

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT,
ARM 24.216.402 fee schedule,	)	AMENDMENT AND TRANSFER,
24.216.501 applications, 24.216.502	)	AND ADOPTION
minimum licensure standards,	)	
24.216.503 examination, 24.216.2102	)	
continuing education, amendment	)	
and transfer of 24.216.2103	)	
sanitarian-in-training, and the	)	
adoption of NEW RULE I inactive	)	
status licensure	)	

TO: All Concerned Persons

1. On March 24, 2011, the Board of Sanitarians (board) published MAR notice no. 24-216-20 regarding the public hearing on the proposed amendment, amendment and transfer, and adoption of the above-stated rules, at page 364 of the 2011 Montana Administrative Register, issue no. 6.

2. On April 14, 2011, a public hearing was held on the proposed amendment, amendment and transfer, and adoption of the above-stated rules in Helena. Several comments were received by the April 22, 2011 comment deadline.

3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: The board received two comments in support of the proposed rule amendments.

RESPONSE 1: The board appreciates all comments made during the rulemaking process.

COMMENT 2: One commenter stated that it is unclear in ARM 24.216.2103(2) that all sanitarians-in-training must be supervised by licensed sanitarians in accordance with 37-40-101(6), MCA. The commenter suggested that the board amend the rule to clearly provide that sanitarian-in-training applicants who hold the National Environmental Health Association's (NEHA) credential of registered environmental health specialist/registered sanitarian, must name a supervising sanitarian who is currently registered in Montana.

RESPONSE 2: Following consideration of this comment, the board is amending ARM 24.216.2103(2)(b) to remove the language that exempted NEHA credentialed sanitarians-in-training from filing a plan of supervision, so that all sanitarians-in-

training will continue to be required to file a plan of supervision and name a supervisor.

COMMENT 3: One commenter recommended adding "in Montana" following the word "examination" in ARM 24.216.2103(4) to clarify that this requirement applies only to those who have not previously taken the examination and who are taking the examination in Montana.

RESPONSE 3: The board agrees that this addition would clarify the rule and is amending the rule accordingly.

4. The board has amended ARM 24.216.402, 24.216.501, 24.216.502, 24.216.503, and 24.216.2102 exactly as proposed.

5. The board has amended ARM 24.216.2103 and transferred the rule to ARM 24.216.506 with the following changes, stricken matter interlined, new matter underlined:

24.216.506 SANITARIAN-IN-TRAINING (1) through (2)(a)(iii) remain as proposed.

(b) A sanitarian-in-training who satisfies the requirements of ARM 24.216.502(3):

~~(i) shall inform the board regarding his or her participation in a general microbiology course; and~~

~~(ii) is not required to complete a separate plan of supervision if the sanitarian-in-training submits the information required in (2)(b)(i).~~

(3) remains as proposed.

(4) A sanitarian-in-training permit is valid for a period of one year. A sanitarian-in-training who meets all the minimum standards for licensure is eligible to take the examination in Montana. There is no limit to the number of times a sanitarian-in-training may take the examination during the one-year exemption period.

6. The board has adopted NEW RULE I (24.216.2104) exactly as proposed.

BOARD OF SANITARIANS  
JIM ZABROCKI, 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 May 2, 2011