

BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of )  
ARM 24.204.408 radiologic )  
technologists applications and the )  
adoption of NEW RULE I military )  
training or experience )

NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT AND  
ADOPTION

TO: All Concerned Persons

1. On March 24, 2014, at 10:00 a.m., a public hearing will be held in the Basement Conference Room, 301 South Park Avenue, Helena, Montana, to consider the proposed amendment and adoption of the above-stated rules.

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 Radiologic Technologists (board) no later than 5:00 p.m., on March 14, 2014, to advise us of the nature of the accommodation that you need. Please contact Jason Steffins, Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2329; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrts@mt.gov.

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

24.204.408 RADIOLOGIC TECHNOLOGISTS APPLICATIONS

(1) Applications shall be made on ~~printed~~ forms provided by the department and signed by the applicant.

(2) remains the same.

(3) The board shall review ~~fully-completed~~ fully completed nonroutine applications for compliance with board law and rules. The board may request additional information or clarification of information provided in the application as it deems reasonably necessary. ~~Incomplete applications shall be returned to the applicant~~ Applicants shall be informed of incomplete applications with a statement regarding incomplete portions.

(4) The applicant shall correct any deficiencies and ~~resubmit the application~~ provide the missing information as requested. Failure to resubmit the application missing information within 60 days shall be treated as a voluntary withdrawal of the application. In order to consider an applicant after voluntary withdrawal, a new application and fee(s) is required.

(5) through (5)(b) remain the same.

(c) original license fee; and ~~either~~:

(d) evidence of certification by the American Registry of Radiologic Technologists (ARRT) in x-ray technology. This evidence shall consist of the applicant being listed in the current ARRT directory. When the applicant is not listed in the current ARRT directory, the applicant shall submit to the board a certified copy issued by the ARRT of the original registration certificate, ~~or~~

~~(e) at the board's discretion, documentation of successful completion of a course of study in an approved school of radiologic technology as defined in 37-14-303, MCA, and having obtained a passing score on the examination in diagnostic radiologic technology given by the ARRT. A scaled score of 75 constitutes a passing score.~~

(6) remains the same.

AUTH: 37-1-131, 37-14-202, MCA

IMP: 37-14-302, 37-14-305, MCA

REASON: The board determined it is reasonably necessary to amend the application rule to streamline and update to current application processes and standard terminology.

The board is striking (5)(e) to clarify the board's intent to require license applicants to hold American Registry of Radiologic Technologists (ARRT) certification. Because ARRT certificate holders must obtain continuing education, the board believes that requiring the certification will help ensure that applicants are current in industry practices. Additionally, the statute cited in (5)(e) was repealed in 2005.

4. The new rule proposed to be adopted provides as follows:

NEW RULE I MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a radiologic technologist.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a radiologic technologist. At a minimum, satisfactory evidence shall include:

- (a) a copy of the applicant's military discharge document (DD 214);
- (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
- (c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements.

AUTH: 37-1-145, MCA  
IMP: 37-1-145, MCA

**REASON:** The 2013 Montana Legislature enacted House Bill 259 and Senate Bill 183, acts requiring the professional and occupational licensing boards and programs to accept satisfactory evidence of relevant military education, training, or service to satisfy licensing or certification requirements. The bill was signed by the Governor and became effective on April 26, 2013, and is codified at 37-1-145, MCA.

The new statute requires each licensing board and program to adopt rules providing that certification or licensure requirements of the board or program may be met by relevant military training, service, or education, completed as a member of the armed forces or reserves of the United States, a state's national guard, or the military reserves. In consulting with the bill sponsors regarding the rulemaking, it was clarified that the sponsor received input on the bill draft from Montana military personnel and the U.S. Department of Defense. The sponsor was assured that the bill language, as reflected in this proposed rule, is intended to include relevant military training, service, or education received while serving in all branches of the military and reserves, including the U.S. Coast Guard. It is reasonably necessary for the board to adopt New Rule I to coincide with and further implement the legislation.

5. 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 Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to [dlibsdrts@mt.gov](mailto:dlibsdrts@mt.gov), and must be received no later than 5:00 p.m., March 28, 2014.

6. An electronic copy of this notice of public hearing is available at [www.radiology.mt.gov](http://www.radiology.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.

7. 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 Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdrts@mt.gov](mailto:dlibsdrts@mt.gov), or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were contacted on December 16, 2013, by electronic mail.

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.204.408 will not significantly and directly impact small businesses.

With regard to the requirements of 2-4-111, MCA, the board has determined that the adoption of New Rule I will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Radiologic Technologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to [dlibsdrts@mt.gov](mailto:dlibsdrts@mt.gov), or made by completing a request form at any rules hearing held by the agency.

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

BOARD OF RADIOLOGIC  
TECHNOLOGISTS  
KELLI BUSH, VICE PRESIDENT

/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 February 18, 2014