

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

In the matter of the amendment of)
ARM 24.156.617 and 24.156.618,)
medical examiners-licensure)

CORRECTED NOTICE OF
AMENDMENT

TO: All Concerned Persons

1. On September 24, 2009, the Board of Medical Examiners (board) published MAR notice no. 24-156-72 regarding the proposed amendment of the above-stated rules, at page 1610 of the 2009 Montana Administrative Register, issue no. 18. On January 14, 2010, the board published the notice of amendment of MAR notice no. 24-156-72 at page 73 of the 2010 Montana Administrative Register, issue no. 1.

2. On December 10, 2009, the Department of Labor and Industry (department) and the board published MAR notice no. 24-156-73 regarding the proposed amendment of the above-stated rules, at page 2340 of the 2009 Montana Administrative Register, issue no. 23. On May 13, 2010, the department and board published the notice of amendment of MAR notice no. 24-156-73 at page 1187 of the 2010 Montana Administrative Register, issue no. 9.

3. When preparing replacement pages for the second quarter, it was discovered that a filing overlap had occurred between the above-stated notices. At the time the notices were being prepared for MAR 24-156-73, the replacement pages for MAR 24-156-72 were still in the review process from the first quarter filing. Thus, adjustments need to be made for the second quarter replacement pages to incorporate changes to rules that were finalized in the first quarter. The rules, as amended, read as follows:

24.156.617 LICENSE CATEGORIES (1) If the board determines that an applicant or licensee possesses the qualifications for licensure required under Title 37, chapter 3, MCA, the board may instruct the department to issue licenses in the following categories:

- (a) active license;
- (b) inactive license;
- (c) inactive-retired license; or
- (d) limited temporary (resident).

(2) An active license is required for a physician actively practicing medicine in this state at any time during the renewal period.

(a) The term "actively practicing medicine" means the exercise of any activity or process identified in 37-3-102, MCA.

(3) An active license is required for a physician participating in the Montana health corps.

(4) An inactive license may be obtained by a physician who is not actively practicing medicine in this state, and does not intend to actively practice medicine in this state at any time during the current renewal period, but may wish to reactivate in the next renewal period.

(a) To renew a license on inactive status, a physician must pay a fee prescribed by the board, and complete the renewal prior to the date set by ARM 24.101.413.

(5) An inactive-retired license may be obtained by an applicant or licensed physician who is not actively practicing medicine in this state and does not intend ever to practice medicine in this state in the future.

(a) An inactive-retired license must be renewed by the renewal date set in ARM 24.101.413.

(b) If both the renewal fee and completed renewal are not returned prior to the date specified in ARM 24.101.413, the physician must pay the late penalty fee specified in ARM 24.101.403 in order to renew the license.

AUTH: 37-1-131, 37-1-319, 37-3-203, 37-3-802, 37-3-804, MCA

IMP: 37-1-131, 37-1-141, 37-1-319, 37-3-304, 37-3-305, 37-3-802, 37-3-804, MCA

24.156.618 TESTING REQUIREMENT (1) A physician seeking to reactivate a license which has been inactive for the two or more years preceding the request for reactivation must pass the special purpose examination given by the Federation of State Medical Boards.

(2) A physician seeking to participate in the Montana health corps and holding an active license must pass the special purpose examination given by the Federation of State Medical Boards if the physician has not actively practiced medicine for two or more years preceding the health corps application date.

AUTH: 37-1-319, 37-3-203, 37-3-802, MCA

IMP: 37-1-319, 37-3-101, 37-3-202, 37-3-802, MCA

4. The corrected replacement pages for ARM 24.156.617 and 24.156.618 will be submitted for the second quarter to the Secretary of State's office on June 30, 2010.

BOARD OF MEDICAL EXAMINERS
DR. JAMES UPCHURCH, PHYSICIAN,
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 June 14, 2010