described by board rule as
21 being of a nature that renders the applicant unfit to practice marriage and family therapy.
22 (2) As a prerequisite to the issuance of a license, the board shall require the applicant to submit
23 fingerprints for the purpose of fingerprint checks by the Montana department of justice and the federal bureau of
24 investigation as provided in ~~37-1-307~~ section 4.
25 (3) If an applicant has a history of criminal convictions, then pursuant to 37-1-203, the applicant
26 has the opportunity to demonstrate to the board that the applicant is sufficiently rehabilitated to warrant the
27 public trust, and if the board determines that the applicant is not, the license may be denied.
28 (4) An applicant is exempt from the examination requirement in subsection (1)(b) if the board is

1 satisfied that:

2 ~~(a) — the applicant is licensed, certified, or registered under the laws of a state or territory of the~~

3 United States that imposes substantially the same requirements as this chapter and has passed an

4 examination similar to that required by the board; ~~or~~

5 ~~(b) — the applicant is licensed as a clinical social worker under Title 37, chapter 22, or as a clinical~~

6 ~~professional counselor under Title 37, chapter 23, and has practiced marriage and family therapy within the~~

7 ~~state for a period prescribed by the board.~~

8 (5) A person is exempt from licensure as a marriage and family therapist if the person practices

9 marriage and family therapy:

10 ~~(a) — under qualified supervision in a training institution or facility or other supervisory arrangements~~

11 approved by the board and uses the title of intern;

12 ~~(b) — as part of the person's duties as a member of the clergy or priesthood; or~~

13 ~~(c) — while registered as a social worker licensure candidate, professional counselor licensure~~

14 ~~candidate, or marriage and family therapist licensure candidate."~~

15

16 **Section 162.** Section 37-37-205, MCA, is amended to read:

17 **"37-37-205. Marriage and family therapist licensure candidate -- registration -- renewal --**

18 **standards.** (1) A person who has completed the education required for licensure but who has not completed

19 the supervised work experience required for licensure shall register as a marriage and family therapist licensure

20 candidate in order to engage in marriage and family therapy and earn supervised work experience hours in this

21 state.

22 (2) To register, the person shall submit:

23 (a) the application and fee required by the board;

24 (b) proof of completion of the education requirement;

25 (c) fingerprints for the purpose of fingerprint checks by the Montana department of justice and the

26 federal bureau of investigation as provided in ~~37-1-307~~ [section 4];

27 (d) proof of good moral character; and

28 (e) a training and supervision plan that meets the requirements set by the board.

- 1 37-73-220. License renewal -- continuing education.
- 2 37-73-221. Reasonable fees -- deposit of fees and fines.
- 3 37-73-225. Proof of license.
- 4 37-73-226. Failure to display license.

5

6 **NEW SECTION. Section 245. Repealer.** The following sections of the Montana Code Annotated are
 7 repealed:

- 8 37-7-307. Utilization plan -- contents -- responsibility of pharmacist.
- 9 37-7-308. Preparation and approval of utilization plan -- revocation of or refusal to renew plan --
 10 contested case hearing.
- 11 37-7-323. Penalty -- enforcement.

12

13 **NEW SECTION. Section 246. Codification instruction.** (1) [Sections 1 through 6] are intended to
 14 be codified as an integral part of Title 37, chapter 1, and the provisions of Title 37, chapter 1, apply to [sections
 15 1 through 6].

16 (2) [Sections 7 through 10] are intended to be codified as an integral part of Title 37, chapter 1,
 17 part 1, and the provisions of Title 37, chapter 1, part 1, apply to [sections 7 through 10].

18 (3) [Sections 11 and 12] are intended to be codified as an integral part of Title 37, chapter 1, part
 19 3, and the provisions of Title 37, chapter 1, part 3, apply to [sections 11 and 12].

20 (4) [Section 13] is intended to be codified as an integral part of Title 37, chapter 3, part 3, and the
 21 provisions of Title 37, chapter 3, part 3, apply to [section 13].

22 (5) [Section 14] is intended to be codified as an integral part of Title 37, chapter 6, part 3, and the
 23 provisions of Title 37, chapter 6, part 3, apply to [section 14].

24 (6) [Sections 15 and 16] are intended to be codified as an integral part of Title 37, chapter 7, part
 25 3, and the provisions of Title 37, chapter 7, part 3, apply to [sections 15 and 16].

26 (7) [Section 17] is intended to be codified as an integral part of Title 37, chapter 10, part 3, and the
 27 provisions of Title 37, chapter 10, part 3, apply to [section 17].

28 (8) [Section 18] is intended to be codified as an integral part of Title 37, chapter 11, part 3, and the