

BEFORE THE BOARD OF MASSAGE THERAPY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the repeal of ARM) NOTICE OF PROPOSED
24.155.601 licensure by grandfather) REPEAL
clause)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On November 16, 2015, the Board of Massage Therapy proposes to repeal 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 the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Massage Therapy (board) no later than 5:00 p.m., on October 30, 2015, to advise us of the nature of the accommodation that you need. Please contact Steve Gallus, Board of Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdlmt@mt.gov.

3. The board proposes to repeal the following rule:

24.155.601 LICENSURE BY GRANDFATHER CLAUSE found at ARM page 24-14843.

AUTH: 37-1-131, 37-33-405, MCA
IMP: 37-1-131, 37-33-503, MCA

REASON: The 2015 Montana Legislature enacted Chapter 57, Laws of 2015 (Senate Bill 104), an act requiring all licensees of the Board of Massage Therapy to meet similar licensure qualifications and removing the grandfather status of certain license applicants. The bill was signed by the Governor on February 25, 2015, and became effective October 1, 2015.

When House Bill 662 created the board in 2009, the legislature provided an alternate licensure path in 37-33-503, MCA, for applicants with prior experience practicing massage therapy in Montana. Because SB 104 has repealed this statute, which only allowed grandfathering licensure until July 1, 2012, the board determined it is reasonably necessary to repeal this rule.

4. Concerned persons may submit their data, views, or arguments concerning the proposed repeal in writing to the Board of Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to

(406) 841-2305, or by e-mail to dlibsdlmt@mt.gov, and must be received no later than 5:00 p.m., November 13, 2015.

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 Steve Gallus at the above address no later than 5:00 p.m., November 13, 2015.

6. If the board receives requests for a public hearing on the proposed repeal from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rules; 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 persons directly affected has been determined to be zero persons, because the statutory provision that permitted licensure via the grandfathering method has been repealed by the 2015 legislature.

7. An electronic copy of this notice is available at www.massagetherapists.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.

8. 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 Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to dlibsdlmt@mt.gov; or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor, Senator Arntzen, was contacted on September 21, 2015, by telephone.

10. With regard to the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.155.601 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Massage Therapy, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2370; facsimile (406) 841-2305; or e-mail dlibsdlmt@mt.gov.

BOARD OF MASSAGE THERAPY
STACY BAIRD, CHAIR

/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 October 5, 2015