

BEFORE THE BOARD OF VETERINARY MEDICINE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.225.401 fees, 24.225.415) ON PROPOSED AMENDMENT
infectious waste, 24.225.501, 24.225.503,) AND ADOPTION
24.225.507, 24.225.511, and 24.225.550)
pertaining to licensing, 24.225.704,)
24.225.709, and 24.225.750 embryo)
transfer, 24.225.904, 24.225.920,)
24.225.926, and 24.225.950 euthanasia)
technicians and agencies, 24.225.2401)
complaints, 24.225.2405 screening panel,)
and adoption of NEW RULE I nonroutine)
applications)

TO: All Concerned Persons

1. On January 10, 2008, at 9:00 a.m., a public hearing will be held in room B-07, 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 Veterinary Medicine (board) no later than 5:00 p.m., on January 4, 2008, to advise us of the nature of the accommodation that you need. Please contact Cheryl Brandt, Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdrvvet@mt.gov.

3. GENERAL STATEMENT OF REASONABLE NECESSITY: Through a periodic review of its rules, the board determined it is reasonably necessary to generally amend the rules to conform to department rules and standardize similar functions and processes within the department. Further amendments delineate between department and board functions in compliance with 37-1-141, MCA. Additional amendments ensure compliance with ARM punctuation requirements, update grammar and language choices, and substitute gender neutral for gender specific terms. Authority and implementation cites are amended to accurately reflect all statutes implemented through the rule, to provide the complete sources of the board's rulemaking authority, and to delete references to a repealed statute. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

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

24.225.401 FEE SCHEDULE

(1) remains the same.

(a) ~~Annual renewal~~ Renewal of certificate of registration license \$ 65

~~(b) Restoration~~ 50

(c) through (e) remain the same but are renumbered (b) through (d).

(2) and (2)(a) remain the same.

(b) ~~Annual renewal~~ Renewal of certification 65

(3) and (4) remain the same.

AUTH: 37-1-134, 37-18-202, 37-18-603, MCA

IMP: 37-1-134, 37-1-141, 37-1-304, 37-1-305, 37-18-302, 37-18-603, MCA

REASON: It is reasonable and necessary to amend this rule by deleting the restoration fee that was previously assessed by the board as a late penalty fee. Per 37-1-101, MCA, the department sets standardized fees applicable to all professional and occupational licensing boards, including late penalty fees. The deletion of the restoration fee results in no fiscal impact and will avoid a conflict with department fees at ARM 24.101.403. The board is also deleting an unnecessary reference to annual renewal which is already set forth in ARM 24.101.413.

24.225.415 MANAGEMENT OF INFECTIOUS WASTES

(1) Each veterinarian licensed by the board shall store, transport off the premises, and dispose of infectious wastes, as defined in 75-10-1003, MCA, in accordance with the requirements set forth in 75-10-1005, MCA.

~~(2) Used sharps are properly packaged and labeled within the meaning of 75-10-1005(1)(a), MCA, when this is done as required by the Occupational Safety and Health Administration (OSHA) regulation contained in 29 CFR 1910.1030, adopted and published in the Federal Register, Volume 56 No. 235, on December 6, 1991, beginning at page 64175, which is hereby incorporated by reference. Copies of the federal regulation referenced above as well as the adoption notice supporting it are available for public inspection in the offices of the Board of Veterinary Medicine, 301 South Park Avenue, Helena, Montana 59620.~~

AUTH: 37-1-131, 37-18-202, 75-10-1006, MCA

IMP: 75-10-1006, MCA

REASON: The board determined it is reasonable and necessary to amend and simplify this rule by deleting unnecessary and redundant references to federal law that are already incorporated into the statutes referenced in (1).

24.225.501 TEMPORARY PERMITS

(1) An applicant requesting a temporary permit must submit an application for a temporary permit to the board and must have on file with the board a completed licensing application, the proper fee,

and any information as the board may require pursuant to ARM 24.225.503 or 24.225.507.

~~(2) An applicant for licensure by examination may be issued a temporary permit if he/she is employed by, working under the supervision of, and in the same office with, a veterinarian licensed in Montana. A temporary permit holder shall not work at a satellite office at a remote location distant from the supervisor's main office.~~

~~(3)~~(2) An applicant for licensure by endorsement may be issued a temporary permit if he/she the applicant is working under the supervision of a veterinarian licensed in and practicing in Montana.

(4) remains the same but is renumbered (3).

(4) A temporary permit is valid for six months. An extension may be granted by the board for a verifiable and rational reason.

AUTH: 37-1-319, 37-18-202, MCA

IMP: 37-1-305, MCA

REASON: It is reasonably necessary to amend this rule to eliminate the differences between temporary permit requirements for new graduates and those for seasoned practitioners. Noting that temporary permits are usually obtained to enable an applicant to practice pending completion of the jurisprudence exam, the board concluded that there exists no definitive difference between the competency of an applicant by exam or endorsement and there is no reason for different supervision requirements. The amendment clarifies that the supervising veterinarian must be licensed and also practice in Montana to be an appropriate supervising veterinarian.

The board is amending the rule to specify a finite time period for temporary permits. The board notes that issuance of veterinary college transcripts can take considerable time. The six month period will allow new graduates to practice until the board receives their transcripts and all licensing requirements are met, or until the next board meeting for other considerations.

24.225.503 EXAMINATION APPLICATION REQUIREMENTS

(1) Applicants for licensure by examination in the state of Montana shall submit a completed application with the proper fee and supporting documents to the board office ~~no later than 45 days prior to the jurisprudence examination date as set by the board.~~ Applicants Every year, applicants for the North American Veterinary Licensing Examination (NAVLE) wishing to sit as a Montana candidate shall submit the Montana state licensure application to the board ~~no later than 97 days prior to the first date of each NAVLE test window~~ August 1 for the fall NAVLE administration or January 3 for the spring NAVLE administration. Montana NAVLE candidates shall submit the NAVLE application and fee directly to the National Board of Veterinary Medical Examiners. Supporting documents for the Montana state licensure application must include:

(a) remains the same.

(i) senior veterinary students who have not yet graduated, when submitting the application, shall submit a letter from the dean of the school of veterinary medicine attended, stating that ~~he/she~~ the applicant is a senior student and the

expected date to receive the degree of doctor of veterinary medicine or its equivalent. No license shall be issued, however, until such time as the board office receives a certified copy of the transcript.

(b) photograph approximately 2" x 2" taken within one year of the date of application;

(c) if applicable, official written verification of licensure from any state of licensure past or present; and

(d) the candidate's work history of all employment concurrent as well as consecutive starting at the date of application and working back to graduation.

(2) remains the same.

(a) pass the NAVLE at or above the designated passing standard established by the national examination entity as approved by the board within 62 months; or

(b) have passed the National Board Examination and the Clinical Competency Test within 62 months ~~prior to the next scheduled jurisprudence examination date as set by the board~~ with a converted score of 70 or greater and have their scores reported to the board office through the official score reporting agency; and

(c) pass the board's jurisprudence exam with a score of 70 percent or greater. If the candidate fails the jurisprudence exam twice, the candidate must appear before the board prior to taking it a third time.

(3) remains the same.

(4) An application for examination shall expire ~~one year~~ 18 months from the date of the application. An applicant who, for any reason, fails or neglects to ~~take the examination~~ complete the licensing process within ~~one year~~ 18 months shall be required to file another application and submit another application ~~for examination~~ fee.

AUTH: 37-1-131, 37-18-202, MCA

IMP: 37-1-131, ~~37-18-202~~, 37-18-302, MCA

REASON: The board is amending this rule to remove submission requirements based upon the next scheduled jurisprudence exam since the jurisprudence exam is now available online and may be taken at any time. The board is amending (1) to align with changes in the national exam application deadlines.

It is necessary to amend the rule to achieve consistency between application requirements for licensure by examination and by endorsement in ARM 24.225.507. Following amendment, all applicants will be required to submit verification of licensure in other states, if any, and applicant work history.

The board is amending (2)(a) to specify that an applicant must have passed the NAVLE within 62 months. The time frame is the same for applicants having taken the National Board Examination and the Clinical Competency Test and was inadvertently omitted when the NAVLE was added as an available exam.

It is reasonably necessary to amend this rule and specify the passing score for the jurisprudence exam to align with requirements for endorsement applicants in ARM 24.225.507. The board is also specifying that applicants who twice fail the jurisprudence exam must appear before the board before a third attempt. The board

concluded that if an applicant is unable to pass the open book jurisprudence exam, the board should meet with the applicant in the interest of public safety.

The board is amending (4) and extending the period an application remains active to address instances where applicants may be unable to take the national exams or supply their transcripts within a one year time period.

24.225.507 LICENSURE ENDORSEMENT OF OUT-OF-STATE APPLICANTS (1) remains the same.

(a) The candidate has graduated from and holds a degree/~~diploma~~ from a school of veterinary medicine accredited or approved by the American Veterinary Medical Association Council on Education as evidenced by a certified copy of the transcript sent directly from the veterinary school. Graduates of foreign veterinary schools shall have completed the requirements of the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE).

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

(iii) ~~has passed~~ the National Board Examination with a converted score of 70 or greater and has been licensed on the basis of a competency (not jurisprudence) examination by a veterinary ~~examination~~ board under the laws of another state of the United States or a Canadian province.

(c) remains the same.

~~(d) The candidate's license to practice veterinary medicine has had no disciplinary sanction during the last five years of licensure and no license suspension or license revocation at any time.~~

(e) remains the same but is renumbered (d).

~~(f)(e)~~ The candidate has completed and filed with the board an application for licensure, and the required application fee ~~no later than 45 days prior to the examination date.~~

~~(g)(f)~~ The candidate has passed a jurisprudence examination prepared to measure the competence of the applicant regarding the statutes and rules governing the practice of veterinary medicine in Montana with a score of 70 percent or greater. If the candidate fails the jurisprudence examination ~~it may not be retaken for six months~~ twice, the candidate must appear before the board prior to taking it a third time.

(2) An application for endorsement shall expire 18 months from the date of receipt of the application.

AUTH: 37-1-131, 37-18-202, MCA

IMP: 37-1-304, MCA

REASON: It is reasonable and necessary to amend the terminology in (1)(a) to comply with 37-18-302, MCA, which requires proof of a degree. The board is amending (1)(b)(iii) to specify the National Board Examination passing score of 70 or greater to be consistent with requirements for exam applicants in ARM 24.225.503.

The board is deleting (1)(d) and will no longer require that endorsement applicants verify no license discipline in five years and no license suspension or revocation at any time. The board does not anticipate denying licensure based

solely on past discipline in another state and notes that minor infractions of rules, such as failure to timely acquire continuing education can result in disciplinary action. The board reviews all applications on a nonroutine, case-by-case basis and requires license verification from other jurisdictions that includes any discipline.

The board is also deleting any submission requirements based upon the next scheduled jurisprudence exam since the jurisprudence exam is now available online and may be taken at any time.

It is reasonably necessary to specify that applicants who twice fail the jurisprudence exam must appear before the board before a third attempt. The board concluded that if an applicant is unable to pass the open book jurisprudence exam, the board should meet with the applicant in the interest of public safety.

The board is amending (2) and extending the period an application remains active to address instances where applicants may be unable to take the national exams or supply their transcripts within a one year time period.

24.225.511 CONTINUING EDUCATION (1) remains the same.

(a) It is the responsibility of the veterinarian to maintain proof of ~~his/her~~ the veterinarian's continuing education attendance and to certify compliance on the renewal application in the even-numbered years only. During the renewal process in the odd-numbered years, no continuing education is to be certified.

(i) remains the same.

(A) name of licensee;_i

(B) name of presenter;_i

(C) title of presentation;_i

(D) date of presentation;_i

(E) number of hours;_i and

(F) remains the same.

(b) A veterinarian may be granted a grace period of three months after the deadline set by ARM 24.101.413 in which to fulfill the continuing education requirements. This grace period shall be granted only upon written request to the board, payment of the renewal fee, and payment of the late penalty fee ~~and upon board approval~~. A license to practice veterinary medicine valid for the duration of the grace period will be issued to those persons granted a grace period ~~by the board~~.

(c) Continuing education credits obtained during a grace period ~~or restoration period~~ cannot be used for the next reporting period.

(2) Credit hours shall be earned by one hour credit for each hour of attendance at or participation in meetings and programs approved by the board. Board approved programs include, but are not limited to, those sponsored by the American Veterinary Medical Association, American Animal Hospital Association, western states veterinary conferences, veterinary college conferences, and state association meetings, Registry of Approved Continuing Education (RACE) approved programs, and any other affiliated association, society, etc. related to veterinary medicine that have specific topics for veterinarians. Programs shall be of a professional veterinary nature to qualify, with the number of practice management hours reported not to exceed 25 percent of the total required continuing education hours.

(3) Continuing education courses offered and completed on the Internet or via other similar electronic means may be accepted, if all criteria listed in (1) and (2) ~~above~~ are met, for a maximum of ten credits.

(4) remains the same.

(5) ~~Those persons exempt under the above provisions are:~~

~~(a) new New licensees who are applying for their first annual certificate of registration; and license renewal are not required to report continuing education.~~

~~(b) persons on active duty by a branch of the armed services of the United States.~~

(6) If a licensee is unable to acquire sufficient continuing education credits, ~~he or she~~ the licensee may request a hardship exemption. All requests for exemptions will be evaluated by the board on an individual basis.

AUTH: 37-1-131, 37-1-319, 37-18-202, MCA

IMP: 37-1-131, 37-1-141, 37-1-306, MCA

REASON: The board determined it is reasonably necessary to amend this rule to clarify that staff, not board members, review and approve continuing education grace periods per ARM 24.101.413.

Section 37-18-307, MCA, was repealed in 2005 when the Montana Legislature enacted Chapter 467, Laws of 2005 (House Bill 182). The board is deleting both the term "restoration period" and the continuing education exemption for active duty military as both were formerly included in the repealed statute.

The board is also amending this rule to specify that Registry of Approved Continuing Education (RACE) courses, as approved by the American Association of Veterinary State Boards, are now board approved courses. It is reasonable to delete reference to annual renewals from (5) to avoid conflict between department and board rules since the frequency is set forth at ARM 24.101.413.

24.225.550 UNPROFESSIONAL CONDUCT (1) remains the same.

(a) violation of any state or federal statute or administrative rule regulating the practice of veterinary medicine, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;_;

(b) resorting to fraud, misrepresentation_; or deception in the examination or treatment of an animal_; or in billing or reporting to a person, company, institution_; or agency;_;

(c) incompetence, negligence_; or use of any practice or procedure in the practice of the profession which creates an unreasonable risk of physical harm or serious financial loss to the client;_;

(d) possession, use, addiction to, prescription for use, diversion_; or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, or violation of any drug law;_;

(e) dispensing or prescribing a veterinary prescription drug without a valid veterinarian/client/patient relationship;_;

(f) remains the same.

(g) practice beyond the scope of practice encompassed by the license except when reasonably undertaken in an emergency situation to protect life, health, or property;

(h) offering, undertaking, or agreeing to cure or treat disease or affliction by a secret method, procedure, treatment or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand from the board;

(i) failing to adequately supervise auxiliary staff to the extent that the patient's physical health or safety is at risk;

(j) practicing veterinary medicine after the practitioner's license ~~has~~ is expired, terminated, revoked, or suspended;

(k) willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof;

(l) cruel or inhumane treatment of animals; or

(m) abandoning, neglecting, or otherwise physically abusing a patient once the veterinarian has undertaken treatment of the patient.

AUTH: 37-1-131, 37-1-319, 37-18-202, MCA

IMP: 37-1-131, 37-1-141, 37-1-316, 37-1-319, ~~37-18-311~~, MCA

24.225.704 APPLICATION REQUIREMENTS AND QUALIFICATIONS FOR

CERTIFICATION (1) Applications for certification as embryo transfer technician (ETT) shall be made on forms provided by the ~~board~~ department.

(2) and (3) remain the same.

(4) Applicants shall submit a completed application with the proper fee as set forth in ARM ~~24.225.304~~ 24.225.401 and supporting documents to the board office no later than August 1 to be eligible for the fall examination.

AUTH: 37-18-202, MCA

IMP: 37-18-104, MCA

REASON: The board determined it is reasonable and necessary to amend this rule to correctly reference the board's fee rule.

24.225.709 RENEWALS AND CONTINUING EDUCATION (1) through (4) remain the same.

(5) A certificate holder may be granted a grace period of three months after the renewal date set by ARM 24.101.413 in which to fulfill continuing education requirements. This grace period will be granted only upon written request to the board, payment of the renewal fee, and payment of the late penalty fee ~~board approval~~. A certificate valid for the duration of the grace period will be issued only to a person granted a grace period ~~by the board~~.

(6) It is the responsibility of the certificate holder to maintain proof of ~~his or her~~ the certificate holder's continuing education attendance.

(7) and (8) remain the same.

(9) Persons exempt from these provisions are licensed veterinarians, and new certificate holders applying for their first annual certificates, renewal, and persons on active duty in a branch of the armed services of the United States.

AUTH: 37-1-319, 37-18-202, MCA

IMP: 37-1-131, 37-1-138, 37-1-141, 37-1-306, 37-18-104, MCA

REASON: It is reasonably necessary to amend this rule for accuracy in that staff, not board members, review and approve continuing education grace periods per ARM 24.101.413.

Section 37-18-307, MCA, was repealed in 2005 when the Montana Legislature enacted Chapter 467, Laws of 2005 (House Bill 182). The board is amending (9) to delete the continuing education exemption for active duty military persons as the provision was included in the repealed statute.

24.225.750 UNPROFESSIONAL CONDUCT (1) The board may, with respect to the practice of nonsurgical embryo transfer, either refuse to grant a certificate of registration or suspend or revoke a certificate of registration on the grounds and procedures set forth in ~~37-1-319~~ 37-1-312, MCA, and ARM 8.64.405.

(2) and (2)(a) remain the same.

(b) resorting to fraud, misrepresentation, or deception in the examination or treatment of an animal, or in billing or reporting to a person, company, institution, or agency;

(c) incompetence, negligence, or use of any practice or procedure in the practice of embryo transfer which creates an unreasonable risk of physical harm or serious financial loss to the client;

(d) suspension, revocation, or restriction of the individual's certificate to practice embryo transfer by competent authority in any state, federal, or foreign jurisdiction for reasons that would be grounds for disciplinary sanction in this jurisdiction, a certified copy of the order or agreement being conclusive evidence of the revocation, suspension, or restriction;

(e) remains the same.

(i) not furnishing any papers or documents in the possession of and under the control of the certificate holder;

(ii) not furnishing in writing a full and complete explanation covering the matter contained in the complaint; or

(iii) not responding to subpoenas issued by the board or the department, whether or not the recipient of the subpoena is the accused in the proceedings;

(f) through (h) remain the same.

(i) performing embryo transfer while the embryo transfer technician's certificate ~~has is~~ expired, terminated, suspended, or revoked;

(j) willful or repeated violations of rules established by any health agency or authority of the state or a political subdivision thereof; or

(k) remains the same.

AUTH: 37-1-319, 37-18-202, MCA

IMP: 37-1-141, 37-1-316, 37-18-104, MCA

REASON: It is reasonable and necessary to amend this rule to correct an erroneous statutory reference and to delete reference to a repealed rule.

24.225.904 APPLICATION REQUIREMENTS AND QUALIFICATIONS FOR CERTIFICATION AND ENDORSEMENT AS A CERTIFIED EUTHANASIA

TECHNICIAN (1) Application for certification as a certified euthanasia technician (CET) must be made on forms prescribed by the ~~board~~ department.

(2) through (2)(e) remain the same.

(f) verification from any other state or province where the applicant is certified as a euthanasia technician, that the applicant has never had certification revoked, suspended, or denied;

(g) through (3) remain the same.

AUTH: 37-1-131, 37-18-202, 37-18-603, MCA

IMP: 37-18-603, MCA

24.225.920 APPLICATION FOR CERTIFIED EUTHANASIA AGENCIES

(1) A certified euthanasia agency (CEA) may purchase and possess controlled substances approved for the purpose of euthanasia. The application for initial certification as a CEA must be made on forms provided by the ~~board~~ department.

(2) remains the same.

AUTH: 37-1-131, 37-18-202, 37-18-603, MCA

IMP: 37-18-603, 37-18-604, MCA

24.225.926 TERMINATION OF CERTIFIED EUTHANASIA TECHNICIAN EMPLOYMENT AND ~~LAPSE~~ RETIREMENT OF CERTIFICATE

(1) A CEA must notify the board in writing within ten days of the date of termination of a CET. The certificate of the CET must be ~~lapsed~~ retired by the board upon notification that the technician is no longer employed by a CEA as required by law.

(2) remains the same.

(3) A CET can restore the certificate without payment of a fee once reemployed at a CEA, until the next consecutive renewal date.

AUTH: 37-1-131, 37-18-202, 37-18-603, MCA

IMP: 37-18-603, MCA

REASON: The board determined it is reasonably necessary to amend this rule regarding restoration of a CET certificate following short-term periods of unemployment within a year. The board concluded that allowing CETs to restore the certificate within the current renewal period without paying a fee is reasonable and ensures the public's continued protection.

24.225.950 UNPROFESSIONAL CONDUCT (1) For the purposes of implementing the provisions of 37-1-319, MCA, and in addition to 37-1-316, MCA, the board further defines unprofessional conduct as follows:

(a) and (b) remain the same.

(c) incompetence, negligence, cruelty, or use of any practice or procedure in the practice of animal euthanasia, which creates an unreasonable risk of physical harm to the animal, staff, or public;

(d) possession, use, addiction to, diversion, or distribution of controlled substances in any way other than for legitimate euthanasia purposes, or violation of any drug law;

(e) and (f) remain the same.

(g) practicing as a CEA or as a CET ~~without a current certificate~~ if a certificate is retired, expired, terminated, revoked, or suspended;

(h) remains the same.

(i) resorting to fraud, misrepresentation, or deception in the euthanasia of an animal;

(j) through (m) remain the same.

AUTH: 37-1-131, 37-1-319, 37-18-202, 37-18-603, MCA

IMP: 37-1-316, 37-1-319, 37-18-603, MCA

24.225.2401 COMPLAINT PROCEDURE (1) A person, government, or private entity may submit a written complaint to the board charging a licensee or license applicant with a violation of board statute or rules, and specifying the grounds for the complaint.

(2) Complaints must be in writing, and shall be filed on the proper complaint form prescribed by the ~~board~~ department.

(3) Upon receipt of the written complaint form, the ~~board office~~ department shall log in the complaint and assign it a complaint number. The complaint shall then be sent to the licensee complained about for a written response. Upon receipt of the licensee's written response, both complaint and response shall be considered by the screening panel of the board for appropriate action including dismissal, investigation, or a finding of reasonable cause of violation of a statute or rule. The ~~board office~~ department shall notify both complainant and licensee of the determination made by the screening panel.

(4) and (5) remain the same.

AUTH: 37-18-202, MCA

IMP: 37-1-308, 37-1-309, MCA

24.225.2405 SCREENING PANEL (1) The board screening panel shall consist of at least four board members, three of whom shall be the licensed veterinarian board members who have served on the board the longest, and one of whom shall be the public member of the board. The ~~chairman~~ president may reappoint ~~screening panel members~~, or replace screening panel members as necessary at the ~~chairman's~~ president's discretion.

AUTH: 37-18-202, MCA
IMP: 37-1-307, MCA

REASON: It is reasonable and necessary to amend this rule to match statutory terminology at 37-18-201, MCA.

5. The proposed new rule provides as follows:

NEW RULE I NONROUTINE APPLICATIONS (1) All applications for licensure will be considered nonroutine in nature and will be reviewed and approved by the board prior to issuance of the license.

AUTH: 37-1-131, 37-18-202, MCA
IMP: 37-1-101, 37-1-131, 37-18-301, MCA

REASON: It is reasonably necessary to adopt New Rule I and define "nonroutine application" as provided in ARM 24.101.402(13). In noting that the circumstances of the practice of veterinary medicine are unique and distinct from those of medical doctors or other health care practitioners who are credentialed by health care facilities, the board concluded that all veterinary applications are nonroutine.

6. 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 Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305 or by e-mail to dlibsdrvvet@mt.gov, and must be received no later than 5:00 p.m., January 18, 2008.

7. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.vet.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.

8. The Board of Veterinary Medicine 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 of Veterinary Medicine 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 Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdrvvet@mt.gov, or made by completing a request form at any rules hearing held by the agency.

9. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsors were notified on June 28, 2007, by regular mail.

10. Kathy Lubke, Rules Unit Supervisor, has been designated to preside over and conduct this hearing.

BOARD OF VETERINARY MEDICINE
JEAN LINDLEY, DVM, PRESIDENT

/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 December 10, 2007