

BEFORE THE BOARD OF SANITARIANS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.216.402 fees, and ) PROPOSED AMENDMENT  
24.216.2103 sanitarian in training )

TO: All Concerned Persons

1. On February 19, 2009, at 9:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment 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 Sanitarians (board) no later than 5:00 p.m., on February 13, 2009, to advise us of the nature of the accommodation that you need. Please contact Wayne Johnston, Board of Sanitarians, 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) 841-2309; e-mail dlibsdsan@mt.gov.

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

24.216.402 FEE SCHEDULE

(1) Application fee	\$ <del>90</del> <u>200</u>
(2) Examination	<del>150</del> <u>350</u>
(3) Reexamination	<del>150</del> <u>350</u>
(4) Renewal	<del>90</del> <u>180</u>
(5) Sanitarian-in-training application fee	<del>90</del> <u>200</u>

(6) and (7) remain the same.

(8) ~~In addition to the examination fees specified in this rule~~ The board may approve an outside vendor to administer exams; in those cases, there is a vendor fee set by the exam vendor. Current fee amounts for the sanitarian examination are available at the board office.

(9) Examination and reexamination fees in (2) and (3) apply only to those exams given in paper format at the board office.

AUTH: 37-1-134, 37-40-203, MCA

IMP: 37-1-134, 37-1-141, ~~37-40-101~~, 37-40-301, 37-40-302, MCA

REASON: After lengthy debate and consideration of methods to reduce expenses and alternative fee increases, the board determined that it is reasonably necessary to make the proposed fee changes to comply with the provisions of 37-1-134, MCA,

and to keep the board's fees commensurate with program costs. The Department of Labor and Industry (department), in providing administrative services to the board, has determined that unless the licensure fees are increased as proposed, the board will have a shortage of operating funds by the 2009 licensure renewal period. The board estimates that approximately 206 persons will be affected by the proposed fee changes and annual revenue will be increased by \$20,330.

The board is also amending this rule to address applicant questions by clarifying that examination fees do not apply to vendor administered exams. Implementation cites are being amended to accurately reflect the statutes implemented through the rule.

24.216.2103 SANITARIAN-IN-TRAINING (1) through (3) remain the same.

(4) A sanitarian-in-training exemption is valid for a period of one year. While practicing under a valid sanitarian-in-training exemption, the sanitarian-in-training is eligible to sit for the examination ~~upon making an appointment with the board office and paying the examination fee.~~ There is no limit to the number of times a sanitarian-in-training may take the examination during the one year exemption period.

AUTH: 37-1-319, 37-40-203, MCA

IMP: 37-1-305, 37-40-101, 37-40-203, 37-40-301, 37-40-302, MCA

REASON: Sanitarians-in-training electing to take the exam through a contract examination provider must contact the provider to schedule the exam and pay the fees directly to the provider. The board is therefore amending this rule to align it with the current examination processes. The board is amending the implementation cites to accurately reflect all statutes implemented through the rule.

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 Board of Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2309, or by e-mail to [dlibsdsan@mt.gov](mailto:dlibsdsan@mt.gov), and must be received no later than 5:00 p.m., February 27, 2009.

5. An electronic copy of this Notice of Public Hearing is available through the department and board site on the World Wide Web at [www.sanitarian.mt.gov](http://www.sanitarian.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.

6. 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 Sanitarians, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2309, e-mailed to dlibsdsan@mt.gov, or made by completing a request form at any rules hearing held by the agency.

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

8. Don Harris, attorney, has been designated to preside over and conduct this hearing.

BOARD OF SANITARIANS  
JERRY CORMIER, RS, 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 January 20, 2009