

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 PUBLIC HEARING ON
ARM 24.129.2101 continuing) PROPOSED AMENDMENT
education requirements)

TO: All Concerned Persons

1. On August 3, 2012, at 1:30 p.m., a public hearing will be held in B-07, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

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 Clinical Laboratory Science Practitioners (board) no later than 5:00 p.m., on July 27, 2012, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Clinical Laboratory Science Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdcis@mt.gov.

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

24.129.2101 CONTINUING EDUCATION REQUIREMENTS (1) and (1)(a) remain the same.

(b) ~~Up to seven hours earned in excess of the 14 hours required in a licensing year may be carried over into the succeeding year.~~

(c) All continuing education credits must be germane to the profession and must contribute to the professional competence of a clinical laboratory science practitioner.

(2) remains the same.

(a) Any continuing education offered ~~or~~ by providers and approved by the following: board and listed in the board office or on the board web site.

~~(i) American Society of Clinical Pathologists (ASCP);~~

~~(ii) National Certifying Agency (NCA);~~

~~(iii) American Medical Technologists (AMT);~~

~~(iv) American Society of Clinical Laboratory Science (ASCLS);~~

~~(v) National Laboratory Training Network (NLTN);~~

~~(vi) Laboratory Education for North Dakota (LEND);~~

~~(vii) Colorado Association for Continuing Medical Laboratory Education (CACMLE);~~

~~(viii) American Association of Blood Banks (AABB);~~

~~(ix) American Association of Clinical Chemists (AACC);~~

- ~~(x) American Society for Microbiologists (ASM);~~
- ~~(xi) Association of Cytogenetic Technologists (ACT);~~
- ~~(xii) International Society for Clinical Laboratory Technology (ISCLT);~~
- ~~(xiii) American Association of Bioanalysts (AAB);~~
- ~~(xiv) Mayo medical laboratories;~~
- ~~(xv) professional laboratory societies in any of the 50 states;~~
- ~~(xvi) Clinical Laboratory Management Association (CLMA); or~~
- ~~(xvii) other providers as listed in the office of the board or on the web site.~~

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

(c) Continuing education not sponsored by organizations listed referenced in (2)(a) shall be submitted to the Montana Board of Clinical Laboratory Science Practitioners board for its consideration for approval.

(3) remains the same.

AUTH: 37-1-319, 37-34-201, MCA

IMP: 37-1-306, 37-1-319, 37-34-201, MCA

REASON: The board determined it is reasonably necessary to amend (1)(b) to no longer allow licensees to carry over excess annual continuing education (CE) hours into a subsequent year. The board believes that CE requirements help ensure that licensees remain current in the profession which is growing quickly with new advances in technology and changes in health care, in general, and that allowing carryover does not further that purpose. The board has found big gaps in both quality and timeliness of courses attended when carryover courses were used. Eliminating carryover will also simplify the continuing education requirements and reporting process for licensees.

The board is amending (2)(a) to facilitate the listing of board-approved CE providers on the board's web site instead of within the rule text. This change will eliminate costly rule amendments required every time a provider name changes or when the board adds or deletes a provider. In addition, this amendment will allow the board flexibility to more timely approve providers in response to new advances in technology, simply by updating the lists maintained on the board's web site and in the board office.

The board is amending (2)(c) for clarity and simplicity by removing unnecessary and redundant language.

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

4. 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 the Board of Clinical Laboratory Science Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdcsl@mt.gov, and must be received no later than 5:00 p.m., August 13, 2012.

5. An electronic copy of this notice is available through the department and board's web site on the World Wide Web at www.cls.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.

6. 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 Board of Clinical Laboratory Science Practitioners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdcls@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

8. Anne O'Leary, attorney, has been designated to preside over and conduct this hearing.

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 July 2, 2012