

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the adoption of NEW) NOTICE OF PUBLIC HEARING ON
RULE I registration for out-of-state) PROPOSED ADOPTION
volunteer professionals)

TO: All Concerned Persons

1. On December 1, 2011, at 9:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana, to consider the proposed adoption 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 department no later than 5:00 p.m., on November 25, 2011, to advise us of the nature of the accommodation that you need. Please contact the Department of Labor and Industry, Business Standards Division, Attn: Darcee Moe, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2327; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2313; e-mail damoe@mt.gov.

3. The proposed new rule provides as follows:

NEW RULE I REGISTRATION FOR OUT-OF-STATE VOLUNTEER PROFESSIONALS (1) As provided in 10-3-118, MCA, a volunteer professional may practice in Montana when a state of emergency or disaster, as defined in 10-3-103, MCA, is in effect.

(2) A volunteer professional shall not accept remuneration for services provided during a state of emergency or disaster as a volunteer professional.

(3) A professional volunteer shall successfully register with the appropriate licensing agency in Montana. To register, a volunteer professional shall hold an active, unrestricted license in another state.

(4) An applicant for registration shall submit a completed, signed department registration form, to include the following:

- (a) applicant's full name;
- (b) applicant's complete mailing address;
- (c) applicant's e-mail address;
- (d) applicant's correct social security number;
- (e) applicant's birth date;
- (f) occupation(s) for which the applicant holds a current license;
- (g) state or states in which the applicant holds or has ever held a professional license;

(h) an affirmation that the applicant currently holds an active, unrestricted license in another state(s); and

(i) an affirmation that the statements contained in the form are true and accurate to the best of the applicant's knowledge.

(5) A volunteer professional must practice within the scope and standards of the professional's license and in compliance with the licensing statutes and administrative rules of Montana governing the profession.

(6) A volunteer professional is subject to administrative sanctions for unprofessional conduct as described in 37-1-316, MCA, and the specific professional licensing board's administrative rules.

AUTH: 10-3-120, MCA

IMP: 10-3-118, 10-3-119, MCA

REASON: The 2009 Montana Legislature enacted Chapter 63, Laws of 2009 (House Bill 114), an act that provided for the recognition of licensure and the registration of out-of-state volunteer professionals when a disaster or emergency is in effect in Montana. The bill became effective on October 1, 2009, and is codified in Title 10, chapter 3, part 1, MCA. The department is adopting New Rule I to coincide with the legislative changes and further implement the registration of out-of-state volunteer professionals.

4. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Department of Labor and Industry, Business Standards Division, Attn: Darcee L. Moe, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2313, or by e-mail to damoe@mt.gov, and must be received no later than 5:00 p.m., December 9, 2011.

5. An electronic copy of this Notice of Public Hearing is available through the department's web site on the World Wide Web at <http://dli.mt.gov/events/calendar.asp>. 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 department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the department. 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 department 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 Department of Labor and Industry, Business Standards Division, Attn: Darcee Moe,, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2313; e-mailed to damoe@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, apply and have been fulfilled. The primary bill sponsor was contacted on October 19, 2011, by electronic mail.

8. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

/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 31, 2011