



**Economic Affairs Interim Committee**  
**65th Montana Legislature**

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October 23, 2017

To: Economic Affairs Interim Committee  
From: Jameson Walker, Legislative Attorney  
Re: Administrative Rule Report, October/November 2017

The Economic Affairs Interim Committee is responsible for reviewing administrative rules promulgated by several state agencies for compliance with the Montana Administrative Procedure Act (MAPA).<sup>1</sup> The following notices are filed with the Secretary of State's Office for publication in the Montana Administrative Register (MAR). Notices are available at <http://www.mtrules.org> (search by notice number).

**PROPOSAL NOTICES**

**Department of Agriculture and administratively attached entities**

**MAR Notice Number:** 4-17-241

**Subject:** Amendment of a rule pertaining to seed labeling and viability information.

**Summary:** The department proposes to amend 4.12.3103 by extending the date a seed may be sold from 12 to 15 months after the calendar month and year in which the test for viability information for that seed was completed.

**Notes/Hearing:** The department held a public hearing on October 3, 2017.

**Department of Commerce and administratively attached entities**

There are no pending rules.

**Department of Labor and Industry and administratively attached entities**

**MAR Notice Number:** 24-29-323

**Subject:** Amendment of a rule pertaining to workers' compensation injuries.

**Summary:** The department proposes to amend 24.29.1591 by updating the utilization and treatment guidelines.

**Notes/Hearing:** The department held a public hearing on September 8, 2017.

<sup>1</sup> The Committee reviews rules promulgated by the following entities: Department of Agriculture, Department of Commerce, Department of Labor and Industry, Department of Livestock, State Auditor's Office, Montana State Fund, Division of Banking & Financial Institutions, Governor's Office of Economic Development, and Department of Revenue, Liquor Control Division. This report does not represent any action or opinion of the Committee and does not preclude additional action that may be taken by the Committee pursuant to its authority under the Montana Administrative Procedure Act, Title 2, chapter 4, MCA.

**MAR Notice Number:** 24-147-38

Subject: Amendment, adoption, and repeal of rules pertaining to the Board of Funeral Service.

Summary: The department proposes to amend 24.147.1301 (applications for cemetery licenses), 24.147.1313 (transfer of cemetery ownership), 24.147.1502 (prearranged, prefinanced, or prepaid funerals), and 24.147.1503 (requirements for sale of at-need, preneed, and prepaid funeral arrangements). The department proposes to adopt NEW RULE I (trust funds – general), NEW RULES II through V (pertaining to cemetery perpetual care and maintenance trust accounts – financial records – annual reporting requirements – audits), and NEW RULES VI through IX (pertaining to mortuary and crematory preneed trust accounts – financial records – annual reporting requirements – audits). The department proposes to repeal 24.147.1304 (perpetual care and maintenance fund reports), 24.147.1305 (audit fees), 24.147.1312 (restrictions on use of cemetery funds), 24.147.1314 (perpetual care and maintenance funds), and 24.147.1505 (trust funds).

Notes/Hearing: The department held a public hearing on October 3, 2017.

**MAR Notice Number:** 24-168-43

Subject: Amendment and repeal of rules pertaining to the Board of Optometry.

Summary: The department proposes to amend 24.168.402 (licensure requirements), 24.168.406 (military training or experience), 24.168.411 (general practice requirements), 24.168.2301 (unprofessional conduct), and 24.168.2307 (screening panel). The department proposes to repeal 24.168.711 (ophthalmological diagnostic permissible drugs).

Notes/Hearing: The department held a public hearing on October 3, 2017.

**MAR Notice Number:** 24-222-27

Subject: Amendment and adoption of rules pertaining to the Board of Speech-language Pathologists and Audiologists.

Summary: The department proposes to amend 24.222.301 (definitions), 24.222.401 (fees), 24.222.2301 (unprofessional conduct). The department proposes to adopt NEW RULE I (limited licenses) and NEW RULE II (supervised professional experience).

Notes/Hearing: The department held a public hearing on October 4, 2017.

**MAR Notice Number:** 24-138-72

Subject: Amendment, repeal, and adoption of rules pertaining to the Board of Dentistry.

Summary: The department proposes to amend 24.138.304 (definition of nonroutine application), 24.138.505 (dentist licensure by credential), 24.138.509 (dental hygiene limited access permit), 24.138.530 (licensure of retired or nonpracticing dentist or dental hygienist for volunteer service), 24.138.601 (restricted temporary licensure of nonresident volunteer dentists and dental hygienists), 24.138.2106 (exemptions and exceptions), 24.138.3221 (minimum qualifying standards), 24.138.3223 (minimum monitoring standards). The department proposes to adopt NEW RULE I relating to infection control. The department proposes to repeal of 24.138.518 (renewals).

Notes/Hearing: The department held a public hearing on October 13, 2017.

**MAR Notice Number:** 24-22-324

Subject: Adoption and repeal of rules pertaining to the incumbent worker training program.

Summary: The department proposes to adopt NEW RULES I through IX to implement Chapter 25, Laws of 2017 (House Bill 88). This includes rules providing definitions, training requirements, provisions relating to grant funds, grant application process, evaluation of grant applications and limitations, awards of grants, changes to the application or approved grant, payment of grant funds, and appeals. The department proposes to repeal 24.22.301 (definitions), 22.24.304 (recognition of a bear program), 24.22.307 (general requirements), 24.22.311 (grant application procedures), 24.22.316 (evaluation criteria and limitations), and 24.22.321 (appeal procedure).

Notes/Hearing: The department will hold a public hearing on November 3, 2017.

**MAR Notice Number:** 24-141-38

Subject: Amendment and repeal of rules pertaining to the State Electrical Board.

Summary: The proposed amendments are to 24.141.507 (military training or experience), 24.141.2301 (unprofessional conduct), and 24.141.2401 (screening panel). The department proposes to repeal of 24.141.401 (board meetings), 24.141.402 (apprentice registration), 24.141.2101 (renewals), and 24.141.2402 (complaint procedure).

Notes/Hearing: The department will hold a public hearing on November 3, 2017.

**MAR Notice Number:** 24-177-34

Subject: Amendment and repeal of rules pertaining to the Board of Physical Therapy Examiners.

Summary: The proposed amendments are to 24.177.503 (military training or experience), 24.177.510 (foreign-trained physical therapist applicants), and 24.177.2105 (continuing education). The department proposes to repeal 24.177.410 (list of licensed physical therapists).

Notes/Hearing: The department will hold a public hearing on November 7, 2017.

**MAR Notice Number:** 24-213-20

Subject: Amendment and adoption of rules pertaining to the Board of Respiratory Care Practitioners.

Summary: The proposed amendments are to 24.213.403 (abatement of renewal fees), 24.213.2101 (continuing education requirements). The department proposes to adopt NEW RULE I pertaining to nonroutine applications

Notes/Hearing: The department will hold a public hearing on November 3, 2017.

**MAR Notice Number:** 24-219-31

Subject: Adoption of rules pertaining to the Board of Behavioral Health.

Summary: The department proposes to adopt NEW RULES I through XIV generally pertaining to the certification of behavioral health peer support specialists. The new rules will provide for definitions, fee schedules, military training or experience, supervisor qualifications, application procedures, education requirements, post-certification clinical supervision requirements, active and inactive status certificates, certification of out-of-state applicants, code of ethics, continuing education hours and credits, continuing education standards, reporting requirements, and

continuing education noncompliance. The department states that the rules are necessary to implement Chapter 127, Laws of 2017 (Senate Bill 62).

Notes/Hearing: The department will hold a public hearing on November 3, 2017.

#### **Department of Revenue, Liquor Control Division**

There are no pending rules.

#### **Department of Livestock and administratively attached entities**

There are no pending rules.

#### **State Auditor's Office**

**MAR Notice Number:** 6-236

Subject: Adoption of rules pertaining to corporate governance annual disclosures.

Summary: The department proposes to adopt NEW RULES I through V. The rules implement the Corporate Governance Disclosure Act, passed by the 2017 legislature. The proposed rules provide guidance on what actions are required to comply with the act.

Notes/Hearing: The department held a public hearing on October 17, 2017.

**MAR Notice Number:** 6-237

Subject: Amendment, adoption, and repeal of rules pertaining to Medicare supplement insurance.

Summary: The department proposes to adopt New Rule I relating to Medicare supplement benefit plans for 2020. The new rule implements federal laws and guidance from the National Association of Insurance Commissioners. The department proposes to amend 6.6.503, 6.6.504, 6.6.506, 6.6.507A, 6.6.507B, 6.6.507C, 6.6.507E, 6.6.508, 6.6.508A, 6.6.509, 6.6.510, 6.6.517, 6.6.519, 6.6.521, and 6.6.526 to update Medicare supplement benefit administrative rules. The department proposes to repeal of 6.6.511 and 6.6.511A.

Notes/Hearing: The department held a public hearing on October 12, 2017.

**MAR Notice Number:** 6-238

Subject: Repeal of rules pertaining to patient-centered medical homes.

Summary: The department proposes to repeal 6.6.4901, 6.6.4902, 6.6.4903, 6.6.4905, 6.6.4906, 6.6.4907, 6.6.4908, and 6.6.4909 because the implementing legislation in Title 33, chapter 40 terminate December 31, 2017.

Notes/Hearing: The department does not contemplate the need to hold a public hearing.

#### **Montana State Fund**

There are no pending rules.

#### **Division of Banking & Financial Institutions**

There are no pending rules.

#### **Governor's Office of Economic Development**

There are no pending rules.