

MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 10

The Montana Administrative Register (MAR or Register), a twice-monthly publication, has three sections. The Proposal Notice Section contains state agencies' proposed new, amended, or repealed rules; the rationale for the change; date and address of public hearing; and where written comments may be submitted. The Rule Adoption Section contains final rule notices which show any changes made since the proposal stage. All rule actions are effective the day after print publication of the adoption notice unless otherwise specified in the final notice. The Interpretation Section contains the Attorney General's opinions and state declaratory rulings. Special notices and tables are found at the end of each Register.

Inquiries regarding the rulemaking process, including material found in the Montana Administrative Register and the Administrative Rules of Montana, may be made by calling the Secretary of State's Office, Administrative Rules Services, at (406) 444-2055.

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BEFORE THE DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the adoption of New Rule I pertaining to due date of annual financial statement for escrow licensee) NOTICE OF PROPOSED ADOPTION
)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On July 3, 2017, the Department of Administration proposes to adopt the above-stated rule.

2. The Department of Administration will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Administration no later than 5:00 p.m. on June 19, 2017, to advise us of the nature of the accommodation that you need. Please contact Wayne Johnston, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2918; TDD (406) 841-2974; facsimile (406) 841-2930; or e-mail to banking@mt.gov.

3. The rule proposed to be adopted provides as follows:

NEW RULE I ANNUAL FINANCIAL STATEMENT AND ESCROW ACTIVITIES REPORT AND DUE DATE (1) The Montana Escrow Business Annual Financial Statement and Escrow Activities Report form, May 9, 2017, edition, is adopted and incorporated by reference. The form is available on the division's website, <http://banking.mt.gov/Home/Forms#164912246-escrow>.

(2) By April 30 each year, persons licensed under the Montana Regulation of Escrow Businesses Act shall file the Montana Escrow Business Annual Financial Statement and Escrow Activities Report as of December 31 of the preceding calendar year.

AUTH: 32-7-108, MCA

IMP: 32-7-115, MCA

STATEMENT OF REASONABLE NECESSITY: This rule is necessary to provide a form on which escrow businesses can report their financial condition and escrow activities; notice of the adoption of the form; and a reporting deadline. Section 32-7-115, MCA, requires filing an annual statement of escrow transactions and activities along with the audited financial statement. This rulemaking offers the opportunity to comment on the form.

The division debated whether to develop two separate forms or one combined form and decided to create one combined form for ease of use and consistency for all concerned. In so doing, the division created two separate sections on the form and made clear that the escrow business was attesting to the escrow activities

section and that the independent public accountant was attesting to the financial statement section of the form. The form was loosely based on the Arizona Department of Financial Institutions Escrow Agent Semiannual Financial and Escrow Report and modified to meet Montana's specific needs. This modified report meets the needs of the examiners to monitor and risk scope Montana escrow businesses without being too onerous for the escrow businesses. Using December 31 (year-end) as the "as-of" report date provides a standardized reporting period. April 30 was chosen as the due date to allow licensees sufficient time after year-end to have records audited and certified by an independent public accountant.

4. Concerned persons may present their data, views, or arguments concerning the proposed action to Kelly O'Sullivan, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; or e-mailed to banking@mt.gov; and must be received no later than 5:00 p.m., June 26, 2017.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to the person listed in 4 above no later than 5:00 p.m., June 26, 2017.

6. If the Division of Banking and Financial Institutions receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be one person based on the eight existing escrow company licensees.

7. An electronic copy of this proposal notice is available through the department's web site at <http://doa.mt.gov/administrativerules>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request that includes the name, mailing address, and e-mail address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Notices will be sent by e-mail unless

a mailing preference is noted in the request. Such written requests may be mailed or delivered to Wayne Johnston, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to banking@mt.gov; or may be made by completing a request form at any rules hearing held by the department.

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

10. The department has determined that under 2-4-111, MCA, the proposed new rule will not significantly and directly affect small businesses.

By: /s/ John Lewis
John Lewis, Director
Department of Administration

By: /s/ Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State May 15, 2017.

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the adoption of NEW) AMENDED NOTICE OF PROPOSED
RULE I and NEW RULE II,) ADOPTION, AMENDMENT, AND
amendment of 4.10.201, 4.10.203,) REPEAL AND EXTENSION OF
4.10.205, 4.10.207, 4.10.315,) COMMENT PERIOD
4.10.401, 4.10.501, 4.10.503,)
4.10.701, 4.10.807, 4.10.1004,)
4.10.1009, 4.10.1102, 4.10.1103,)
4.10.1104, 4.10.1201, 4.10.1204,)
4.10.1803, 4.10.1804, 4.10.1806, and)
repeal of 4.10.702, 4.10.709,)
4.10.1801 pertaining to pesticide)
housekeeping changes)

TO: All Concerned Persons

1. On December 9, 2016, the Department of Agriculture published MAR Notice No. 4-16-236 pertaining to the public hearing on the proposed adoption, amendment, and repeal of the above-stated rules at page 2261 of the 2016 Montana Administrative Register, Issue Number 23.

2. A hearing was held on January 4, 2017. The department is extending the comment period for this notice as groups have reached out for additional time, and changes to the laws that enable these rules require an additional change.

3. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact Department of Agriculture no later than 5:00 p.m. on June 10, 2017 to advise us of the nature of the accommodation that you need. Please contact Cort Jensen, Department of Agriculture, P.O. Box 200201, 302 N. Roberts, Helena, Montana, 59601; telephone (406) 444-3144; fax (406) 444-5409; or e-mail agr@mt.gov.

4. With the exception of ARM 4.10.1806, the above-stated rules are being proposed as originally noticed.

5. ARM 4.10.1806 is being amended as proposed, with the following change from the original proposal:

Original (5), renumbered (4), is struck in its entirety.

6. The reason for this change is that the 2017 legislature removed the credit that this portion of the rule relates to from the law. It is no longer needed. There is no substantial financial impact caused by this change.

7. Concerned persons may submit their data, views, or arguments concerning the proposed action in writing to: Cort Jensen, Department of Agriculture, 302 N. Roberts, P.O. Box 200201, Helena, Montana, 59601; telephone (406) 444-3144; fax (406) 444-5409; or e-mail agr@mt.gov, and must be received no later than 5:00 p.m., July 15, 2017.

/s/ Cort Jensen
Cort Jensen
Rule Reviewer

/s/ Ben Thomas
Ben Thomas
Director
Agriculture

Certified to the Secretary of State May 15, 2017.

BEFORE THE BOARD OF SPEECH-LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM)
24.222.502 speech-language)
pathologist and audiologist licenses,)
24.222.504 military training or)
experience, 24.222.506 licensure of)
out-of-state applicants, 24.222.510)
examinations, 24.222.916 establishing)
the practitioner-patient relationship,)
24.222.920 competence – practice)
limits – maintenance and retention of)
records, 24.222.2102 continuing)
education – speech-language)
pathologists and audiologists; the)
adoption of New Rule I nonroutine)
applications; and the repeal of ARM)
24.222.404 board standards and policy,)
24.222.501 applications for license,)
24.222.503 qualifications for active)
temporary license, 24.222.507)
temporary practice permits,)
24.222.2101 policy, 24.222.2103)
continuing education definitions,)
24.222.2115 renewals, and)
24.222.2401 complaint procedure)

TO: All Concerned Persons

1. On June 20, 2017, at 9:00 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment, adoption, and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Speech-Language Pathologists and Audiologists (board) no later than 5:00 p.m., on June 13, 2017, to advise us of the nature of the accommodation that you need. Please contact Lucy Richards, Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdsplp@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: Following an in-depth review of the board's statutes and rules, the board is proposing revisions throughout the rules. The board is amending these rules to eliminate outdated, redundant, and unnecessary provisions, and to provide consistency, simplicity, better organization, and ease of use for licensees, educators, program administrators, and the general public. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.222.502 QUALIFICATIONS FOR LICENSURE SPEECH-LANGUAGE PATHOLOGIST AND AUDIOLOGIST LICENSES (1) ~~To be eligible for licensing by the board as a speech-language pathologist, the applicant~~ Applicants for licensure must submit a completed application on forms provided by the department, electronically or by paper. Completed applications include appropriate fees and required documentation.

(2) Applicants for speech-language pathologist licensure without a current certificate of clinical competence granted by the American Speech-Language-Hearing Association must:

~~(a) have completed a minimum of 75 semester hours of post-baccalaureate study that culminates in a minimum of a master's degree in speech-language pathology or communication disorders from a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or its equivalent. The transcript must be certified and sent directly from the school; The graduate education in speech-language pathology must be initiated and completed in a program approved by the licensure board;~~

~~(b) demonstrate skills in oral and written communication, knowledge of ethical standards, research principles, and current professional and regulatory issues;~~

~~(c) (b) during the graduate degree program, have completed a supervised clinical practicum experience that encompasses the breadth of the current scope of practice with both adults and children, resulting in a minimum of 400 clock hours of supervised practicum, of which at least 375 hours must be in direct client/patient contact and 25 hours of clinical observation;~~

~~(d) (c) following graduation from the post-graduate degree program, have completed a 36-week speech-language pathology supervised professional experience clinical experience that establishes a collaboration between the clinical fellow and a mentor; and~~

~~(e) (d) pass a speech pathology examination examinations as determined by the board in ARM 24.222.510.~~

~~(2) An applicant will be deemed to have met the requirements of (1)(a) through (e) by submitting proof of a current certificate of clinical competence.~~

(3) Applicants for speech-language pathologist licensure with a current certificate of clinical competence as granted by the American Speech-Language-

Hearing Association or its equivalent are deemed to have met the requirements of (2)(a) through (c). These applicants must:

(a) submit proof of the Certificate of Clinical Competence; and

(b) pass the state jurisprudence exam as described in ARM 24.222.510.

~~(3) (4) In order to be licensed by the board as an audiologist an applicant shall~~ Applicants for audiologist licensure must:

(a) possess have a minimum of a Doctor of Audiology degree (Au.D.) or a Ph.D. in audiology, from a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or its equivalent. The transcript must be certified and sent directly from the school an accredited program approved by the board; and

(b) pass examinations as determined by the board in ARM 24.222.510 an audiology examination as determined by the board.

~~(c) (5) If the applicant is a holder of a valid Montana license prior to January 1, 2007, and maintains that license in good standing, the applicant will not be required to obtain a doctorate to maintain licensure to practice audiology in the future. An audiologist licensed prior to January 1, 2007, who maintains that license in good standing is not required to obtain a doctorate.~~

(6) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.

AUTH: 37-1-131, 37-15-202, 37-15-303, MCA

IMP: 37-1-131, 37-15-301, 37-15-303, MCA

REASON: The board determined it is reasonably necessary to amend this rule regarding the application process to align with current standardized department procedures for licensure application processing. The board is further amending this rule to ensure the educational requirements align with national standards while allowing for flexibility of accreditation criteria over which the board has no control.

The 2017 Montana Legislature enacted Chapter 90, Laws of 2017 (House Bill 347), an act revising speech-language pathologist or audiologist licensing laws and providing for a limited speech-language pathologist or audiologist license. The bill was signed by the Governor and became effective on March 23, 2017. The board is amending (2)(c) to utilize "supervised professional experience," per the legislation.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

24.222.504 MILITARY TRAINING OR EXPERIENCE (1) and (2) remain the same.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a speech-language pathologist or audiologist. ~~At a minimum, satisfactory~~ Satisfactory evidence shall include includes:

(a) a copy of the applicant's military discharge document (DD 214 or other

discharge documentation);

(b) through (4) remain the same.

AUTH: 37-1-145, MCA

IMP: 37-1-145, MCA

REASON: Following adoption of this rule, it came to the board's attention that certain military personnel (i.e., reservists and national guardsmen who have never been activated) do not receive a DD 214 form upon their discharge from the military. It is reasonably necessary to amend this rule to allow applicants to submit other discharge documentation in lieu of the DD 214 form.

24.222.506 LICENSURE OF OUT-OF-STATE APPLICANTS (1) ~~A license to practice speech-language pathology or audiology in the state of Montana may be issued at the discretion of the board provided the applicant completes and files with the board an application for licensure and the required application fee. The applicant shall:~~ Applicants for licensure as speech-language pathologists or audiologists who are currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department, electronically or by paper. Completed applications include appropriate fees and required documentation.

(2) Applicants must:

(a) hold a current, active license in good standing to practice speech-language pathology or audiology in another state or jurisdiction whose standards at the time of application are substantially equivalent to Montana standards ~~valid and unrestricted license to practice speech-language pathology or audiology in another state or jurisdiction, upon determination by the board that the other state's or jurisdiction's license standards at the time of application to this state are substantially equivalent to or greater than current standards in this state. Official written verification of such licensure status must be received by the board directly from the other state(s) or jurisdiction(s);~~

(b) supply a copy of the certified transcript sent directly from a college, university, or institution approved by the board, including those programs accredited by the American Board of Examiners in Speech-Language Pathology and Audiology have graduated from a program accredited by the Council on Academic Accreditation in Audiology and Speech-Language Pathology of the American Speech-Language-Hearing Association or its equivalent. The transcript must be certified and sent directly from the school; and

~~(c) supply proof of successful completion of a currently accepted national examination;~~

(c) have passed the national exam as described in ARM 24.222.510; and

(d) pass the state jurisprudence exam as described in ARM 24.222.510.

(2) (3) An applicant Applicants with a current certificate of clinical competence as granted by the American Speech-Language-Hearing Association or its equivalent will be deemed to have met the requirements of (1)(2)(b) and (c) by submitting proof of a current certificate of clinical competence.

(3) (4) An audiologist currently licensed in another state or jurisdiction who

was granted that license prior to January 1, 2007, will not be required to obtain a doctorate to qualify for licensure to practice audiology in Montana if the license If an applicant for audiologist licensure is the holder of a valid and unrestricted license to practice audiology in another state, which was issued under standards substantially equivalent to or greater than current standards in this state Montana prior to January 1, 2007, the applicant will not be required to obtain a doctorate to qualify for licensure to practice audiology in the future in this state.

(5) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.

AUTH: 37-1-131, ~~37-15-202~~, MCA

IMP: 37-1-304, MCA

REASON: The amendments to this rule are necessary to clarify that out-of-state applicants must pass the state jurisprudence exam in addition to the national exam. The board determined it is reasonably necessary to amend this rule regarding the application process to align with current standardized department procedures for licensure application processing. Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority and remove an erroneous citation.

24.222.510 EXAMINATIONS (1) Applicants shall take and pass a board accepted national examination. Speech-language pathologist and audiologist applicants must pass the following examinations:

(a) the national Praxis exams in speech-language pathology or audiology or their equivalents. Test results must be sent directly to the board from the testing agency; and

(b) a jurisprudence examination prescribed by the board covering the statutes and rules governing the practice of speech-language pathology and audiology in Montana.

~~(2) The applicant shall ensure that the score on the national examination is forwarded to the board. Applicants shall be notified of the board's decision concerning the examination following receipt of the examination score by the board.~~

~~(3) (2) Applicants shall also take and pass a jurisprudence examination as prescribed by the board, which measures the competence of the applicant regarding the statutes and rules governing the practice of speech-language pathology and audiology in Montana. The jurisprudence examination must be passed with a score of ~~95~~ 80 percent or greater. Any applicant who fails the jurisprudence examination may retake the examination two subsequent times. After a third failure, the applicant shall petition the board for each future reexamination.~~

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-131, 37-15-303, MCA

REASON: The board is amending this rule to address applicant confusion by clarifying that both the national exam and the state jurisprudence exam are required

for licensure. Additionally, the board is reducing the jurisprudence exam minimum passage rate from 95 to 80 percent. The board determined that 80 percent proficiency was sufficient understanding of the board laws and rules.

It is reasonably necessary to amend this rule to allow applicants to take the jurisprudence exam until passing and without petitioning the board for retakes. The purpose of the jurisprudence exam is to ensure that licensees understand the board laws and rules prior to licensure. The board concluded that it is not reasonable nor a prudent use of the board's resources to limit the number of attempts.

24.222.916 ESTABLISHING THE PRACTITIONER-PATIENT RELATIONSHIP (1) A practitioner-patient relationship may commence via telepractice following a practitioner's ~~in-person~~ evaluation of the prospective patient to assess the patient's:

(a) remains the same.

(b) candidacy for telepractice, including behavioral, physical, and cognitive abilities to participate in telepractice services. ~~Telepractice services may be provided by the patient's evaluator or another qualified speech-language pathologist or audiologist by the board.~~

(2) and (3) remain the same.

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

REASON: The board determined it is reasonably necessary to amend this rule as the board does not issue a separate telepractice license. The board concluded that requiring in-person initial evaluations is unduly restrictive based on national telepractice/telehealth standards and creates a different standard of practice for speech-language pathology and audiology via telepractice. The board decided that the public is adequately protected by allowing licensees to use their professional judgment in determining the best approach for evaluation and care.

24.222.920 COMPETENCE – PRACTICE LIMITS – MAINTENANCE AND RETENTION OF RECORDS (1) A licensee using telepractice to deliver services shall:

~~(a) complete four hours of board-approved telepractice training prior to engaging in telepractice in Montana;~~

(b) through (f) remain the same but are renumbered (a) through (e).

(2) remains the same.

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-131, 37-15-102, 37-15-202, 37-15-314, 37-15-315, MCA

REASON: The board determined it is reasonably necessary to amend this rule as the board does not issue a separate telepractice license and does not evaluate individual competency before allowing a licensee to engage in telepractice. The board believes that telepractice competency requirements are adequately encompassed by this rule, licensees' general scope of practice, and standards for

professional conduct. The board concluded that it is redundant and unnecessary to require specific training for telepractice.

24.222.2102 CONTINUING EDUCATION – SPEECH-LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS REQUIREMENTS (1) Each licensee shall affirm completion of the required continuing education before February 1 of each odd-numbered year, on the renewal form. The board will randomly audit 10 percent of the renewed licensees' continuing education submitted each odd-numbered year. Certificates of completion for continuing education credits reported must be submitted upon request of the board. Continuing education consists of educational activities designed to:

- (a) review existing concepts and techniques;
- (b) convey information beyond the basic professional education; and
- (c) update knowledge on advances in speech-language pathology or audiology practices.

(2) Continuing education units are required as follows Licensees are required to obtain the following continuing education hours annually, prior to renewal on February 1:

- (a) ten continuing education hours for speech-language pathology or audiology –40 continuing education units (CEU); or
- (b) 15 continuing education hours for dual licensure in speech-language pathology and audiology, with at least five hours each in speech-language pathology and audiology –50 continuing education units, 25 in each area.

(c) New licensees' continuing education units will be prorated at 1.66 hours per month licensed.

(3) Continuing education requirements will not apply until the licensee's first full year of licensure.

(4) All licensees will affirm on the annual renewal form that they have completed the appropriate number of continuing education hours.

(5) The board will randomly audit up to 50 percent of renewed licensees' continuing education annually.

(6) All continuing education must be documented with evidence from the instructor or sponsoring organization. The licensee is responsible for maintaining those records and making those records available upon board request.

Documentation must include the following information:

- (a) participant's name;
- (b) sponsor;
- (c) course title and/or description of content;
- (d) date(s);
- (e) location; and
- (f) number of continuing education hours granted.

(3) (7) Credit will be granted only for educational activities continuing education completed undertaken during the two-year one-year period prior to renewal for which continuing education is to be submitted.

(4) Licensees who serve as instructors in approved programs or academic courses may be allowed appropriate credit for one-time presentation. No credit will be allowed for repeat sessions.

~~(5) A licensee may apply for an exemption from the continuing education requirements by filing a statement with the board setting forth good faith reasons why the licensee is unable to comply with these rules and an exemption may be granted by the board. Each exemption application will be considered on a case-by-case basis.~~

~~(6) Speech-language pathology aides or assistants I shall complete 20 units of approved continuing education annually and submit verification of the continuing education to the board by affirmation of the licensed supervisor on the supervisor's renewal form by February 1 annually. Fourteen continuing education units may include on-the-job training as part of the supervision plan, and college coursework obtained through an accredited college or university.~~

~~(7) Speech-language pathology aides or assistants II and III shall submit verification of ten continuing education hours by affirmation of the licensed supervisor on the supervisor's renewal form by February 1 annually.~~

~~(8) Audiology aides and audiology industrial aides or assistants shall complete ten units of approved continuing education annually and submit verification of the continuing education to the board by affirmation of the licensed supervisor on the supervisor's renewal form by February 1 annually.~~

~~(9) Approved continuing education must include content that is relevant to the scope of practice of speech-language pathologists and audiologists as defined in ARM 24.222.520 and 24.222.525.~~

~~(10) (8) Continuing education activities sponsored by the following organizations, which are germane to the profession of speech-language pathologists and audiologists, are Continuing education offered by the following sponsors is approved by the board:~~

~~(a) and (b) remain the same.~~

~~(c) American Academy of Audiologists Audiology (AAA);~~

~~(d) Academy of Dispensing Audiologists Doctors of Audiology (ADA); and~~

~~(e) remains the same.~~

~~(11) Acceptable activities shall include but are not limited to:~~

~~(a) seminars;~~

~~(b) workshops;~~

~~(c) conferences;~~

~~(d) in-service programs;~~

~~(e) video or online course work; and~~

~~(f) correspondence courses accompanied by a study guide, syllabus, bibliography, and/or examination.~~

~~(9) Sponsors not meeting the criteria in (8) will be evaluated by the board on an individual basis.~~

~~(10) Licensees who serve as instructors in approved programs or academic courses may be allowed appropriate credit for one-time presentation. No credit will be allowed for repeat sessions.~~

~~(a) These programs and academic courses must also be approved by the board per (9).~~

~~(b) One quarter credit hour of academic course work shall be considered ten continuing education hours, and one semester credit hour of academic course work shall be considered 15 continuing education hours. Formal educational activities~~

clearly related to the contemporary practice of speech-language pathology or audiology offered by a recognized post-secondary training institution documented by transcript or grade sheet meet this criteria.

~~(12) The board shall consider continuing education activities as obtained via apprenticeship or plan of action on a case-by-case basis.~~

~~(13) All continuing education must be documented with evidence from the instructor or sponsoring organization.~~

~~(14) The board, at its discretion, reserves the right to deny credit for continuing education units that do not receive prior approval from the board.~~

AUTH: 37-1-131, 37-1-319, ~~37-15-202~~, MCA

IMP: 37-1-131, 37-1-306, ~~37-15-102~~, MCA

REASON: The board is generally amending this rule to align with current national continuing education (CE) standards, facilitate the department's standardized application, renewal, and audit processes, reflect current industry terminology, and streamline the rule for better organization and ease of use for the reader.

The board is amending this rule to allow flexibility in conducting continuing education random audits. Currently, the board is required to randomly audit 10 percent of all renewed licensees each reporting period. This amendment will allow the board to respond to staffing and budget issues by adjusting the number of licensees audited, while remaining consistent with the statutory maximum of 50 percent in 37-1-306, MCA.

The board determined it is reasonably necessary to reduce the number of required continuing education (CE) hours to more accurately reflect national licensing trends and ensure qualified practitioners, while not unduly burdening licensees. Additionally, the board is changing to annual CE reporting to align with the annual license renewal cycle, which will save staff time and overall board expenses, and is defining CE in terms of "hours," not "units" for simplicity.

The board is also amending this rule to no longer require that first-year licensees obtain a prorated amount of CE after concluding that these individuals are generally current with their education. Finally, the board is amending the rule to no longer require that speech-language pathology and audiology aides obtain CE or submit verification to the board. Noting that aides are not licensees and the board has very limited jurisdiction over them, the board concluded that the supervising licensees are responsible to ensure adequately trained aides and assistants and that requiring aide CE does not meaningfully improve public safety and welfare.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

5. The proposed new rule is as follows:

NEW RULE I NONROUTINE APPLICATIONS (1) Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued:

(a) the applicant has ever been convicted of a felony;

(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;

(c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in any state or jurisdiction;

(d) a pending or completed legal or disciplinary action involving licensure in this state, another state, territory, or jurisdiction; or

(e) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-101, 37-1-131, 37-15-301, MCA

REASON: It is reasonably necessary to adopt this new rule to establish the criteria to categorize license applications as nonroutine and further implement 37-1-101, MCA, which provides for department processing of routine license applications on behalf of the professional and occupational licensing boards. Although the board has previously relied on its September 2016 nonroutine policy, this new rule will replace that policy and provide licensing staff clarification and guidance to differentiate between routine and nonroutine applications.

6. The board proposes to repeal the following rules:

24.222.404 BOARD STANDARDS AND POLICY

AUTH: 37-15-202, MCA

IMP: 37-15-202, MCA

REASON: It is reasonably necessary to repeal this unnecessary and outdated rule as it requires written submissions and is not in accord with current online processes. Submissions to the board are adequately addressed in standardized department procedures.

24.222.501 APPLICATIONS FOR LICENSE

AUTH: 37-1-131, 37-15-202, MCA

IMP: 37-1-101, 37-1-104, MCA

REASON: It is reasonably necessary to repeal this rule as it is obsolete due to advances in technology and resultant improvements in the license application process. The current rule language and requirements do not align with standardized department application processes.

24.222.503 QUALIFICATIONS FOR ACTIVE TEMPORARY LICENSE

AUTH: 37-15-202, MCA

IMP: 37-15-202, MCA

REASON: The board is repealing this rule as the board does not have the statutory authority to issue this type of temporary license. However, per 2017's House Bill 347, licensure of individuals engaged in supervised professional experience will be addressed in the board's next rules project.

24.222.507 TEMPORARY PRACTICE PERMITS

AUTH: 37-1-319, 37-15-202, MCA

IMP: 37-1-305, MCA

REASON: The board is repealing this rule as obsolete and no longer necessary. Licenses are issued in a much timelier manner today due to electronic license verification and online application processes.

24.222.2101 POLICY

AUTH: 37-1-131, 37-1-319, 37-15-202, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: The board is repealing this rule as it is redundant and unnecessary. The fact that the board requires continuing education to maintain professional competence is found in the continuing education rule, ARM 24.222.2102.

24.222.2103 CONTINUING EDUCATION DEFINITIONS

AUTH: 37-1-131, 37-1-319, 37-15-202, MCA

IMP: 37-1-131, 37-1-306, MCA

REASON: It is reasonably necessary to repeal this rule as it is redundant. Continuing education terms not previously defined elsewhere in statute and rule are now defined and clarified in amendments to ARM 24.222.2102.

24.222.2115 RENEWALS

AUTH: 37-1-141, 37-15-202, MCA

IMP: 37-1-141, MCA

REASON: It is reasonably necessary to repeal this unnecessary rule because the department administers a standardized renewal process for all professional and occupational licensure boards, and this rule merely references the department rules on renewals.

24.222.2401 COMPLAINT PROCEDURE

AUTH: 37-15-202, MCA

IMP: 37-1-308, 37-1-309, MCA

REASON: It is reasonably necessary to repeal this rule because the complaint process is adequately addressed in statute and should not be unnecessarily repeated in rule per the Montana Administrative Procedure Act.

7. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsdspl@mt.gov, and must be received no later than 5:00 p.m., June 23, 2017.

8. An electronic copy of this notice of public hearing is available at www.slpaud.mt.gov (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdspl@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

11. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.222.502, 24.222.504, 24.222.506, 24.222.510, 24.222.916, 24.222.920, and 24.222.2102 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of NEW RULE I will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.222.404, 24.222.501, 24.222.503, 24.222.507, 24.222.2101, 24.222.2103, 24.222.2115, and 24.222.2401 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Speech-Language Pathologists and Audiologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; facsimile (406) 841-2305; or to dlibsdsplp@mt.gov.

12. Lucy Richards, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF SPEECH-LANGUAGE
PATHOLOGISTS AND AUDIOLOGISTS
LUCY HART PAULSON, Ed.D., CCC-SLP
CHAIRPERSON

/s/ DARCEE L. MOE
Darcee L. Moe
Rule Reviewer

/s/ PAM BUCY
Pam Bucy, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 15, 2017.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of)
ARM 37.84.106 pertaining to the)
addition of a contact lens benefit to)
the HELP plan evidence of coverage)
document)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 15, 2017, at 2:30 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 7, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.84.106 HELP ACT: BENEFITS PLANS (1) and (2) remain the same.

(3) The department adopts and incorporates by reference the HELP Plan Evidence of Coverage (EOC) dated ~~January 1, 2016~~ August 1, 2017, which is available on the department's web site at <http://dphhs.mt.gov/MontanaHealthcarePrograms>.

(4) through (6) remain the same.

AUTH: 53-2-215, 53-6-113, 53-6-1305, 53-6-1318, MCA
IMP: 53-2-215, 53-6-101, 53-6-1305, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.84.106 in order to adopt the most recent revisions to evidence of coverage document (EOC) for the Montana Medicaid Health and Economic Livelihood Partnership (HELP) Plan. ARM 37.84.106 adopts the EOC by

referencing the document's revision date, and this rule revision proposes to amend the date of adoption from January 1, 2016, to August 1, 2017.

The following specific modifications will be made within the EOC:

1. add a contact lens benefit for individuals who have one of the following diagnoses on page 32:
 - (a) keratoconus;
 - (b) aphakia;
 - (c) anisometropia of two diopters or more; or
 - (d) eyesight cannot be corrected to 20/40 with eyeglasses;
2. adopt Medicaid language to describe pharmacy benefits on page 38;
3. update the definitions of habilitative care on page 10, rehabilitative care on page 15, physical therapy on page 14, occupational therapy on page 13, and speech therapy on page 16;
4. update the first level appeal description to include a phone number and fax number on page 46; and
5. update the abortion exclusion language to clarify the EOC definition, and align with current program on page 43.

Fiscal Impact

This proposed amendment has an estimated total cost of \$896.05 per year. The proposed amendment is estimated to affect eight HELP plan participants annually.

5. The department intends to apply these rules retroactively to January 1, 2017. A retroactive application of the proposed rules does not result in a negative impact to any affected party.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., June 23, 2017.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

12. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias, Attorney
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State May 15, 2017.

BEFORE THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.79.326 pertaining to Healthy) PROPOSED AMENDMENT
Montana Kids (HMK) dental benefit)
program procedures updates)

TO: All Concerned Persons

1. On June 15, 2017, at 1:30 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 7, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.79.326 DENTAL BENEFITS (1) remains the same.

(2) Providers must bill for services using the procedure codes and modifiers set forth, and according to the definitions contained in the American Dental Association Manual of Current Dental Terminology (CDT ~~2016~~ 2017).

(3) Effective ~~January 1, 2016~~ July 1, 2017, only the dental procedures listed at <http://dphhs.mt.gov/hmk.aspx> are benefits of the HMK coverage group Dental Program.

(4) through (6) remain the same.

AUTH: 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1105, MCA

IMP: 53-4-1003, 53-4-1004, 53-4-1005, 53-4-1009, 53-4-1104, 53-4-1105, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) proposes to amend ARM 37.79.326, which describes the state's Healthy Montana Kids (HMK) (formerly the Children's Health Insurance Program (CHIP)) dental benefits. The proposed amendment would update the Current Dental Terminology (CDT)

reference material the department utilizes for procedure codes and descriptions from the 2016 to the 2017 version of the CDT.

The proposed update of the CDT reference is necessary because the federal Centers for Medicare and Medicaid Services' (CMS) approved state plan for HMK dental benefits utilizes the State of Montana Employee Dental Benefit as a benchmark. The provider of that benefit, Delta Dental, adopted use of the 2017 CDT in January 2017, which includes procedure code updates, code additions and deletions, or changes to existing code descriptions from the 2016 CDT. The department subsequently examined the 2017 CDT and recommends adoption of the same in order to maintain compliance with the CMS-approved state plan for HMK dental benefits. The HMK/CHIP dental benefit plan will include ABCD codes for qualified providers. Failure of the department to timely adopt the 2017 CDT may adversely impact the department's federal funding requirements and its operation of the HMK dental benefit program.

FISCAL IMPACT

The department does not anticipate any fiscal impact resulting from the amendment to ARM 37.79.326. The proposed rule changes may affect an estimated 506 dental providers and 19,191 HMK members.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., June 23, 2017.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 5 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text

will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

11. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State May 15, 2017.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of)
ARM 37.85.212, 37.86.101,)
37.86.104, 37.86.105, 37.86.205, and)
37.86.1201 pertaining to physician)
program updates)

NOTICE OF PUBLIC HEARING ON
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 15, 2017, at 11:00 a.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 7, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.85.212 RESOURCE BASED RELATIVE VALUE SCALE (RBRVS)
REIMBURSEMENT FOR SPECIFIED PROVIDER TYPES (1) For purposes of this rule, the following definitions apply:

(a) remains the same.

(b) "Conversion factor" means a dollar amount by which the relative value units, or the anesthesia units for anesthesia services, are multiplied in order to establish the RBRVS fee for a service. The effective date and conversion factor amounts are adopted at ARM 37.85.105(2). There are four conversion factor categories:

(i) remains the same.

(ii) allied services, which applies to the following health care professionals listed in (2): physical therapists, occupational therapists, speech therapists, optometrists, opticians, audiologists, school-based services, ~~birth attendants~~ licensed direct-entry midwives, and EPSDT orientation and mobility specialists;

(b)(iii) through (i) remain the same.

(2) Services provided by the following health care professionals will be reimbursed in accordance with the RBRVS methodology set forth in (3):

- (a) through (t) remain the same.
- (u) birth attendants licensed direct-entry midwives;
- (v) through (10) remain the same.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, 53-6-125, MCA

37.86.101 PHYSICIAN SERVICES, DEFINITIONS (1) through (4) remain the same.

~~(5) The department adopts and incorporates by reference the Physician-Related Services Manual governing the administration of the Physician program dated August 1, 2015. The Physician-Related Services Manual is available for public viewing at the Department of Public Health and Human Services, Health Resources Division, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951 and at the department's web site at <http://medicaidprovider.mt.gov>.~~

~~(6) A "primary care service" for purposes of this rule means covered evaluation and management (E&M) procedure codes in the range 99201-99499 and vaccine administration codes 90460, 90461, 90471, 90472, 90473, and 90474 and their successors.~~

~~(7) A "primary care physician" for purposes of this rule means a physician with a specialty designation of family medicine, general internal medicine, or pediatric medicine and all subspecialties of these three specialties recognized by the American Board of Medical Specialties, American Board of Physician Specialties, and American Osteopathic Association.~~

(8) remains the same, but is renumbered (5).

AUTH: 53-6-113, MCA

IMP: 53-6-101, 53-6-113, MCA

37.86.104 PHYSICIAN SERVICES, REQUIREMENTS (1) through (11) remain the same.

~~(12) Primary care physicians are required to self-attest with the department that they meet the definition of primary care physician. They will do so by enrolling as a primary care physician as defined in ARM 37.86.101(6) with Montana Medicaid.~~

~~(13) The department will confirm the self-attestation of the physician. Providers that are found to be eligible for this program are eligible to receive additional reimbursement commencing from the date of confirmation. Confirmation consists of:~~

~~(a) verification of board certification by the American Board of Medical Specialties, American Board of Physician Specialties, and American Osteopathic Association as a primary care physician as defined in ARM 37.86.101(6); or~~

~~(b) a determination through claims review that at least 60 percent of the codes billed were primary care services as defined in ARM 37.86.101(5).~~

(12) The department adopts and incorporates by reference the Physician-Related Services Manual governing the administration of the Physician program

dated November 1, 2016. The Physician-Related Services Manual is available for public viewing at the Department of Public Health and Human Services, Health Resources Division, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951 and at the department's web site at <http://medicaidprovider.mt.gov>.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, 53-6-141, MCA

37.86.105 PHYSICIAN SERVICES, REIMBURSEMENT/GENERAL REQUIREMENTS AND MODIFIERS (1) through (3) remain the same.

(4) Reimbursement to physicians for physician-administered drugs ~~which are billed under HCPCS "A", "J", and "Q", or "S" codes is made~~ will be paid according to the department's fee schedule or the provider's usual and customary charge, whichever is lower. The department's fee schedule is updated at least annually based upon:

(a) through (c) remain the same.

(d) the Medicaid fee as determined in ~~(7)~~ (9).

(5) Physician administered compound drugs must be billed with the associated HCPCS; an invoice is required to be attached. The invoice must list each ingredient in the compound with the associated NDCs, and the quantity of each ingredient. Physician administered compound drugs are paid by invoice.

(5) remains the same, but is renumbered (6).

(7) Reimbursement rates for adult and children vaccines are extracted from the Private/Sector Cost/Dose fee schedule maintained by the Center for Disease Control (CDC). Private sector vaccine pricing are reported by vaccine manufacturers annually to the CDC.

(6) remains the same, but is renumbered (8).

~~(7)~~ (9) A Medicaid fee for services without fees is determined for physician services and anesthesia services as defined at ARM 37.85.212 and ~~birth attendant~~ licensed direct-entry midwife services as defined at ARM 37.86.1201.

(a) The Medicaid fee is determined for procedure codes:

(i) that are new, (less than one year in existence), or

(ii) that have no or low utilization, or

(iii) that have inconsistent charges by reviewing cost information for the service if available; or

(iv) by reviewing the reimbursement of similar services if cost information is not available.

(b) Otherwise, the Medicaid fee in ~~(7)~~ this section is determined by multiplying the average charge for the service by the payment-to-charge ratio.

~~(8) Reimbursement for primary care services performed by confirmed primary care physicians:~~

~~(a) for E&M procedure codes and vaccine administration codes not part of the VFC program, in calendar year 2013, is the 2013 Montana Medicare reimbursement amount or the amount determined by multiplying the 2009 Medicare conversion factor by the 2013 relative value unit for Montana, whichever is greater;~~

~~(b) for vaccine administration codes for the VFC program in calendar year 2013 is the lesser of the 2013 Montana Medicare reimbursement amount or the maximum regional VFC amount;~~

~~(c) for E&M procedure codes and vaccine administration codes not part of the VFC program, in calendar year 2014, is the 2014 Montana Medicare reimbursement amount or the amount determined by multiplying the 2009 Medicare conversion factor by the 2014 relative value unit for Montana, whichever is greater;~~

~~(d) for E&M procedure codes and vaccine administration codes not part of the VFC program, January 1, 2015 through June 30, 2015, is the 2015 Montana Medicare reimbursement amount or the amount determined by multiplying the 2009 Medicare conversion factor by the 2015 relative value unit for Montana, whichever is greater;~~

~~(e) for vaccine administration codes for the VFC program, January 1, 2015 through June 30, 2015, is the lesser of the 2015 Montana Medicare reimbursement amount or the maximum regional VFC amount; and~~

~~(f) for vaccine administration codes for the VFC program in calendar year 2014 is the lesser of the 2014 Montana Medicare reimbursement amount or the maximum regional VFC amount.~~

~~(9) through (11) remain the same, but are renumbered (10) through (12).~~

AUTH: 53-6-101, 53-6-113, MCA

IMP: 53-6-101, 53-6-113, MCA

37.86.205 MID-LEVEL PRACTITIONER SERVICES, REQUIREMENTS AND REIMBURSEMENT (1) through (3) remain the same.

(4) Coverage of mid-level practitioner services is limited to the provision of services by the following providers:

(a) remains the same.

(b) hospitals employing or contracting with certified registered nurse anesthetists if:

(i) and (ii) remain the same.

(iii) the hospital bills for services on form ~~HCFA-1500~~ CMS 1500 or CMS 837P electronic transaction.

(c) physicians, ambulatory surgical centers, diagnostic centers or public health departments, employing or contracting with mid-level practitioners if:

(i) remains the same.

(ii) the physician or the provider entity bills for services on form ~~HCFA-1500~~ CMS 1500 or CMS 837P electronic transaction.

(5) remains the same.

(6) Reimbursement for immunizations, drugs which are billed under associated HCPCS "J" and "Q" codes, family planning services, administration of injectables, radiology, laboratory and pathology, cardiography and echocardiography services, and for clients under 21 years of age is the lower of:

(a) and (b) remain the same.

~~(7) Mid-level practitioners under the supervision of a primary care physician and performing primary care services as defined in ARM 37.86.101 and 37.86.104~~

qualify for enhanced reimbursement as defined at ARM 37.86.105 except that reimbursement must be reduced in accordance with provisions in this rule.

~~(8) A mid-level practitioner must submit all claims for services personally provided by the mid-level practitioner, using the mid-level practitioner's own Medicaid provider number and any appropriate modifiers, unless another provider is authorized to bill for services provided by the mid-level practitioner by administrative rule or state law.~~

(9) through (13) remain the same, but are renumbered (7) through (11).

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-6-101, MCA

37.86.1201 BIRTH ATTENDANT SERVICE LICENSED DIRECT-ENTRY MIDWIFE (1) ~~"Birth Attendant"~~ "Direct-entry midwife" means a person that is licensed as a ~~direct-entry midwife~~ as defined in Title 37, chapter 27, MCA and ARM Title 24, chapter 111, subchapter 6.

(2) ~~Birth attendants~~ Direct-entry midwives may only provide prenatal labor and delivery or postpartum care in a birthing center as defined at ARM 37.86.3001.

(3) Reimbursement for ~~birth attendants~~ direct-entry midwives will be determined in accordance with ARM 37.85.212 and 37.86.105.

(4) The definitions found in the introduction to Physicians Current Procedural Terminology, fourth edition (CPT4), published by the American Medical Association of Chicago, Illinois and adopted at ARM 37.86.101 describe the terms commonly used by the Montana Medicaid Program in implementation of the program's ~~birth attendant~~ direct-entry midwife fee schedule.

(5) The "Physician-Related Services Manual" adopted at ARM 37.86.101 governs the administration of the ~~Birth Attendant Program~~ Direct-Entry Midwife Program.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-6-101, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.85.212, 37.86.101, 37.86.104, 37.86.105, 37.86.205, and 37.86.1201 to clarify covered services, remove language for a program that is no longer active, and clarify pricing methodology for selected services. This will maximize efficiency of the existing rules and repeal outdated rules.

ARM 37.86.101, 37.86.104, 37.86.105, and 37.86.205

The Primary Care Enhanced Payment Program ended June 30, 2015. This program is referenced in ARM 37.86.101(6) and (7); 37.86.104(12) and (13); 37.86.105(8); and 37.86.205(7) and (8), and those references should be removed because the program no longer exists.

ARM 37.86.105

The proposed rule amendment would update and clarify the methods in which physician administered drugs and vaccines are priced. This involves updating ARM 37.86.105(4) for HCPCS codes and compound drugs and adding a category for vaccine pricing.

ARM 37.86.205

The proposed rule amendment in ARM 37.86.205(4)(b)(iii) and (c)(ii) would update approved forms to submit claims.

ARM 37.85.212 and 37.86.1201

It is necessary to change Birth Attendant to Direct Entry Midwife to clarify which services are covered, reimbursement methodology, and where the services can be performed. This involves updating ARM 37.85.212(2)(u) and 37.86.1201(1) through (5).

Update MCA references for ARM 37.85.212(4).

Update Physician Related Services Manual date reference.

Fiscal Impact

There is no fiscal impact related to the ARM updates.

5. The department intends these proposed amendments to be effective on August 1, 2017.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., June 23, 2017.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or

delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

12. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias, Attorney
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State May 15, 2017.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.86.2205 and 37.86.2211) PROPOSED AMENDMENT
pertaining to early and periodic)
screening, diagnostic and treatment)
(EPSDT) benefits)

TO: All Concerned Persons

1. On June 15, 2017, at 3:30 p.m., the Department of Public Health and Human Services will hold a public hearing in the auditorium of the Department of Public Health and Human Services Building, 111 North Sanders, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 7, 2017, to advise us of the nature of the accommodation that you need. Please contact Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail dphhslegal@mt.gov.

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

37.86.2205 EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND TREATMENT SERVICES (EPSDT), REQUIRED SCREENING AND PREVENTIVE SERVICES (1) remains the same.

(2) The number and timing of comprehensive health, vision, hearing and dental screenings ~~must be as specified in the EPSDT provider manual.~~ should follow the American Academy of Pediatrics (AAP) Bright Futures schedule.

(a) Screening and preventive services must include assessments, exams, immunizations, tests, and appropriate health education.

(b) Caregiver depression screenings are covered for caregivers of children under one year of age. Appropriate evidence-based screening tools should be administered to caregivers as needed. Positive screenings must be appropriately referred for follow-up care.

~~(a) (3)~~ (3) More frequent screening services than those specified in ~~the EPSDT provider manual~~ the AAP Bright Futures schedule are covered when considered medically necessary to determine the existence of suspected physical or mental illnesses or conditions.

~~(3) Screening and preventive services must include assessments, exams, immunizations, tests, health education, and other features as specified in the EPSDT provider manual.~~

~~(4) The department adopts and incorporates by reference the department's provider manual dated November 2006 posted at <http://medicaidprovider.hhs.mt.gov>. The provider manual, issued by the department to all providers of EPSDT services, informs providers of the requirements applicable to the delivery of services. A copy of the department's EPSDT provider manual is available from the Department of Public Health and Human Services, Health Resources Division, Medicaid Services Bureau, 1400 Broadway, P.O. Box 202951, Helena, MT 59620-2951.~~

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

37.86.2211 EARLY AND PERIODIC SCREENING, DIAGNOSTIC AND TREATMENT SERVICES (EPSDT), CHIROPRACTIC SERVICES (1) remains the same.

(2) There must be documented medical necessity for chiropractic services by the child's primary care provider and the treatment must be directly related to a neuromuscular diagnosis of the spine.

AUTH: 53-2-201, 53-6-113, MCA

IMP: 53-2-201, 53-6-101, 53-6-111, 53-6-113, MCA

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services Health Resources Division is proposing to amend ARM 37.86.2205 and 37.86.2211. The Early and Periodic Screening, Diagnostic and Treatment (EPSDT) rules need updating to reflect current practices and current resources.

ARM 37.86.2205

The proposed amendments:

1. update the resources for screening guidelines in (1) from outdated manuals to our current practice of following the American Academy of Pediatrics Bright Futures schedule; and
2. add to (2) that a caregiver depression screening for caregivers of children under age one is now available to pediatric providers to bill under the child and refer positive screenings for follow-up care appropriately.

The amendments to the EPSDT rules are intended to increase the number of providers offering these health care screenings. Under 53-6-196, MCA the department will measure the rule amendments' intended outcomes over a nine-

month period of time. The department will compare the total number of screenings prior to the effective date of the rule amendments and compare that number to the total number of screenings after the rule amendment has been in effect for nine months.

ARM 37.86.2211

The proposed amendment adds language that there must be documented medical necessity by a child's primary care provider for a child to receive chiropractic services. It also states that the treatment must match the diagnosis and must be a neuromuscular issue directly related to subluxation of the spine. Both of these are already requirements, but this is outlining the requirements in the rule, as random audits have found providers practicing out of this scope.

Fiscal Impact

The proposed rule amendment to ARM 37.86.2205 has an administrative cost of \$35,460.00 in state fiscal year (SFY) 2017.

The proposed rule amendment to ARM 37.86.2211 should have no fiscal impact.

The proposed rulemaking is estimated to affect 5,945 Medicaid children or more annually.

5. The department intends to apply ARM 37.86.2205 retroactively to January 1, 2017. The department intends to apply ARM 37.86.2211 retroactively to July 1, 2017. A retroactive application of the proposed rules does not result in a negative impact to any affected party.

6. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Kenneth Mordan, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail dphhslegal@mt.gov, and must be received no later than 5:00 p.m., June 23, 2017.

7. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

8. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 6 above or may be made by completing a request form at any rules hearing held by the department.

9. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

11. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

12. Section 53-6-196, MCA, requires that the department, when adopting by rule proposed changes in the delivery of services funded with Medicaid monies, make a determination of whether the principal reasons and rationale for the rule can be assessed by performance-based measures and, if the requirement is applicable, the method of such measurement. The statute provides that the requirement is not applicable if the rule is for the implementation of rate increases or of federal law.

The department has determined that the proposed program changes presented in this notice are not appropriate for performance-based measurement and therefore are not subject to the performance-based measures requirement of 53-6-196, MCA.

/s/ Brenda K. Elias
Brenda K. Elias
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State May 15, 2017.

BEFORE THE SECRETARY OF STATE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 1.2.102 and repeal of ARM) PROPOSED AMENDMENT AND
1.2.105 pertaining to official versions) REPEAL
of the ARM and Register)

TO: All Concerned Persons

1. On June 15, 2017, at 9:30 a.m., the Secretary of State will hold a public hearing in the Secretary of State's Office Conference Room, Room 260, State Capitol Building, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Secretary of State will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Secretary of State no later than 5:00 p.m. on June 8, 2017, to advise us of the nature of the accommodation that you need. Please contact Jeffrey M. Hindoiien, Secretary of State's Office, P.O. Box 202801, Helena, MT 59620-2801; telephone (406) 444-6197; fax (406) 444-4249; TDD/Montana Relay Service (406) 444-9068; or e-mail Jeffrey.Hindoiien@mt.gov.

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

1.2.102 OFFICIAL VERSIONS OF THE ADMINISTRATIVE RULES OF MONTANA (1) ~~The Administrative Rules of Montana, printed and published by the Secretary of State, in accordance with ARM Title 1, chapter 2, is the official version of the Administrative Rules of Montana. The printed version of the Administrative Rules of Montana (ARM) is the official version.~~

(2) ~~Changes to the ARM must first be published in the register (refer to subchapter 4).~~ The electronic version of the ARM is available at <http://www.mtrules.org>.

(3) ~~Finalized rule changes do not appear in the ARM until the quarter following their adoption. The text of the ARM must be read together with any rule changes made in the current and previous quarters of the register to ensure the complete and correct language of the rule is being read. As of July 7, 2017, the electronic version of the Register is the official version. Prior to July 7, 2017, the printed version of the Register was the official version.~~

(4) An electronic version of issues of the Register is available at <http://sos.mt.gov/arm/register>.

(4) (5) ~~If there is a discrepancy between the rule text in the ARM and the text of the register proposal and adoption notices, the text of the register notices prevails as the correct text. If the rule text in the ARM differs from the rule text in~~

corresponding official Register notices, the rule text in the Register notices is the official rule text.

AUTH: 2-4-306, ~~2-4-311~~, ~~2-4-312~~, 2-15-401, ~~2-15-404~~, MCA
IMP: 2-4-306, 2-4-311, 2-4-312, 2-4-313, MCA

REASON: The proposed changes to this rule, in combination with the proposed repeal of ARM 1.2.105, are intended to clarify the official versions of the ARM and Register and their online availability in light of recent legislation. The 2017 Montana Legislature amended 2-4-312 and 2-4-313, MCA, to eliminate the requirements that the Secretary of State publish paper copies of the ARM and Register and make them available to certain entities free of charge and to other people for purchase. Under the amended statutes, the Secretary of State will continue to publish the ARM and Register in an electronic format and make them available free of charge. Subscriptions to the printed Register have significantly declined in recent years, with many subscribers reporting that they are canceling their subscriptions because they can access the Register free of charge online. Accordingly, the Secretary of State proposes to discontinue publication of the Register on paper. If this rule is amended as proposed, 2017 Register subscribers will be offered refunds on a pro rata basis. The proposed changes to ARM 1.2.102 modify the rule to comport with the above-mentioned statutory changes effectuated by House Bill 81, which was signed by Governor Steve Bullock on March 20, 2017, and bore an immediate effective date. The authority and implementation statutes were reviewed and updated. The proposed effective date of this amendment is July 7, 2017.

4. The Secretary of State proposes to repeal the following rule:

1.2.105 INTERNET AVAILABILITY

AUTH: 2-4-311, 2-4-312, 2-4-313, 2-15-401, MCA
IMP: 2-4-311, 2-4-312, 2-4-313, MCA

REASON: In light of the proposed amendments to ARM 1.2.102, this rule is no longer necessary.

5. Concerned persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Jeffrey M. Hindoien, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, or by e-mailing Jeffrey.Hindoien@mt.gov, and must be received no later than 5:00 p.m., June 23, 2017.

6. Jeffrey M. Hindoien, Secretary of State's Office, P.O. Box 202801, Helena, Montana 59620-2801, has been designated to preside over and conduct the hearing.

7. The Secretary of State maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish

to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding administrative rules, corporations, elections, notaries, records, uniform commercial code, or a combination thereof. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the Secretary of State's Office, Administrative Rules Services, 1236 Sixth Avenue, P.O. Box 202801, Helena, MT 59620-2801, faxed to the office at (406) 444-4263, e-mailed to sosarm@mt.gov, or may be made by completing a request form at any rules hearing held by the Secretary of State's Office.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

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

10. With regard to the requirements of 2-4-111, MCA, the Secretary of State has determined that the amendment and repeal of the above-referenced rules will not significantly and directly impact small businesses.

/s/ JEFFREY M. HINDOIEN
Jeffrey M. Hindoien
Rule Reviewer

/s/ COREY STAPLETON
Corey Stapleton
Secretary of State

Dated this 15th day of May, 2017.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 12.11.501 and 12.11.2205 and) ADOPTION
the adoption of NEW RULE I)
pertaining to Flathead Lake)

TO: All Concerned Persons

1. On January 20, 2017, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-468 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 118 of the 2017 Montana Administrative Register, Issue Number 2.

2. The commission has amended the following rules as proposed: ARM 12.11.501 and ARM 12.11.2205.

3. The commission has adopted the following rule as proposed: New Rule I (12.11.3110).

4. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

COMMENT #1: The commission received two comments in support of the proposed no wake zone on Cromwell Channel. One of the comments included 13 letters of support.

RESPONSE #1: The commission appreciates your participation in this rulemaking process.

COMMENT #2: The commission received eight comments in opposition to the proposed no wake zone on Cromwell Channel. Concerns included unnecessary restrictions on water users, that it would divert boating traffic to the north and south ends of the no wake zone causing congestion in those areas, that it would set a precedent for similar rule requests, and that the shoreline erosion, property damage and wildlife crossing concerns lacked supporting evidence.

RESPONSE #2: The no wake zone lies within the exterior boundaries of the Flathead Indian Reservation. The Confederated Salish and Kootenai Tribe (CSKT) supported the proposed no wake zone. The commission respects and agrees with the CSKT's professional staff's opinion on this rule. The commission believes this short, no wake zone will not significantly restrict water users nor drastically increase congestion as motorboats will still be allowed to travel the short distance through the channel but at a less than wake speed. The entirety of Flathead Lake has a 200 foot no wake zone from shoreline so the commission does not think this will set a

precedent for unnecessary no wake requests on Flathead Lake. The no wake zone spans the narrowest section of the channel, which will reduce the possibility of boating accidents, user and wildlife conflicts, erosion, and property damage that could occur through this narrow section.

/s/ William Schenk
William Schenk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State May 15, 2017.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF DECISION ON
ARM 12.11.501 and the adoption of) PROPOSED AMENDMENT AND
NEW RULE I pertaining to the) ADOPTION
Madison River)

TO: All Concerned Persons

1. On January 20, 2017, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-469 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 121 of the 2017 Montana Administrative Register, Issue Number 2.

2. A public hearing on the notice of proposed adoption and amendment of the above-stated rules was held on February 15, 2017.

3. The commission did not adopt or amend the above-stated rules as proposed. The commission received over 100 comments on the proposed no wake zone, with the majority in opposition. Most of the comments in opposition stated that the proposed no wake zone from the Ennis Lake Bridge to the Madison Dam would impact their recreational use on the lake, stating that it is the only place on the lake to escape the high winds and still enjoy sports that require higher speeds, such as surfing and skiing. Many comments in opposition stated they would support an alternative or a compromise, such as a no wake zone around the bridge or a no wake zone at certain times of the day. The commission has decided to not adopt the proposed no wake zone as proposed and instead instructs the department to do further evaluation and study of the area to see if a compromise or alternative would be more appropriate, and to report back to the commission with their findings at a later commission meeting.

/s/ Zach Zipfel
Zach Zipfel
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State May 15, 2017.

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 12.11.501 and the adoption of) ADOPTION
NEW RULE I and NEW RULE II)
pertaining to the Fort Peck Dredge)
Cuts and Fort Peck Reservoir)

TO: All Concerned Persons

1. On January 20, 2017, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-470 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 124 of the 2017 Montana Administrative Register, Issue Number 2.

2. The commission has amended the following rule as proposed, but with the following changes from the original proposal, new matter underlined, deleted matter interlined:

12.11.501 LIST OF WATER BODIES (1) through (41) remain as proposed.
~~(42) Fort Peck Dredge Cuts~~ [NEW RULE I]
(43) remains as proposed but is renumbered (42).
~~(44)~~(43) Fort Peck Reservoir ARM 12.11.2401, 12.11.3601,
& 12.11.5905
(45) through (117) remain as proposed but are renumbered (44) through
(116).

AUTH: 87-1-301, 87-1-303, MCA
IMP: 87-1-303, MCA

3. The commission did not adopt the following rule as proposed: New Rule I. The commission deferred to the department's assessment that there have never been any documented complaints or incidents of the boating activity that was described in the petition. In addition, most of the public comment received was in opposition. Commenters said that they did not see safety issues as a concern in this area. Since there does not seem to be a public health, safety, or welfare concern in this area, the commission did not adopt the proposed no wake zone on the Bay of Park Grove.

4. The commission has adopted the following rule as proposed: New Rule II (12.11.5905).

5. The commission has thoroughly considered the comments and testimony received. A summary of the comments received on New Rule II and the commission's responses are as follows:

COMMENT #1: The commission received two comments in support of the proposed no wake zone on Duck Creek Bay stating that safety was a concern in the bay.

RESPONSE #1: The commission appreciates your participation in this rulemaking process.

COMMENT #2: The commission received one comment in opposition to the proposed no wake zone on Duck Creek Bay. The commenter believed there was a 200 foot no wake zone from the shoreline already in place for this area, and stated that there could be safety concerns due to a no wake zone causing bottleneaking in the bay when it is busy, and causing it to take longer time to get off the lake during thunderstorms.

RESPONSE #2: The 200 foot from shoreline no wake zone currently exists in the Western Fishing District only, west of the continental divide, and is not in effect on Fort Peck Reservoir. The commission feels the safety in the bay will be heightened even during extremely busy times because boaters will only be able to travel at a less than wake speed. The commission believes that if there is a wait time caused by boaters trying to get off the lake at the same time during storms, that the wait time will likely come from waiting for the boat ramp, not due to a no wake zone.

COMMENT #3: The commission received one comment stating damage from the shoreline is caused more by wind then boaters. The comment did not state an opinion for or against the proposed no wake zone.

RESPONSE #3: The comment is outside the scope of this rulemaking.

/s/ Aimee Hawkaluk
Aimee Hawkaluk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State May 15, 2017.

BEFORE THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF MONTANA

In the matter of the amendment of ARM)	CORRECTED NOTICE OF
17.50.403 and 17.50.502, pertaining to)	AMENDMENT AND ADOPTION
definitions of solid waste management,)	
and the adoption of a new subchapter)	(SOLID WASTE MANAGEMENT)
codifying New Rules I through XIV for)	
landfarm facility standards and the)	
adoption of a new subchapter codifying)	
New Rules XV through XXVII for)	
compost standards and definitions)	

TO: All Concerned Persons

1. On January 6, 2017, the Department of Environmental Quality published MAR Notice No. 17-388 regarding a notice of public hearing on the proposed amendment and adoption of the above-stated rules at page 3, 2017 Montana Administrative Register, Issue Number 1.

2. On March 10, 2017, the Department of Environmental Quality published MAR Notice No. 17-388 regarding the notice of amendment and adoption at page 285, 2017 Montana Administrative Register, Issue Number 5.

3. In the initial notice, the department made several typographical errors. This notice corrects those errors with stricken matter interlined, new matter underlined:

17.50.1606 (NEW RULE IV) SITING STANDARDS FOR LANDFARM FACILITIES (1) through (3) remain as adopted.

AUTH: ~~17-50-204~~, 75-10-204, MCA
IMP: ~~17-50-204~~, 75-10-204, MCA

17.50.1607 (NEW RULE V) SITING STANDARDS FOR ONE-TIME LANDFARMS (1) and (2) remain as adopted.

AUTH: ~~17-50-204~~, 75-10-204, MCA
IMP: ~~17-50-204~~, 75-10-204, MCA

17.50.1612 (NEW RULE VIII) ANALYTICAL METHODS (1) and (2) remain as adopted.

AUTH: ~~17-50-204~~, 75-10-204, MCA
IMP: ~~17-50-204~~, 75-10-204, MCA

17.50.1613 (NEW RULE IX) LANDFARM FACILITY STANDARDS

(1) through (3) remain as adopted.

AUTH: ~~17-50-204~~, 75-10-204, MCA

IMP: ~~17-50-204~~, 75-10-204, MCA

17.50.1622 (NEW RULE XIV) FINANCIAL ASSURANCE (1) and (2) remain as adopted.

AUTH: ~~17-50-204~~, 75-10-204, MCA

IMP: ~~17-50-204~~, 75-10-204, MCA

17.50.1712 (NEW RULE XXII) OPERATION AND MAINTENANCE PLAN FOR COMPOST FACILITIES (1) through (1)(b)(ix) remain as adopted.

(x) location of compost facility records outlined in ARM 17.50.1713 [NEW RULE ~~X XXIII~~];

(c) through (4) remain as adopted.

4. All other rules in MAR Notice No. 17-388 remain as adopted.

5. The replacement pages for this corrected notice will be submitted to the Secretary of State on June 30, 2017.

Reviewed by:

DEPARTMENT OF ENVIRONMENTAL
QUALITY

/s/ John F. North

JOHN F. NORTH

Rule Reviewer

BY: /s/ Tom Livers

TOM LIVERS, Director

Certified to the Secretary of State, May 15, 2017.

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES OF THE
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 37.86.3503 pertaining to)
clarifying the definition of severe)
disabling mental illness)

TO: All Concerned Persons

1. On March 10, 2017, the Department of Public Health and Human Services published MAR Notice No. 37-785 pertaining to the public hearing on the proposed amendment of the above-stated rule at page 280 of the 2017 Montana Administrative Register, Issue Number 5.

2. The department has amended the above-stated rule as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's responses are as follows:

COMMENT #1: Commenters offered support of the proposed rule changes. Commenters agreed that the change to (1)(a), (b), or (c) clarifies the definition of SDMI.

RESPONSE#1: The department agrees with the comments. The changes are representative of the working definition of SDMI.

COMMENT #2: Two commenters suggested that the department look at the diagnostic codes. Commenters felt that if a member did not meet (1)(a) or (b) and did not meet any of the diagnostic codes of (c), providing services to the member is limited.

RESPONSE #2: The department is currently reviewing the current diagnostic codes to better serve members. The department will be looking for provider input for these updates.

COMMENT #3: One commenter suggested the rule is open for interpretation and confusing.

RESPONSE #3: The department is currently working internally on future changes for the rule and will seek provider comment through the rule process.

/s/ Jorge Quintana
Jorge Quintana
Rule Reviewer

/s/ Sheila Hogan
Sheila Hogan, Director
Public Health and Human Services

Certified to the Secretary of State May 15, 2017.

NOTICE OF FUNCTION OF ADMINISTRATIVE RULE REVIEW COMMITTEE

Interim Committees and the Environmental Quality Council

Administrative rule review is a function of interim committees and the Environmental Quality Council (EQC). These interim committees and the EQC have administrative rule review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes.

Economic Affairs Interim Committee:

- Department of Agriculture;
- Department of Commerce;
- Department of Labor and Industry;
- Department of Livestock;
- Office of the State Auditor and Insurance Commissioner; and
- Office of Economic Development.

Education and Local Government Interim Committee:

- State Board of Education;
- Board of Public Education;
- Board of Regents of Higher Education; and
- Office of Public Instruction.

Children, Families, Health, and Human Services Interim Committee:

- Department of Public Health and Human Services.

Law and Justice Interim Committee:

- Department of Corrections; and
- Department of Justice.

Energy and Telecommunications Interim Committee:

- Department of Public Service Regulation.

Revenue and Transportation Interim Committee:

- Department of Revenue; and
- Department of Transportation.

State Administration and Veterans' Affairs Interim Committee:

- Department of Administration;
- Department of Military Affairs; and
- Office of the Secretary of State.

Environmental Quality Council:

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

Water Policy Interim Committee (where the primary concern is the quality or quantity of water):

- Department of Environmental Quality;
- Department of Fish, Wildlife and Parks; and
- Department of Natural Resources and Conservation.

These interim committees and the EQC have the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. They also may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt, amend, or repeal a rule.

The interim committees and the EQC welcome comments and invite members of the public to appear before them or to send written statements in order to bring to their attention any difficulties with the existing or proposed rules. The mailing address is P.O. Box 201706, Helena, MT 59620-1706.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE MONTANA ADMINISTRATIVE REGISTER

Definitions: **Administrative Rules of Montana (ARM)** is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR or Register) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the Attorney General (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|---------------|---|
| Known Subject | 1. Consult ARM Topical Index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute | 2. Go to cross reference table at end of each number and title which lists MCA section numbers and department corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies that have been designated by the Montana Administrative Procedure Act for inclusion in the ARM. The ARM is updated through March 31, 2017. This table includes those rules adopted during the period December 31, 2016, through March 31, 2017, and any proposed rule action that was pending during the past 6-month period. (A notice of adoption must be published within six months of the published notice of the proposed rule.) This table does not include the contents of this issue of the Montana Administrative Register (MAR or Register).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through March 31, 2017, this table, and the table of contents of this issue of the Register.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule, and the page number at which the action is published in either the 2016 or 2017 Montana Administrative Register.

To aid the user, the Accumulative Table includes rulemaking actions of such entities as boards and commissions listed separately under their appropriate title number.

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EXECUTIVE BRANCH APPOINTEES AND VACANCIES

Section 2-15-108, MCA, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees, and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of 2-15-108, MCA, is that the Secretary of State publish monthly in the ***Montana Administrative Register*** a list of appointees and upcoming or current vacancies on those boards and councils.

In this issue, appointments effective in April 2017 appear. Vacancies scheduled to appear from June 1, 2017 through August 31, 2017, are listed, as are current vacancies due to resignations or other reasons. Individuals interested in serving on a board should refer to the bill that created the board for details about the number of members to be appointed and necessary qualifications.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of May 1, 2017.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Crime Control			
Atty. Gen. Tim Fox Helena Qualifications (if required): Attorney General	Governor	Reappointed	4/5/2017 1/1/2021
Sheriff Leo Dutton Helena Qualifications (if required): Law Enforcement Representative	Governor	Reappointed	4/5/2017 1/1/2021
Mr. William Dial Whitefish Qualifications (if required): Law Enforcement Representative	Governor	Reappointed	4/5/2017 1/1/2021
Commissioner Laura Obert Townsend Qualifications (if required): Local Government, Youth Justice Council Representative	Governor	Reappointed	4/5/2017 1/1/2021
Mr. Wyatt Glade Miles City Qualifications (if required): Law Enforcement Representative	Governor	Reappointed	4/5/2017 1/1/2021
Mr. Tim Brurud Havre Qualifications (if required): Youth Justice Council Representative	Governor	Reappointed	4/5/2017 1/1/2021

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Crime Control Cont.			
Ms. Geri Small Lame Deer	Governor	Jackson	4/5/2017 1/1/2021
Qualifications (if required): Professional & Community Organizations			
Mr. Jared Charles Cobell Great Falls	Governor	Aune	4/5/2017 1/1/2021
Qualifications (if required): Public Representative			
Mrs. Adrienne Cotton Helena	Governor	Batista	4/5/2017 1/1/2019
Qualifications (if required): Law Enforcement Representative			
Mrs. Jennie Hansen Huntley	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Community Corrections			
Ms. Olivia Rieger Glendive	Governor	Cashell	4/5/2017 1/1/2021
Qualifications (if required): Public Representative			
Mr. Derek J. VanLuchene Helena	Governor	Ross	4/5/2017 1/1/2019
Qualifications (if required): Public Representative			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Housing			
Mr. Eric L. Schindler	Governor	Kaercher	4/5/2017
Helena			1/1/2021
Qualifications (if required): Member informed & experienced in housing, economics, or finance			
Mr. Patrick Edward Melby	Governor	Reappointed	4/5/2017
Helena			1/1/2021
Qualifications (if required): Attorney			
Mr. John Lewis Raymond McClusky	Governor	Crowley	4/5/2017
Billings			1/1/2021
Qualifications (if required): Member informed & experienced in housing, economics, or finance			
Ms. Amber Sundsted	Governor	Firemoon	4/5/2017
Billings			1/1/2021
Qualifications (if required): Member informed & experienced in housing, economics, or finance			
Board of Livestock			
Mr. Ed Waldner	Governor	Reappointed	4/5/2017
Chester			3/1/2023
Qualifications (if required): Swine producer			
Mrs. Nina Baucus	Governor	Reappointed	4/5/2017
Wolf Creek			3/1/2023
Qualifications (if required): Cattle Producer			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Livestock Cont.			
Ms. Susan Marie Brown Belgrade	Governor	Reappointed	4/5/2017 3/1/2023
Qualifications (if required): Dairy producer representing the dairy & poultry industry			
Board of Milk Control			
Mr. Ralph James Parker Fairfield	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Not connected to the industry & not a public officer, Democrat			
Mr. Erik Somerfeld Power	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Not connected to the industry & not a public officer, Democrat			
Mr. Brian Beerman Fairfield	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Not connected to the industry & not a public officer, Republican			
Board of Optometry			
Dr. Marcus H. Kelley Helena	Governor	Reappointed	4/5/2017 4/1/2021
Qualifications (if required): Registered Optometrist			
Dr. Kristi Schied-Starkey Billings	Governor	New	4/5/2017 4/1/2021
Qualifications (if required): Registered Optometrist			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Board of Personnel Appeals			
Mr. Quinton Edward Nyman Helena	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Full-time employee or elected official of a labor union			
Mrs. Anzarina Fontana Moore Great Falls	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Management employee			
Board of Public Education			
Mrs. Anne Marie Dowling Keith Bozeman	Governor	Williams	4/5/2017 2/1/2024
Qualifications (if required): District 1, Independent			
Board of Trustees of the Montana Historical Society			
BG (Ret.) Harold Joseph Stearns Missoula	Governor	Dennison	4/5/2017 7/1/2017
Qualifications (if required): Historian			
Mr. Robert J. Phares Clyde Park	Governor	Gross	4/5/2017 7/1/2020
Qualifications (if required): Public Representative			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Commission for Human Rights			
Mr. Christopher Pope Bozeman Qualifications (if required): Public Representative	Governor	Taylor	4/3/2017 1/1/2021
Ms. Theresa L. Doty Butte Qualifications (if required): Public Representative	Governor	Howlett	4/3/2017 1/1/2021
Mr. Michael Murray Helena Qualifications (if required): Public Representative	Governor	Tooley	4/3/2017 1/1/2021
Ms. Sheri Sprigg Helena Qualifications (if required): Attorney	Governor	Wolken	4/3/2017 1/1/2021
Fish & Wildlife Commission			
Mr. Gregory M. Tollefson Missoula Qualifications (if required): District 1	Governor	Wolfe	4/5/2017 1/1/2021
Mr. Richard Louis Stuker Chinook Qualifications (if required): District 3, Experienced in the breeding & management of domestic livestock	Governor	Reappointed	4/5/2017 1/1/2021

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Fish & Wildlife Commission Cont.			
Mr. Logan Brower Scobey Qualifications (if required): District 4	Governor	Kerstein	4/5/2017 1/1/2019
Mr. Matthew Tourtlotte Billings Qualifications (if required): District 5	Governor	Reappointed	4/5/2017 1/1/2021
Livestock Loss Board			
Mr. Seth M. Wilson Missoula Qualifications (if required): Member of the general public	Governor	Reappointed	4/5/2017 1/1/2021
Mr. Harold James Cross Kalispell Qualifications (if required): Member of the general public	Governor	Reappointed	4/5/2017 1/1/2021
Ms. Doreen Gillespie Ethrige Qualifications (if required): Member actively involved in the livestock industry	Governor	Klasna	4/5/2017 1/1/2021
Mental Disabilities Board of Visitors			
Mr. Jeffrey Folsom Helena Qualifications (if required): Skills, knowledge, & experience re treatment & welfare of adults with DD, & prof. person	Governor	Moll	4/21/2017 6/30/2018

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Montana Children's Trust Fund Board			
Mr. James Scott Wheeler Kalispell Qualifications (if required): Public Member	Governor	Key	4/5/2017 1/1/2019
Pacific Northwest Economic Region			
Mr. Cliff Larsen Missoula Qualifications (if required): Designee of the Governor	Governor	Smith	4/5/2017 1/1/2021
Public Employees' Retirement Board			
Ms. Julie A. McKenna Helena Qualifications (if required): Public employee who is an active member of a public retirement system	Governor	Reappointed	4/5/2017 4/1/2022
Rangeland Resources Committee			
Mr. John A. Hollenback Gold Creek Qualifications (if required): Presiding Officer, Rancher	Governor	Reappointed	4/5/2017 1/1/2021
Mr. Steve Hedstrom Raynesford Qualifications (if required): Vice Presiding Officer, Rancher	Governor	Reappointed	4/5/2017 1/1/2021

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Rangeland Resources Committee Cont.			
Ms. Diane Ahlgren Mosby	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Rancher from the eastern area of the state			
Mr. Noel Keogh Nye	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Rancher from the southern area of the state			
Mrs. Connie Iversen Culbertson	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Rancher from the northern area of the state			
Mr. Sigurd M. Jensen Elmo	Governor	Gilman	4/5/2017 1/1/2021
Qualifications (if required): Rancher from the area of the state west of the continental divide			
State-Tribal Economic Development Commission			
Director Jason Smith Helena	Governor	Reappointed	4/21/2017 1/1/2021
Qualifications (if required): State Director of Indian Affairs			
Chairman Harry Barnes Browning	Governor	Reappointed	4/21/2017 7/1/2019
Qualifications (if required): Blackfeet Nation Representative			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Traumatic Brain Injury Advisory Council			
Director Sheila Hogan Helena	Governor	Opper	4/21/2017 1/1/2021
Qualifications (if required): Director of Public Health & Human Services or may send a designee			
Superintendent Elsie Arntzen Helena	Governor	Juneau	4/21/2017 1/1/2021
Qualifications (if required): Superintendent of Public Instruction or may send a designee			
Dr. Ruth Elizabeth Ross Missoula	Governor	Reappointed	4/21/2017 1/1/2020
Qualifications (if required): Member of the public			
Unemployment Insurance Appeals Board			
Mr. Brian Boland Great Falls	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Member of the public who is not an employee of state government			
Mrs. Sara Novak Anaconda	Governor	Reappointed	4/5/2017 1/1/2021
Qualifications (if required): Substitute board member, member of the public, not an employee of state government			
Yellowstone River Recreation Project Advisory Council			
Ms. Kathleen Aragon Billings	Governor	New	4/5/2017 12/31/2019
Qualifications (if required): Member of the public			

EXECUTIVE BRANCH APPOINTEES FOR APRIL 2017

<u>Appointee</u>	<u>Appointed By</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Yellowstone River Recreation Project Advisory Council Cont.			
Mr. Ted Lovec	Governor	New	4/5/2017
Billings			12/31/2019
Qualifications (if required): Member of the public			
Youth Justice Council			
Ms. Isabel Hamilton	Governor	New	4/21/2017
Missoula			3/1/2018
Qualifications (if required): Under the age of 24			

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Funeral Service		
Mr. Ronald E. Brothers, Hamilton Qualifications (if required): Mortician	Governor	7/1/2017
Mr. Bart Thompson, Helena Qualifications (if required): Cemeterian	Governor	7/1/2017
Mr. John Tarr, Helena Qualifications (if required): Public Representative	Governor	7/1/2017
Board of Hearing Aid Dispensers		
Ms. Mary Eve Tolbert, St. Ignatius Qualifications (if required): Hearing Aid Dispenser	Governor	7/1/2017
Mr. Michael Spinti, Great Falls Qualifications (if required): Hearing Aid Dispenser	Governor	7/1/2017
Board of Nursing		
Ms. Sharon Sweeney Fee, Livingston Qualifications (if required): Registered Nurse practicing in a rural health care facility	Director	7/1/2017
Board of Physical Therapy Examiners		
Mr. Brian Miller, Kalispell Qualifications (if required): Licensed Physical Therapist	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Plumbers		
Mr. Steven R. Henry, Billings	Governor	7/1/2017
Qualifications (if required): Representative of the public not engaged in the business of installing or selling plumbing		
Board of Private Alternative Adolescent Outdoor and Residential Treatment Programs		
Senator Trudi Schmidt, Great Falls	Governor	7/1/2017
Qualifications (if required): Public Representative		
Mr. John Santa, Marion	Governor	7/1/2017
Qualifications (if required): Adolescent Treatment Program Nominee		
Ms. Penny James, Trout Creek	Governor	7/1/2017
Qualifications (if required): Adolescent Treatment Nominee		
Ms. Pamela Carbonari, Kalispell	Governor	7/1/2017
Qualifications (if required): Public Representative		
Mr. Rick Johnson, Kalispell	Governor	7/1/2017
Qualifications (if required): Adolescent Treatment Program Nominee		
Board of Private Security		
Mr. James Thomas, Helena	Governor	8/1/2017
Qualifications (if required): Public Safety Officer Standards and Training Council Representative		
Ms. Holly Dershem-Bruce, Glendive	Governor	8/1/2017
Qualifications (if required): Public Representative		

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Public Accountants		
Ms. Linda Harris, Absarokee Qualifications (if required): Public Accountant	Governor	7/1/2017
Mr. Daniel Vuckovich, Great Falls Qualifications (if required): Public Accountant	Governor	7/1/2017
Board of Radiologic Technologists		
Mr. C.E. "Abe" Abramson, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Ms. Janet Fuller, Anaconda Qualifications (if required): Radiologic Technologist	Governor	7/1/2017
Board of Research and Commercialization Technology		
Mr. David William Opitz, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Board of Sanitarians		
Mayor Gene Townsend, Three Forks Qualifications (if required): Public Representative	Governor	7/1/2017
Ms. Susan K. Brueggeman, Polson Qualifications (if required): Registered Sanitarian	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Sanitarians Cont.		
Mr. Eugene Pizzini, Helena Qualifications (if required): Public Representative	Governor	7/1/2017
Board of Trustees of the Montana Historical Society		
BG (Ret.) Harold Joseph Stearns, Missoula Qualifications (if required): Historian	Governor	7/1/2017
Board of Veterans' Affairs		
Mr. Joren Underdahl, Columbia Falls Qualifications (if required): Representative from the Department of Public Health and Human Services	Governor	7/1/2017
Mr. Byron Erickson, Helena Qualifications (if required): US Department of Labor Representative	Governor	8/1/2017
Mr. Clarence Silvertsen, Black Eagle Qualifications (if required): Veteran, Region 3	Governor	8/1/2017
Mr. Dan Bernhardt, Helena Qualifications (if required): U.S. Department of Labor Representative	Governor	8/1/2017
Board of Veterinary Medicine		
Ms. Barbara Calm, Kila Qualifications (if required): Veterinarian	Governor	7/31/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Board of Water Well Contractors		
Mr. Kirk Waren, Butte Qualifications (if required): Hydrogeologist	Director	6/30/2017
Capitol Complex Advisory Council		
Senator Carol Williams, Missoula Qualifications (if required): Public Member	Governor	7/1/2017
Commission on Community Service		
Ms. Danette Rector, Missoula Qualifications (if required): Not-for-Profit Agency	Governor	7/1/2017
Ms. Julie Seedhouse, Billings Qualifications (if required): Public Representative	Governor	7/1/2017
Dr. Sandra Boham, Pablo Qualifications (if required): Tribal Member	Governor	7/1/2017
Mr. Charles Wetherington, Billings Qualifications (if required): Public Representative	Governor	7/1/2017
Commission on Sentencing		
Mr. Derek W. Gibbs, Lewistown Qualifications (if required): Member of the Public from the list provided	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Commission on Sentencing Cont.		
Reverend Roxanne P. Klingensmith, Bozeman Qualifications (if required): Member of the Public from the list provided	Governor	6/30/2017
Ms. LeeAnn Montes, Box Elder Qualifications (if required): Member of the Public from the list provided	Governor	6/30/2017
Committee on Telecommunications Access Services for Persons with Disabilities		
Ms. Marilyn Daumiller, Helena Qualifications (if required): Non-disabled senior citizen	Governor	7/1/2017
Economic Development Advisory Council		
Ms. Kathie Bailey, Lewistown Qualifications (if required): Snowy Mountain Development Corporation Region Representative	Governor	7/1/2017
Representative Julie E. French, Scobey Qualifications (if required): Great Northern Development Corporation Region Representative	Governor	7/1/2017
Mr. Brent Campbell, Missoula Qualifications (if required): Public Representative	Governor	7/1/2017
Mr. Luke Walawander, Joliet Qualifications (if required): Beartooth Resource Conservation and Development Region Representative	Governor	7/1/2017
Mr. Chad Cottet, Polson Qualifications (if required): Lake County Community Development Corporation Region Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Family Education Savings Program Oversight Committee		
Mr. Robert W. Minto Jr., Missoula Qualifications (if required): Public Representative	Governor	7/1/2017
Ms. Joella Bloomgren, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2017
Flathead Basin Commission		
Ms. Jan Metzmaker, Whitefish Qualifications (if required): Public Representative	Governor	6/30/2017
Mr. Thompson Smith, Charlo Qualifications (if required): Public Representative	Governor	6/30/2017
Mr. Chas Cartwright, Columbia Falls Qualifications (if required): Public Representative	Governor	6/30/2017
Future Fisheries Review Panel		
Mr. Joseph Willauer, Butte Qualifications (if required): Licensed Montana angler	Governor	7/1/2017
Mr. Michael Paul Johns, Bozeman Qualifications (if required): Licensed Montana angler	Governor	7/1/2017
Ms. Meriwether Schroeer, Helena Qualifications (if required): Montana High School Student	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Future Fisheries Review Panel Cont.		
Mr. William Frank Wichers, Hamilton Qualifications (if required): Member with expertise in fisheries	Governor	7/1/2017
Governor's Advisory Council on Aging		
Senator Dan W. Harrington, Butte Qualifications (if required): Public Representative	Governor	7/1/2017
Mr. John Melton, Chester Qualifications (if required): Public Representative	Governor	7/1/2017
Mr. Robert Meyers, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2017
Ms. Peggy Tombre, Bozeman Qualifications (if required): Public Representative	Governor	7/1/2017
Governor's Postsecondary Scholarship Advisory Council		
Mr. Devin Wertman, Colstrip Qualifications (if required): Experience in financial aid at a postsecondary institution	Governor	7/1/2017
Historical Society Board of Trustees		
Mr. George Dennison, Missoula Qualifications (if required): Montana General Public	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Judicial Standards Commission		
Mr. John Murphy, Great Falls Qualifications (if required): Public Representative	Governor	7/1/2017
Labor-Management Advisory Council		
Senator Mike Cooney, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Don Judge, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Bill Dahlgren, Missoula Qualifications (if required): none specified	Director	7/1/2017
Mr. Doug Buman, Seattle, WA Qualifications (if required): none specified	Director	7/1/2017
Ms. Annette Hoffman, Billings Qualifications (if required): none specified	Director	7/1/2017
Mr. Bob Worthington, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Marvin Jordan, Great Falls Qualifications (if required): none specified	Director	7/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Labor-Management Advisory Council Cont.		
Mr. Chris Cavazos, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Eric Strauss, Helena Qualifications (if required): none specified	Director	7/1/2017
Mr. Lance Zanto, Helena Qualifications (if required):	Governor	7/1/2017
Land Information Advisory Council		
Mr. Art Pembroke, Helena Qualifications (if required): Local Government	Governor	6/30/2017
Ms. Catherine Maynard, Bozeman Qualifications (if required): USDA Representative	Governor	6/30/2017
Mr. Rudy Cicon, Chester Qualifications (if required): Land Surveyor	Governor	6/30/2017
Mr. Warren Fahner, Troy Qualifications (if required): Represents county or municipal government	Governor	6/30/2017
Director John Tubbs, Helena Qualifications (if required): Agency representative or designee	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Land Information Advisory Council Cont.		
Mrs. Elaina Graham, Great Falls Qualifications (if required): Federal USDA Representative	Governor	6/30/2017
Ms. Molly Hirschi, Bozeman Qualifications (if required): GIS Professional	Governor	6/30/2017
Mr. Ryan Leland, Helena Qualifications (if required): Private Sector or Public Utilities	Governor	6/30/2017
Ms. Leslie Zolman, Helena Qualifications (if required): GIS Professional	Governor	6/30/2017
Low Income Energy Programs Policy Advisory Council		
Director Jason Smith, Helena Qualifications (if required): Special qual. with respect to solving the problems experienced by low-income	Director	7/30/2017
Ms. Tina Shorten, Helena Qualifications (if required): Special qual. with respect to solving the problems experienced by low-income	Director	7/30/2017
Ms. Pamela Hanson, Butte Qualifications (if required): Special qual. with respect to solving the problems experienced by low-income	Director	7/30/2017
Mr. Kane Quenemoen, Helena Qualifications (if required): Special qual. with respect to solving the problems experienced by low-income	Director	7/30/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Low Income Energy Programs Policy Advisory Council Cont.		
Mr. Brian Steffen, Glendive	Director	7/30/2017
Qualifications (if required): Special qual. with respect to solving the problems experienced by low-income		
Mental Disabilities Board of Visitors		
Ms. Tracy Perez, Ronan	Governor	6/30/2017
Qualifications (if required): Professional Person in the field of mental health treatment		
Ms. Miriam Hertz, Seeley Lake	Governor	6/30/2017
Qualifications (if required): Consumer or family member of a consumer with developmental disabilities		
Mr. James Henry Hajny, Livingston	Governor	6/30/2017
Qualifications (if required): Consumer or family member of a consumer of mental health services		
Montana Agriculture Development Council		
Ms. Patricia Quisno, Harlem	Governor	7/1/2017
Qualifications (if required): Agriculture Experience		
Mr. Jim Stone, Ovando	Governor	7/1/2017
Qualifications (if required): Agriculture Experience		
Mr. Lars Wesley Hanson, Edgar	Governor	7/1/2017
Qualifications (if required): Agriculture Experience		
Ms. Tara Mastel, Whitehall	Governor	7/1/2017
Qualifications (if required): Representative who is or was actively engaged in agriculture		

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Cherry Commodity Advisory Committee		
Mr. Cody Herring, Bigfork Qualifications (if required): Cherry Producer	Director	6/1/2017
Mr. Bruce Johnson, Bigfork Qualifications (if required): Cherry Producer	Director	6/1/2017
Mr. John Nasgovitz, Missoula Qualifications (if required): Cherry Producer	Director	6/1/2017
Mr. Mark St. Sauver, Bigfork Qualifications (if required): Cherry Producer	Director	6/1/2017
Montana Developmental Center Transition Planning Committee		
Mr. Charlie Briggs, Helena Qualifications (if required): Representative of the State Protection & Advocacy Program	Governor	6/30/2017
Commissioner Bob Mullen, Boulder Qualifications (if required): Jefferson County Commissioner	Governor	6/30/2017
Ms. Mary Dalton, Helena Qualifications (if required): Representative of the Department of Public Health and Human Services	Governor	6/30/2017
Mr. Erik Burke, Helena Qualifications (if required): Representative of the Montana Developmental Center Workforce	Governor	6/30/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Developmental Center Transition Planning Committee Cont.		
Mr. Dan Villa, Helena Qualifications (if required): Representative of the Office of Budget and Program Planning	Governor	6/30/2017
Ms. Tara Veazey, Helena Qualifications (if required): Governor's Health Policy Advisor	Governor	6/30/2017
Mrs. Dianna Crawford, Valier Qualifications (if required): Family member or Guardian of an individual who is or was committed to the MDC	Governor	6/30/2017
Ms. Carol Dailey, Bozeman Qualifications (if required): Family member or Guardian of an individual who is or was committed to the MDC	Governor	6/30/2017
Ms. Francine Sadowski, Missoula Qualifications (if required): Provider of Community-Based Services	Governor	6/30/2017
Mr. Carl Seilstad, Lewistown Qualifications (if required): Representative of Community Mental Health Centers	Governor	6/30/2017
Ms. Deborah Swingley, Helena Qualifications (if required): Member of the Montana Council on Developmental Disabilities	Governor	6/30/2017
Montana Health Coalition		
Ms. Mary Dalton, Helena Qualifications (if required): none specified	Director	6/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Health Coalition Cont. Representative Edith J. Clark, Sweet Grass Qualifications (if required): none specified	Director	6/1/2017
Mr. S. Kevin Howlett, Arlee Qualifications (if required): none specified	Director	6/1/2017
Dr. Gary Mihelish, Helena Qualifications (if required): none specified	Director	6/1/2017
Mr. Travis Hoffman, Missoula Qualifications (if required): none specified	Director	6/1/2017
Mr. Bob Marsalli, Helena Qualifications (if required): none specified	Director	6/1/2017
Mr. Eric Shields, Missoula Qualifications (if required): none specified	Director	6/1/2017
Mr. Steve Todd, Ronan Qualifications (if required): none specified	Director	6/1/2017
Mr. Todd Harwell, Helena Qualifications (if required): none specified	Director	6/1/2017
Mr. Roger Holt, Billings Qualifications (if required): none specified	Director	6/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
<p>Montana Health Coalition Cont. Dr. Greg Holzman, Helena Qualifications (if required): none specified</p>	Director	6/1/2017
<p>Montana Historical Society Board of Trustees Mr. Steve Lozar, Polson Qualifications (if required): Public Member</p>	Governor	7/1/2017
<p>Mr. Kent Kleinkopf, Missoula Qualifications (if required): Public Member</p>	Governor	7/1/2017
<p>Ms. Leslie Halligan, Missoula Qualifications (if required): Public Member</p>	Governor	7/1/2017
<p>Montana Information Security Advisory Council Ms. Margaret Kauska, Helena Qualifications (if required): State Government Agency</p>	Director	6/30/2017
<p>Representative Mark W. Blasdel, Somers Qualifications (if required): State Legislature</p>	Director	6/30/2017
<p>Major General Matthew T. Quinn, Helena Qualifications (if required): State Homeland Security Advisor</p>	Director	6/30/2017
<p>Ms. Sherri Davidoff, Missoula Qualifications (if required): General Public</p>	Director	6/30/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Information Security Advisory Council Cont.		
Mr. Ron Baldwin, Helena Qualifications (if required): State Chief Information Officer	Director	6/30/2017
Representative Kelly McCarthy, Billings Qualifications (if required): State Legislature	Director	6/30/2017
Ms. Erika Billiet, Kalispell Qualifications (if required): Local Governments	Director	6/30/2017
Mr. Joe Chapman, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Bryan Costigan, Helena Qualifications (if required): Montana Analysis and Technical Information Center Representative	Director	6/30/2017
Mr. John Daugherty, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Stuart Fuller, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Kreh Germaine, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Mr. Jim Gietzen, Helena Qualifications (if required): State Government Agency	Director	6/30/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Information Security Advisory Council Cont.		
Mr. Adrian Irish, Missoula Qualifications (if required): University Representative	Director	6/30/2017
Ms. Lynne Pizzini, Helena Qualifications (if required): State Government Agency	Director	6/30/2017
Montana Mint Committee		
Mr. Kenneth W. Smith, Kalispell Qualifications (if required): Mint Grower	Governor	7/1/2017
Montana Organic Commodity Advisory Council		
Mr. Gene Thayer, Great Falls Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Director Ron de Yong, Helena Qualifications (if required): Director of the Department of Agriculture	Director	7/1/2017
Ms. Alison Harmon, Bozeman Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Matt Johnson, Hinsdale Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Ty O'Connor, Broadus Qualifications (if required): Organic Handler Representative	Director	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana Organic Commodity Advisory Council Cont.		
Ms. Catherine Odden, Dutton Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Karl Sutton, Polson Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Mark Smith, Lavina Qualifications (if required): Organic Handler Representative	Director	7/1/2017
Mr. Sam Schmidt, Great Falls Qualifications (if required): Organic Handler	Governor	7/1/2017
Montana Poet Laureate		
Mr. Michael Earl Craig, Livingston Qualifications (if required): none specified	Governor	8/1/2017
Montana State Workforce Innovation Board		
Ms. Arlene Templer, Pablo Qualifications (if required): Tribal Government Representative	Governor	7/1/2017
Ms. Billie Lee, Ronan Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Paul Gatzemeier, Billings Qualifications (if required): Business Representative	Governor	7/1/2017

EXECUTIVE BRANCH VACANCIES -- JUNE 1, 2017 THROUGH AUGUST 31, 2017

<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont.		
Commissioner Michael McGinley, Dillon Qualifications (if required): Local Government Elected Official	Governor	7/1/2017
Director Richard Opper, Helena Qualifications (if required): Director of the Department of Public Health and Human Services or designee	Governor	7/1/2017
Mr. Bill Hunt, Jr., Shelby Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Jay Reardon, Helena Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Dave Crum, Great Falls Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Kirk Hammerquist, Kalispell Qualifications (if required): Business Representative	Governor	7/1/2017
Ms. Jacquie Helt, Missoula Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Clayton Christian, Missoula Qualifications (if required): Commissioner of Higher Education or designee	Governor	7/1/2017
Mr. Robert W. Minto, Jr., Missoula Qualifications (if required): Business Representative	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont.		
Superintendent Denise Juneau, Helena Qualifications (if required): State Superintendent of Public Instruction or designee	Governor	7/1/2017
Governor Steve Bullock, Helena Qualifications (if required): Governor or designee	Governor	7/1/2017
Ms. Tina Bundtrock, Great Falls Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Alan Ekblad, Great Falls Qualifications (if required): Workforce Representative	Governor	7/1/2017
Commissioner Pam Bucy, Helena Qualifications (if required): Commissioner of the Department of Labor and Industry	Governor	7/1/2017
Ms. Jane Weber, Great Falls Qualifications (if required): Local government elected official	Governor	7/1/2017
Mr. Larry Hall, Ronan Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Jasyn Harrington, Helena Qualifications (if required): Community Organization Representative	Governor	7/1/2017
Mr. Niles Hushka, Bozeman Qualifications (if required): Business Representative	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont.		
Ms. Loren Rose, Seeley Lake Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. John McKee, Butte Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Fred Kellogg, Polson Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Dean Bentley, Butte Qualifications (if required): Business Representative	Governor	7/1/2017
Ms. Casey Blumenthal, Helena Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Scott Trent, Missoula Qualifications (if required): Business Representative	Governor	7/1/2017
Mr. Miles McCarvel, Missoula Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Rich Aarstad, Helena Qualifications (if required): Workforce Representative	Governor	7/1/2017
Ms. Anna Doran, Helena Qualifications (if required): Business Representative	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Montana State Workforce Innovation Board Cont.		
Ms. Vicky Byrd, Montana City Qualifications (if required): Workforce Representative	Governor	7/1/2017
Mr. Paul Hopfauf, Glendive Qualifications (if required): Business Representative	Governor	7/1/2017
Montana Wheat and Barley Committee		
Mr. Leonard Schock, Vida Qualifications (if required): District 7 Representative and an Independent	Governor	6/1/2017
Mr. Michael V. O'Hara, Fort Benton Qualifications (if required): District 4 Representative and a Democrat	Governor	6/1/2017
Noxious Weed Management Advisory Council		
Mr. Jack Eddie, Dillon Qualifications (if required): Member from the Montana Weed Control Association	Governor	7/1/2017
Ms. Margie Edsall, Sheridan Qualifications (if required): Member from the agriculture community	Governor	7/1/2017
Mr. Doug Dupuis, Pablo Qualifications (if required):	Governor	7/1/2017
Mr. Joel Farkell, Brady Qualifications (if required): Member from a consumer group	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Noxious Weed Management Advisory Council Cont.		
Ms. Jeannette Nordahl, Lincoln Qualifications (if required): Member from a recreationist or wildlife group	Governor	7/1/2017
Mr. Brian Ostwald, Joliet Qualifications (if required): Member representing counties from the eastern part of the state	Governor	7/1/2017
Petroleum Tank Release Compensation Board		
Ms. Kate Cassidy, Whitefish Qualifications (if required): Background in environmental regulation	Governor	7/1/2017
Ms. Susan Quigley, Shelby Qualifications (if required): Representative of the financial or banking industry with experience in small business	Governor	7/1/2017
Private Land/Public Wildlife Advisory Council		
Mr. John Swanz, Judith Gap Qualifications (if required): Landowner	Governor	7/31/2017
Mr. Lee Cornwell, Glasgow Qualifications (if required): Landowner	Governor	7/31/2017
Protect Montana Kids Commission		
Representative Chuck Hunter, Helena Qualifications (if required): Legislator	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Public Defender Commission		
Mr. Richard Gillespie, Helena Qualifications (if required): Attorney nominated by the State Bar	Governor	7/1/2017
Mr. Mark Parker, Billings Qualifications (if required): Attorney submitted by the Supreme Court	Governor	7/1/2017
Ms. Margaret Novak, Chester Qualifications (if required): Organization advocating on behalf of indigent persons	Governor	7/1/2017
Mr. Kenneth R. Olson, Great Falls Qualifications (if required): Attorney nominated by the Supreme Court	Governor	7/1/2017
Ms. Ann Sherwood, Pablo Qualifications (if required): Attorney nominated by the State Bar Association	Governor	7/1/2017
Mr. Brian Gallik, Bozeman Qualifications (if required): Attorney nominated by the Supreme Court	Governor	7/1/2017
Mr. Terrell Jessee, Billings Qualifications (if required): Member of an organization that advocates on behalf of indigent persons	Governor	7/1/2017
State Banking Board		
Dr. Maureen J. Fleming, Missoula Qualifications (if required): Member of the Public	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Library Commission		
Ms. Anne Kish, Twin Bridges Qualifications (if required): Public Representative	Governor	6/1/2017
Ms. Aaron LaFromboise, Browning Qualifications (if required): Public Representative	Governor	6/1/2017
State Workforce Innovation Board		
Mr. Kevin Phillip Joseph Poulin, Helena Qualifications (if required): Business Representative	Governor	7/1/2017
State Workforce Investment Board		
Ms. Billie Lee, Ronan Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Nanette LeFebvre, Helena Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Paul Gatzemeier, Billings Qualifications (if required): Private Sector	Governor	7/1/2017
Commissioner Michael McGinley, Dillon Qualifications (if required): Local Government	Governor	7/1/2017
Mr. Bill Hunt, Jr., Shelby Qualifications (if required): Private Sector	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Workforce Investment Board Cont.		
Mr. John Cech, Billings Qualifications (if required): Higher Education	Governor	7/1/2017
Mr. Dave Crum, Great Falls Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Kirk Hammerquist, Kalispell Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Jacquie Helt, Missoula Qualifications (if required): Organized Labor	Governor	7/1/2017
Ms. Maureen Kenneally, Butte Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Rodney Miller, Wolf Point Qualifications (if required): Section 166 Tribal Representative	Governor	7/1/2017
Mr. Keith Heavyrunner, Browning Qualifications (if required): Military Veterans Representative	Governor	7/1/2017
Mr. Robert W. Minto, Jr., Missoula Qualifications (if required): Private Sector	Governor	7/1/2017
Superintendent Denise Juneau, Helena Qualifications (if required): Superintendent of Public Instruction	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Workforce Investment Board Cont.		
Ms. Tina Bundtrock, Great Falls Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Alan Ekblad, Great Falls Qualifications (if required): Organized Labor	Governor	7/1/2017
Ms. Jane Weber, Great Falls Qualifications (if required): Local Government	Governor	7/1/2017
Mr. Dan Bernhardt, Helena Qualifications (if required): Military Veterans Representative	Governor	7/1/2017
Mr. John Danielson, Kalispell Qualifications (if required): Experience with youth activities	Governor	7/1/2017
Mr. Larry Hall, Ronan Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Jasyn Harrington, Helena Qualifications (if required): Workforce Investment Organization	Governor	7/1/2017
Mr. Niles Hushka, Bozeman Qualifications (if required): Private Sector	Governor	7/1/2017
Mrs. Kim Ormsby, Bozeman Qualifications (if required): Private Sector	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State Workforce Investment Board Cont.		
Ms. Tammy Pilcher, Helena Qualifications (if required): Organized Labor	Governor	7/1/2017
Ms. Loren Rose, Seeley Lake Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. John McKee, Butte Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Sarah Calhoun, White Sulphur Springs Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Fred Kellogg, Polson Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Dean Bentley, Butte Qualifications (if required): Private Sector	Governor	7/1/2017
Ms. Casey Blumenthal, Helena Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Scott Trent, Missoula Qualifications (if required): Private Sector	Governor	7/1/2017
Mr. Eric Smith, Helena Qualifications (if required): Private Sector	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
State-Tribal Economic Development Commission		
Mr. Richard Sangrey, Box Elder Qualifications (if required): Chippewa Cree Tribe Representative	Governor	6/30/2017
Mr. Terry Pitts, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribes Representative	Governor	6/30/2017
Mr. Leonard Gray, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribes Alternate	Governor	6/30/2017
Chairman Len Twoteeth, Pablo Qualifications (if required): Confederated Salish and Kootenai Tribes Alternate	Governor	6/30/2017
Mr. Joe Fox, Jr., Lame Deer Qualifications (if required): Northern Cheyenne Tribe Representative	Governor	7/1/2017
Mr. Tracy Robinson, Lame Deer Qualifications (if required): Northern Cheyenne Tribal Representative	Governor	7/1/2017
Councilman Merlin Sioux, Lame Deer Qualifications (if required): Northern Cheyenne Tribal Representative	Governor	7/1/2017
Teachers' Retirement Board		
Ms. Kari Peiffer, Kalispell Qualifications (if required): Teacher/Member	Governor	7/1/2017

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<u>Board/Current Position Holder</u>	<u>Appointed By</u>	<u>Term End</u>
Telecommunications Access Services for Persons with Disabilities		
Ms. Pat Ingalls, Butte Qualifications (if required): Licensed Audiologist	Governor	7/1/2017
Mr. Drew Arnot, Missoula Qualifications (if required): Member for an Independent Service Provider	Governor	7/1/2017
Tourism Advisory Council		
Mr. Dudley L. Tyler, Livingston Qualifications (if required): Yellowstone Country Region Representative	Governor	7/1/2017
Ms. Amber Wood-Jensen, Butte Qualifications (if required): Goldwest Country Region Representative	Governor	7/1/2017
Ms. Glenn Indreland, Bozeman Qualifications (if required): Yellowstone Country Region Representative	Governor	7/1/2017
Mr. Matt Ellis, Missoula Qualifications (if required): Glacier Country Region Representative	Governor	7/1/2017
Mr. Stephen Wahrlich, Billings Qualifications (if required): Southeast Montana Country Region Representative	Governor	7/1/2017
Water and Wastewater Operators' Advisory Council		
Mr. Logan McInnis, Missoula Qualifications (if required): Workforce Representative	Governor	7/1/2017