

BEFORE THE BOARD OF MEDICAL EXAMINERS
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PROPOSED
of ARM 24.156.2719 expired license) AMENDMENT
)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On December 12, 2008, the Board of Medical Examiners (board) proposes to amend 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 no later than 5:00 p.m., on November 14, 2008, to advise us of the nature of the accommodation that you need. Please contact Ken Threet, Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2359; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsmed@mt.gov.

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

24.156.2719 EXPIRED LICENSE (1) An expired EMT license may be ~~renewed~~ reactivated upon completion of an expired license renewal application. To ~~renew~~ reactivate an expired license the applicant shall:

- (a) remains the same.
- (b) pay the license fee plus late penalty fee as specified in ARM 24.101.403 for each year the license has expired up to two years; and
- ~~(c) submit a current NPDB self-query; and~~
- ~~(d) (c)~~ submit a current NREMT certification.
- (2) remains the same.

AUTH: ~~37-1-141~~, 37-3-203, 50-6-203, MCA
IMP: 37-1-141, 50-6-203, MCA

REASON: The board is amending this rule by correcting terminology regarding expired licenses to comply with statutory language in 37-1-141, MCA.

The current rule requires licensees to submit a new National Practitioners Databank (NPDB) self query to renew an expired license. The board concluded that this query is not required of other licensees seeking to renew an expired license. Therefore, the board determined it is reasonably necessary to remove the

requirement from this rule to achieve consistency within the rules. Authority cites are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

4. Concerned persons may submit their data, views, or arguments concerning the proposed amendment in writing to the Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsmed@mt.gov, to be received no later than 5:00 p.m., November 21, 2008.

5. If persons who are directly affected by the proposed amendment 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 they have to Board of Medical Examiners, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsmed@mt.gov. The comments must be received no later than November 21, 2008.

6. If the board receives requests for a public hearing on the proposed amendment from either 10 percent or 25, whichever is less, of the persons who are directly affected by the proposed rule amendment; 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 approximately three based on approximately 30 licensees renewing an expired license each year after the renewal deadline date. The requirement of submitting the NPDB self-query was added to this rule in error; the board is attempting to correct the erroneous requirement by this rule amendment.

7. An electronic copy of this Notice is available through the department and board site on the World Wide Web at www.medicalboard.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.

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

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

BOARD OF MEDICAL EXAMINERS
ARTHUR K. FINK, DO, PRESIDENT

/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 October 14, 2008