



Montana Department of LABOR & INDUSTRY

Summary of Department of Labor and Industry bills for 2015 Session

Unemployment Insurance Division:

- UI Integrity and Collections - Improve methods and procedures used to collect unpaid contributions and overpaid benefits.
- Electronic Wage Reporting and Housekeeping - Provide for electronic wage reporting and electronic payment of contributions; specify grounds for certain UI tax appeals; change the name of the Board of Labor Appeals to the Unemployment Insurance Appeals Board; technical changes.

Employment Relations Division:

Wage And Hour

- Prevailing wage – Align state statute with federal law to clarify that the higher of federal or state prevailing applies to publicly funded projects and clarify that all parts of wages are included to determine prevailing wage rate.

Workers' Compensation

- Workers' Compensation Housekeeping – Change the definition of “treating physician” to remove requirement of admitting privileges in Montana hospitals in order to broaden available physicians; require notice to claimants within 14 days when there is a change to the claims examiner; set one date for fee schedule alignment to streamline rules; clarify waiting periods for benefit eligibility to include paid time off, so as to reflect the current practice of encompassing multiple kinds of accrued leave under one umbrella; amend the assessment period for fund maintenance to make it more current.

Business Standards Division: Building Codes

- Boiler Inspection - Allow DLI to charge for each boiler inspection when several boilers are in the same room, to properly set fees with costs for inspections.
- Crane Licensing - Broaden the pool of persons who qualify as a crane inspector, because it has been difficult to recruit and retain qualified inspectors.

Business Standards Division:

Professional and Occupational Licensing Boards – Department bills for operation of boards:

- Fees commensurate with costs - Clarify the term for operation of professional and occupational licensing boards in order to address a 2013 audit finding and to allow boards to plan for contingencies. The Department requests that this be approved as an EAIC Committee bill.
- Administrative suspension of licenses - Modernize and streamline procedures to resolve routine and uncontested matters administratively rather than as disciplinary actions. Under current statute, failure to complete continuing education must be prosecuted by an attorney. This would clarify that the department may automatically inactivate a license after an extended grace period and would allow for administrative reinstatement upon receipt of the required information and payment of fine.



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Professional and Occupational licensing boards – Board specific bills:

Barbers and Cosmetologists:

- Add "barbering nonchemical" as a license type, including the scope of practice and qualifications for licensure.

Chiropractors

- Increase the board size from four to five members.

Electrical Board

- Exemption of participants in registered apprenticeship and training programs from license and inspection; provide additional mechanisms for unlicensed practice actions; clarify jurisdiction of board.

Engineers and Land Surveyors:

- Modernize and clarify the licensing requirements and regulation of professional engineers, professional land surveyors, engineer intern, land surveyor interns, and businesses offering engineering and land surveying services.

Funeral Services

- Clarify education requirements for practice of mortuary science due to change in national accreditation standards.

Hearing Aid Dispensers

- Redefining the membership of the board.

Massage Therapy:

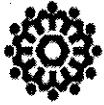
- Clarify license requirement.

Medical Examiners:

- Create a resident license; repeal the telemedicine, specialized and temporary licenses; revise the requirements of the practice of medicine; allow board to enter compact to allow interstate practice of medicine in compact states; update entity names.
- Amend the Montana Health Corps Act to allow licensed emergency care providers to provide services.

Nursing:

- Revise the respective number of registered professional and practical nurse members on the board to better reflect regulated community.
- Provide that the medical assistance program established by the board is available to Medical Aide I & II licensees, so that the program is available to all licensees regulated by the board.
- Adopt the nurse licensure compact of 1998, which allows for interstate practice of nursing in 24 compact states.
- Authorize criminal background checks for license applicants.



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- Mandatory workforce reporting statute.

Outfitters:

- Amend the qualifications of board members.

Plumbers:

- Amend the minimum qualifications for licensure as a journeyman plumber by substituting the mandatory requirement of a practical examination with exam at discretion of the board.
- Exemption of participants in registered apprenticeship and training programs from license and inspection, provide additional mechanisms for unlicensed practice actions.

Public Accountants:

- Create a single license type for certified public accountants by eliminating the difference between certificates, permits, and licenses.

Real Estate Appraisers:

- Provide for real estate appraiser mentors; provide for fingerprint and background checks for new applicants; require certified real estate appraisers to meet experience requirements set by the board; require appraisal management companies to allow trainees to provide appraisal assistance to appraisers on the company's appraisal panel; and require appraisal management companies to allow an appraiser on the company's appraisal panel to transfer an appraisal assignment to another licensed employee of the appraiser.

Realty Regulation:

- Require a Montana real estate license to engage in the business of real estate if the property is located within the state; provide that a licensee who is acting as an agent is obligated to comply with duties/disclosure/agency requirements whether or not the agent has a written agency agreement; remove board member political party limitations; define and clarify real estate asset management by brokers; clarify the definitions of negotiations and property manager; clarify exemptions; technical clarifications.
- Provide additional mechanisms for unlicensed practice actions.

Social Work Examiners and Professional Counselors:

- Rename the board to board of behavioral health; require the submission of criminal background checks and fingerprints by applicants for a marriage and family therapist's license; provide for regulation of candidates in training for licensure while the candidates complete supervised experience; technical clarifications.