

BEFORE THE BOARD OF CLINICAL LABORATORY SCIENCE PRACTITIONERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT  
ARM 24.129.2101 continuing )  
education requirements )

TO: All Concerned Persons

1. On July 12, 2012, the Board of Clinical Laboratory Science Practitioners (board) published MAR notice no. 24-129-14 regarding the public hearing on the proposed amendment of the above-stated rule, at page 1316 of the 2012 Montana Administrative Register, issue no. 13.

2. On August 3, 2012, a public hearing was held on the proposed amendment of the above-stated rule in Helena. Several comments were received by the August 13, 2012, deadline.

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

COMMENT 1: One commenter opposed the proposed changes in their entirety.

RESPONSE 1: The board appreciates all comments made during the rulemaking process.

COMMENT 2: Three commenters opposed the elimination of continuing education (CE) carryover, stating the change would impose a hardship on licensees.

RESPONSE 2: The board is not proposing to increase the 14 hours of CE required annually, but only amending the rule to no longer allow licensees to carry over excess hours from one year to the next.

COMMENT 3: One commenter strongly opposed eliminating the carryover of excess CE hours, stating that attending conferences is expensive and requires use of vacation.

The commenter acknowledged that internet courses are allowed, but noted that high-speed internet is not always available.

RESPONSE 3: The board concluded that since all CE can be obtained online, it is not necessary to use vacation time and expenses can be minimized.

COMMENT 4: One commenter asked the board to reduce the annual CE requirement to ten credits if carryover is eliminated, since licensees usually have to pay for all CE without help from their employers. The commenter also asked where to send requests for course provider approval.

RESPONSE 4: The board notes that 14 credit hours have been required for many years and the board is not increasing the cost of acquiring those hours. Provider approval requests should be submitted to the board at the address provided on the board web site.

COMMENT 5: Two commenters disagreed with the proposed rule change because carryover provides a cushion for licensees who are short one or two hours in a year. The commenters suggested annual submission of credits to prevent "cheaters" from escaping an audit, and stated that carryover elimination will discourage licensees from acquiring extra CE when an opportunity arises.

RESPONSE 5: The board agrees that a cushion may be attractive to licensees, but points out that the required annual CE remains the same. With the availability of online courses, a licensee should be able to plan to acquire the requisite number of credits, without having to resort to carryover. The board agrees that licensees should always be encouraged to take all courses that are of interest and available.

COMMENT 6: One commenter disagreed with the elimination of carryover and suggested the board instead allow up to five carryover credits.

RESPONSE 6: The board concluded that allowing any amount of carryover will defeat the intended purposes of simplifying CE reporting and ensuring that courses are current.

COMMENT 7: A commenter asked if the board would not audit CE for the next year or so, since new licensees are usually the ones accruing carryover. The commenter stated that CLS licensees have greater CE requirements than doctors and nurses, and questioned whether CE courses completed six months earlier would be truly out-of-date.

RESPONSE 7: The board notes that the CE requirements do not apply to the first year of licensure and is not aware of the CE requirements for physicians and nurses.

COMMENT 8: One commenter stated that the board's web site is difficult to navigate and asked where to find acceptable CE organizations and credentials.

RESPONSE 8: The board will update the web site when the final rule is published and effective.

COMMENT 9: One commenter asserted that CLS course content is not like the tax code and does not change annually. The commenter argued that it is expensive and time consuming for rural licensees to get coverage to travel to attend CE courses.

RESPONSE 9: The board notes that online courses are always available for all credits and reminds licensees that carryover elimination will simplify CE reporting.

COMMENT 10: A commenter asked if the amendment will require all CE providers to submit paperwork for course and provider approval.

RESPONSE 10: Noting that the web site will include all previously approved CE providers, the board points out that new providers have always been required to submit requests for approval.

COMMENT 11: One commenter asked that the board allow carryover of up to three or four credits due to the difficulty in acquiring CE in rural Montana.

RESPONSE 11: The board notes that all courses may be taken via the Internet, so even in rural Montana, courses are available. The board is eliminating carryover to simplify CE reporting.

4. The board has amended ARM 24.129.2101 exactly as proposed.

BOARD OF CLINICAL LABORATORY  
SCIENCE PRACTITIONERS  
ALISON MIZNER, 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 December 10, 2012