

BEFORE THE ALTERNATIVE HEALTH CARE BOARD
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 24.111.401 fees, and the) PROPOSED AMENDMENT AND
adoption of NEW RULE I pertaining) ADOPTION
to licenses)

TO: All Concerned Persons

1. On October 1, 2009, at 9:30 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption 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 Alternative Health Care Board (board) no later than 5:00 p.m., on September 25, 2009, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Alternative Health Care Board, 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; e-mail dlibsdahc@mt.gov.

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

24.111.401 FEES (1) and (2) remain the same.

(3) Inactive status fees are as follows:

- | | |
|-------------------------------|------------|
| <u>(a) naturopath</u> | <u>275</u> |
| <u>(b) midwife</u> | <u>275</u> |
| <u>(c) midwife apprentice</u> | <u>100</u> |

(3) remains the same but is renumbered (4).

AUTH: 37-1-134, 37-26-201, 37-27-105, MCA

IMP: 37-1-134, 37-1-141, 37-26-201, 37-26-403, 37-27-203, 37-27-205, 37-27-210, MCA

REASON: The board determined it is reasonably necessary to amend this rule to set the fees for renewing a license on inactive status. The board is proposing New Rule I in this notice to set forth the requirements and restrictions for inactive status licensure of naturopathic physicians, midwives, and midwife apprentices. The board expects approximately five individuals a year to go to inactive status and result in a \$1,200 reduction in annual revenue.

4. The proposed new rule provides as follows:

NEW RULE I INACTIVE STATUS (1) While on inactive status, a licensee is prohibited from practicing under that license.

(2) To place a license on inactive status, a licensee shall, during the renewal period:

(a) submit a written request to the board;
(b) return the licensee's wall certificate and current license to the board office; and

(c) pay the appropriate inactive status fee.

(3) A licensee on inactive status shall:

(a) renew according to renewal dates specified in ARM 24.101.413;

(b) pay the appropriate inactive status fee; and

(c) meet all other conditions of licensure, except that licensees on inactive status:

(i) are not required to maintain CPR or neonatal resuscitation credentials while on inactive status; and

(ii) are exempt from CE requirements.

(4) No license may remain on inactive status for more than 26 consecutive months, excluding any time required for board review of a request to return to active status.

(5) Requests to return to active status must include the following:

(a) a completed request on a form prescribed by the department;

(b) verification of the licensee's good standing from every jurisdiction in which the licensee was licensed during the inactive status period;

(c) an official report on the licensee from the National Practitioner Databank;

(d) if the request is not submitted with a renewal application, a license fee equal to the difference between the inactive status fee and the active status fee;

(e) if the request is submitted with a renewal application, the request must also include all requirements and fees required for renewal of an active license; and

(f) any other proof or information as reasonably required by the board.

(6) Department staff may process requests to return to active status without further board review upon proof of the following:

(a) licensee is not subject to legal or disciplinary action in this or any other jurisdiction;

(b) all fees are paid in full;

(c) all CPR and neonatal resuscitation credentials required for licensure are current; and

(d) one year's continuing education requirements are met and verified by certificates.

AUTH: 37-1-131, 37-1-319, 37-26-201, 37-27-105, MCA

IMP: 37-1-131, 37-1-319, MCA

REASON: The board determined that it is reasonably necessary to adopt New Rule I to address licensee requests and set forth the requirements for inactive status licensure. The board concluded that licensees periodically encounter various life circumstances that justify placement on inactive status. To ensure adequate

protection of the public, the board is limiting the length of time licensees may remain on inactive status and establishing minimum competency standards to shift from inactive back to active status licensure.

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 the Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdahc@mt.gov, and must be received no later than 5:00 p.m., October 9, 2009.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.althealth.mt.gov. 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.

7. 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 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 Alternative Health Care Board, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdahc@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

9. Tyler Moss, attorney, has been designated to preside over and conduct this hearing.

ALTERNATIVE HEALTH CARE BOARD
MAGGI BEESON, ND, CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 31, 2009