



## Economic Affairs Interim Committee

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### 62nd Montana Legislature

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PAT MURDO, Lead Staff  
BART CAMPBELL, Staff Attorney  
CLAUDIA (CJ) JOHNSON, Secretary

September 29, 2012

TO: Economic Affairs Interim Committee  
FROM: Bart Campbell, staff attorney  
RE: Sept./Oct. Rule Review

#### **Dept. of Commerce**

Amending ARM 8.94.3814 to update reference from 2007 to 2011 state statutory and regulatory requirements.

#### **Dept. of Labor & Industry**

##### ***Board of Dentistry***

Amending ARM 24.138.509 pertaining to dental hygiene limited access permits to clarify that a completed application is necessary to acquire a permit.

Amending ARM 24.138.2719 pertaining to relapses to require the board to take disciplinary action against the license of a participant who has more than two relapses during the period the participant is under contract with a medical assistance program. The amendment is in response to HB 25 requiring such action.

Amending eight rules pertaining to the administration of anesthesia in response to the general revisions adopted in HB 94. Also adopting three new rules creating an anesthesia committee to deal with the complex nature of anesthesia and its increased use in dental practice and providing for the transition of current anesthesia permit holders into the two new permit categories.

##### ***Board of Medical Examiners***

Amending rules pertaining to acupuncturist licensure and unprofessional conduct. Rules were amended pursuant to an acupuncturist subcommittee's recommendations and deal with examination, accreditation, and continuing education. Adopting five new rules pertaining to acupuncturist discipline reporting and continuing education.

Adopting one new rule to clarify for licensed physician assistants and supervising physicians the additional training and permit or licensure requirements that are necessary for physician assistants to perform routine and advanced radiologic procedures.

##### ***Board of Private Security Patrol Officers and Investigators***

Increasing license and endorsement fees to be commensurate with costs. The board ended the 2011 fiscal year with a negative cash balance of \$40,270.

Adopting five new rules for the certification of training programs for private investigators, security guards, alarm installers, and alarm response runners.

##### ***Board of Real Estate Appraisers***

Amending one rule and adopting four new rules to implement HB 188 that provided for the licensure and regulation of real estate appraisal management companies.

***State Electrical Board***

Increasing license fees to be commensurate with costs. In 2009 the board raised fees in an amount that was half the amount recommended by the department. The board now estimates that without raising fees it will have a shortage of operating funds by November 2011.

***State Auditor and Commissioner of Insurance***

Amending six rules regarding surplus lines insurance transactions. SB 331 revised surplus lines insurance law for consistency with federal law and also granted the commissioner authority to enter a cooperative or reciprocal agreement for collecting, allocating, and distributing taxes and fees attributable to multistate risks so long as certain requirements were met.