

**FY 2008  
&  
FY 2009**

**Professional & Occupational  
Licensing Report**

Montana Department of Labor & Industry  
Business Standards Division

301 S Park Ave  
Helena, MT 59620  
406-841-2300

[www.bsd.dli.mt.gov](http://www.bsd.dli.mt.gov)



Governor Brian Schweitzer

*Montana*  
**Department of Labor and Industry**  
**Business Standards Division**

The Honorable Brian Schweitzer  
Governor of Montana  
State Capitol  
Helena MT 59620

Dear Governor Schweitzer:

Pursuant to Sections 37-1-106 MCA, the Department of Labor and Industry, in cooperation with each professional and occupational licensing board and program, respectfully submits this biennial report for the fiscal periods of July 1, 2007 to June 30, 2009.

The report contains a general description of the Business and Occupational Licensing and the Health Care Licensing Bureaus, and the accomplishments of the boards and programs during the last biennium. The report also includes a breakdown of revenue and expenditures, legislation, court actions, and statistical reports of the boards' activities. Finally, the report lists statistics regarding the number of complaints on licensees received and reviewed by each board.

The Licensing Bureaus of the Business Standards Division are committed to working with the boards and programs, ensuring the health safety and welfare of the citizens of Montana. During this time, we performed work for 35 individual regulatory boards and programs affecting all Montanans and contributing positively to the State's professional image.

Respectfully submitted,

Jack Kane, Administrator  
Business Standards Division  
Department of Labor & Industry

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# Professional and Occupational Licensing

Title 2, Ch. 15, part 18 - Establishes the Department of Labor and Industry and professional boards.

Title 37, 23, 39, 50 - Governs the boards/programs attached to the department.

## Division Description:

The Business Standards Division is one of five divisions in the Department of Labor & Industry. It is organized into four bureaus, two of which are dedicated to administering board activities.

- The Health Care Licensing Bureau (HCLB) administers boards regulating health care professions.
- The Business and Occupational Licensing Bureau (BOLB) administers boards regulating non-health care related professions and businesses.

## Bureaus' Objective:

The primary objective of the two bureaus is to facilitate the boards' processes enabling them to safeguard the public health, safety, and welfare of the citizens of the State of Montana.

This is achieved by providing administrative, technical, and legal services to the boards. The administrative role includes organizing the board's meetings, managing their assets and liabilities, and processing applications/renewals. Processing an application/renewal involves collecting information, verifying its authenticity, auditing and inspecting for consistency, and data management; assuring only those that meet the board's standards receive a license.

The bureaus work closely with the Department's Compliance/Legal Unit. Together they assure licensees are complying with laws through processing and investigating allegations made against licensees, preparing administrative rule modifications, and interpreting and explaining statutory requirements.

The technical aspect of licensing involves working with the Information Technology Services Division and our own internal IT staff. The automation systems created through these partnerships provide web services and data management depositories. The data tables below outline the activities of both bureaus for fiscal years 2008 and 2009.

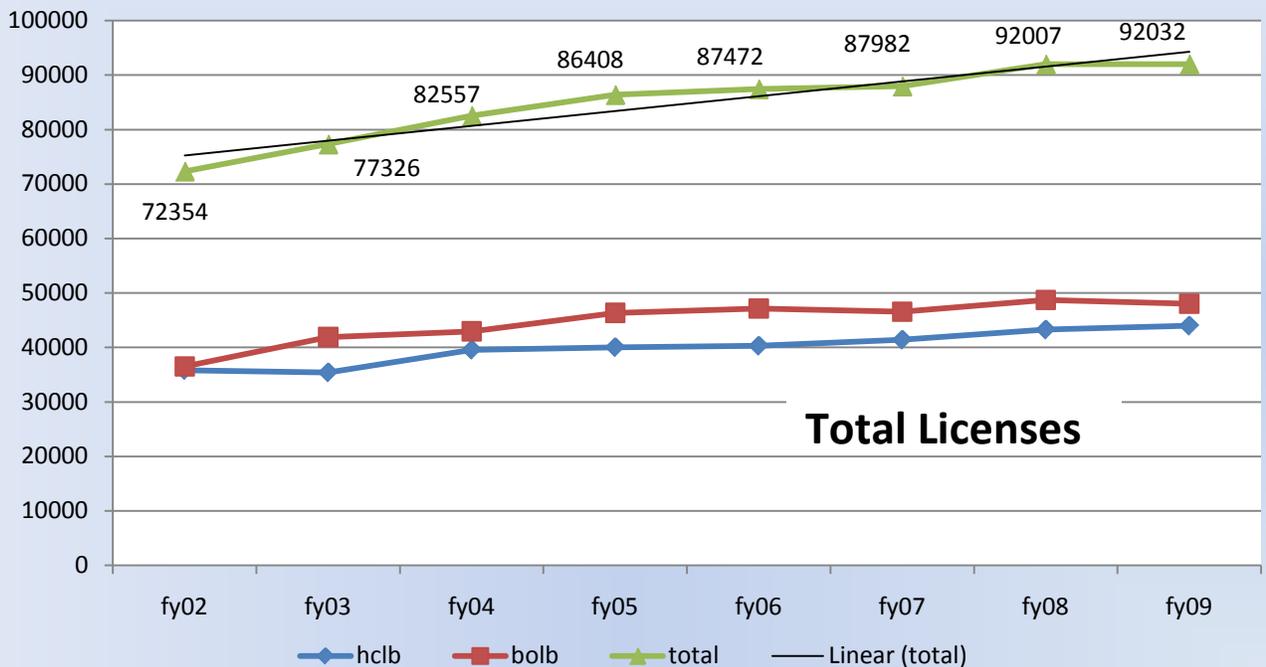
FY 08

BOARD/Program	Summary of Activities			Revenues and Expenditures		Statistics			Summary of Complaints						Other	
	# inspections	# audits	# exams	revenues	Expenditures	# licenses	# new	# renew	# complaints	# revoked	# suspended	# dismissed	# other sanctions	Investigations	# on-line renewals	# on-line applications
Alternative health care	0	15	40	\$56,888	\$59,354	102	10	93	9	0	0	3	1	2	83	0
Architects	0	0	137	\$136,941	\$100,538	1540	124	1150	5	0	0	9	1	6	0	0
Athletic program	0	0	0	\$94,752	\$41,407	676	5	0	0	0	0	0	0	0	0	0
Athletic trainers	0	0	0	\$0	\$5,410	0	0	0	0	0	0	0	0	0	0	0
Barbers & Cosmetologists	3954	15	454	\$421,467	\$507,676	11387	1167	6363	337	1	0	156	120	20	4381	0
Chiropractors	0	36	27	\$106,325	\$78,239	515	23	494	17	0	0	17	2	8	410	0
Clinical Lab/Science practitioners	633	86	0	\$61,428	\$59,828	919	75	882	2	2	0	9	0	0	792	0
Dentistry	6	74	144	\$202,173	\$206,447	1404	96	1356	43	1	0	36	1	9	1230	0
Electrical	349	431	392	\$258,013	\$329,305	5739	558	1837	88	0	2	30	52	28	0	0
Engineers & Land Surveyors	0	83	769	\$474,821	\$269,888	12324	952	4731	34	0	0	14	9	7	0	0
Funeral	119	154	15	\$87,294	\$88,400	434	30	376	8	0	0	11	2	17	276	0
Hearing Aid Dispensers	10	25	18	\$40,098	\$56,449	96	14	82	11	1	0	18	16	12	56	0
Landscape Architects	0	0	0	\$29,776	\$12,628	0	0	0	0	0	0	0	0	0	73	0
Licensed Addiction Counselors	0	43	47	\$51,859	\$57,379	599	51	263	8	1	0	4	0	4	184	0
Medical	0	549	37	\$1,442,513	\$950,646	9183	828	6413	162	5	4	132	11	30	7969	0
Nursing	0	73	647	\$348,273	\$912,843	18263	1653	39	174	1	19	114	39	41	0	0
Nursing Home Administrators	0	45	65	\$47,627	\$45,783	226	24	202	6	0	0	5	1	6	165	0
Occupational Therapy	0	34	10	\$50,884	\$36,496	392	40	341	0	1	0	0	0	0	310	0
Optometry	0	0	7	\$27,748	\$40,050	258	11	239	4	0	0	5	0	1	220	0
Outfitters	295	0	83	\$524,366	\$621,539	1664	34	710	100	5	0	65	100	18	0	0
Pharmacy	254	0	204	\$694,828	\$591,994	4332	635	3369	102	3	3	59	23	6	2846	0
Physical Therapy	0	23	139	\$90,239	\$59,988	1083	93	1043	20	0	0	18	0	0	975	0
Plumbers	249	481	151	\$298,118	\$267,860	1759	161	1288	98	2	0	41	33	25	202	0
Private Adolescent Treatment Facilities	0	0	0	\$23,627	\$47,331	7	0	0	0	0	0	0	0	0	0	0
Private Security	0	0	59	\$152,049	\$185,581	1824	680	1301	22	0	0	8	9	6	936	0
Psychologists	0	59	1	\$100,513	\$89,148	234	8	227	5	0	0	8	0	3	193	0
Public Accountants	0	93	354	\$326,040	\$326,149	4355	252	3375	20	1	0	19	8	3	2820	0
Radiologic Techs	922	110	380	\$86,622	\$84,206	1397	179	1293	2	0	1	3	0	2	1181	0
Real Estate Appraisers	0	19	0	\$232,433	\$266,218	488	140	455	44	1	0	18	13	24	380	0
Realty	0	50	17	\$873,654	\$718,382	6770	818	6524	81	1	0	109	99	20	5453	0
Respiratory Care	0	46	20	\$47,209	\$30,861	620	62	495	1	0	0	2	0	3	447	0
Sanitarians	0	0	6	\$20,167	\$22,324	196	16	125	2	0	0	2		1	132	0
Social Workers/counselors	0	203	83	\$159,556	\$190,903	1554	88	1342	40	0	0	26	20	24	1108	0
Speech & Audiologists	0	37	31	\$48,909	\$47,955	598	173	369	1	0	0	2	0	1	328	0
Veterinary	7	21	45	\$87,741	\$88,489	1069	51	1025	24	0	0	16	7	5	854	0
<b>TOTALS</b>	<b>6798</b>	<b>2805</b>	<b>4382</b>	<b>7,704,955</b>	<b>7,497,694</b>	<b>92007</b>	<b>9051</b>	<b>47802</b>	<b>1470</b>	<b>26</b>	<b>29</b>	<b>959</b>	<b>567</b>	<b>332</b>	<b>34004</b>	<b>0</b>

FY 09

	FY 09															
	Summary of Activities			Revenues and Expenditures		Statistics			Summary of Complaints						Other	
BOARD/Program	# inspections	# audits	# exams	revenues	Expenditures	# licenses	# new	# renew	# complaints	# revoked	# suspended	# dismissed	# other sanctions	Investigations	# on-line renewals	# on-line applications
Alternative health care	0	18	35	\$65,874	\$57,002	118	14	100	12	1	0	8	0	5	91	0
Architects	0	0	155	\$54,037	\$74,952	1463	109	224	28	0	0	17	4	6	1033	0
Athletic program	0	0	0	\$20,957	\$20,027	275	244	0	0	0	0	0	0	0	0	0
Athletic trainers	0	0	4	\$74,570	\$20,653	93	93	0	0	0	0	0	0	0	0	0
Barbers & Cosmetologists	2213	4	443	\$387,447	\$470,044	11638	988	5466	238	0	0	185	113	12	4443	0
Chiropractors	0	36	26	\$103,960	\$76,914	508	15	488	18	0	0	12	1	10	424	0
Clinical Lab/Science practitioners	646	83	1	\$60,050	\$57,219	907	67	879	0	0	0	1	0	0	797	0
Dentistry	6	22	172	\$200,507	\$220,301	1481	112	1435	52	0	0	48	3	9	1355	0
Electrical	509	0	311	\$275,048	\$358,334	5515	795	1704	114	8	0	62	47	26	565	0
Engineers & Land Surveyors	0	0	747	\$213,827	\$245,174	12615	744	1230	87	0	0	61	10	7	3980	0
Funeral	113	157	17	\$89,985	\$91,979	432	26	366	7	0	0	2	1	18	234	0
Hearing Aid Dispensers	7	23	26	\$39,793	\$38,297	100	11	76	4	0	0	3	0	13	78	0
Landscape Architects	0	0	0	\$24,205	\$23,224	0	0	0	0	0	0	0	0	7	82	0
Licensed Addiction Counselors	0	46	32	\$95,399	\$63,612	630	49	478	11	0	0	6	3	5	209	0
Medical	0	490	31	\$1,029,272	\$919,901	9472	863	3930	143	5	1	123	16	38	3800	0
Nursing	0	0	677	\$1,286,431	\$909,146	18211	1934	16205	227	2	6	156	45	56	14416	0
Nursing Home Administrators	0	44	50	\$41,634	\$49,842	227	22	202	8	0	0	5	0	6	169	0
Occupational Therapy	0	40	5	\$49,227	\$26,746	398	32	328	3	0	0	3	0	0	323	0
Optometry	0	49	9	\$34,240	\$34,516	265	12	226	2	0	0		1	1	229	0
Outfitters	382	0	75	\$644,331	\$619,523	1597	1847	718	91	1	0	49	62	6	0	0
Pharmacy	326	574	218	\$912,422	\$615,945	4570	775	3491	90	0	0	61	31	17	3042	0
Physical Therapy	0	29	119	\$88,922	\$71,415	1112	93	1005	7	0	1	12	0	0	991	0
Plumbers	472	614	144	\$272,578	\$292,819	1699	157	1278	61	0	0	23	35	33	211	0
Private Adolescent Treatment Facilities	0	0	0	\$58,365	\$59,009	2	4	0	5	0	0		0	0	0	0
Private Security	0	0	51	\$156,456	\$205,630	1762	528	1320	34	0	0	16	14	0	1183	0
Psychologists	0	26	8	\$94,772	\$79,016	232	6	227	7	0	0	8	0	3	195	0
Public Accountants	0	95	352	\$318,246	\$337,442	4335	214	3340	44	0	0	28	6	3	2887	0
Radiologic Techs	980	131	375	\$79,572	\$85,483	1391	142	1238	8	0	0	7	2	2	1188	0
Real Estate Appraisers	0	30	0	\$216,335	\$253,249	471	110	441	23	0	0	15	8	7	391	0
Realty	0	35	1	\$801,350	\$775,187	6460	434	5879	155	1	0	94	35	17	5263	0
Respiratory Care	0	48	29	\$48,466	\$28,942	542	65	484	5	0	0	2	0	3	474	0
Sanitarians	0	19	11	\$34,873	\$35,857	195	20	128	1	0	0	0	0	1	130	0
Social Workers/counselors	0	157	115	\$159,469	\$213,402	1651	112	1283	42	0	0	28	15	26	1198	0
Speech & Audiologists	0	38	50	\$50,778	\$42,514	586	176	389	0	0	0	0	0	1	358	0
Veterinary	7	1	53	\$85,158	\$95,558	1079	50	1036	22	0	0	19	2	4	862	0
<b>TOTALS</b>	<b>5661</b>	<b>2809</b>	<b>4342</b>	<b>8,168,556</b>	<b>7,468,874</b>	<b>92032</b>	<b>10863</b>	<b>55594</b>	<b>1549</b>	<b>18</b>	<b>8</b>	<b>1054</b>	<b>454</b>	<b>342</b>	<b>50601</b>	<b>0</b>

The number of licensed professionals in Montana has grown an average of 3.9% per year.

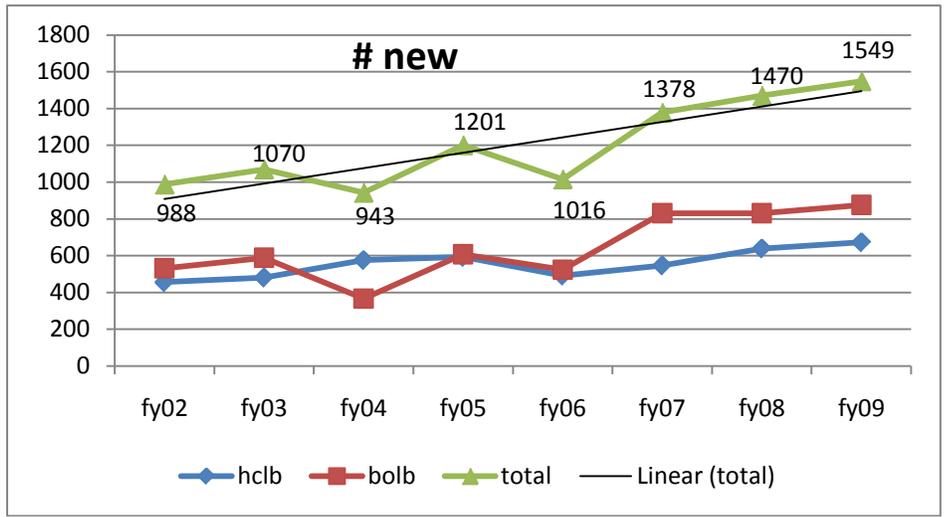


All boards have licensure requirements for all who wish to work in their profession. The fundamental purpose is to assure those who practice have the appropriate knowledge, skills, and abilities. All boards require an application be made to the department. While each occupation has its own unique qualifications, some common ones are:

- a. Name, address, and other demographic data,
- b. Proof they have complete the educational obligations,
- c. Proof they have passed the national exam,
- d. Show they are a person of good moral character, and for some,
- e. complete an internship.

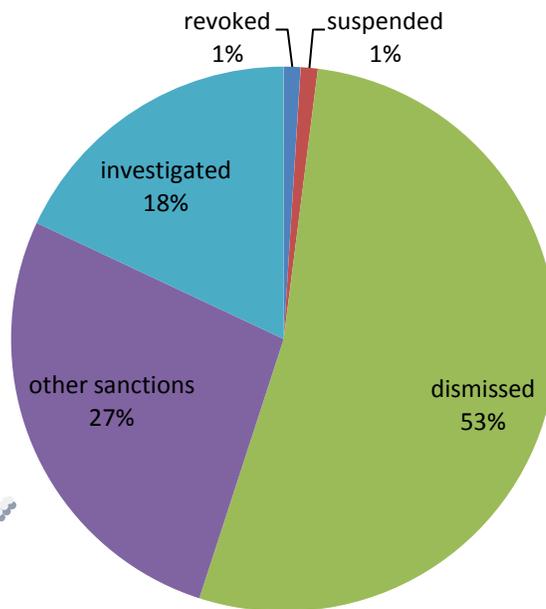
Detailed requirements for each license type can be found at the websites listed on page 9.

Allegations of unprofessional conduct or illegal activity can be filed upon a licensee by anyone. The compliance unit receives, tracks, and investigates all information received and presents the information to the appropriate board for a decision. Each board determines the merit of the allegations and decides the appropriate discipline to administer against the license, if any. The number of complaints is increasing at an average of 8.1%.



Complaints are reviewed by the boards to determine if they have merit. In FY08 and FY09 the boards received 3,019 complaints with 674 requiring additional investigation. The boards made 3,789 decisions on complaints where they revoked 44, suspended 37, sanctioned 1,021, and dismissed 2,013. The graph below shows the percentage results of the disciplinary decisions the boards made.

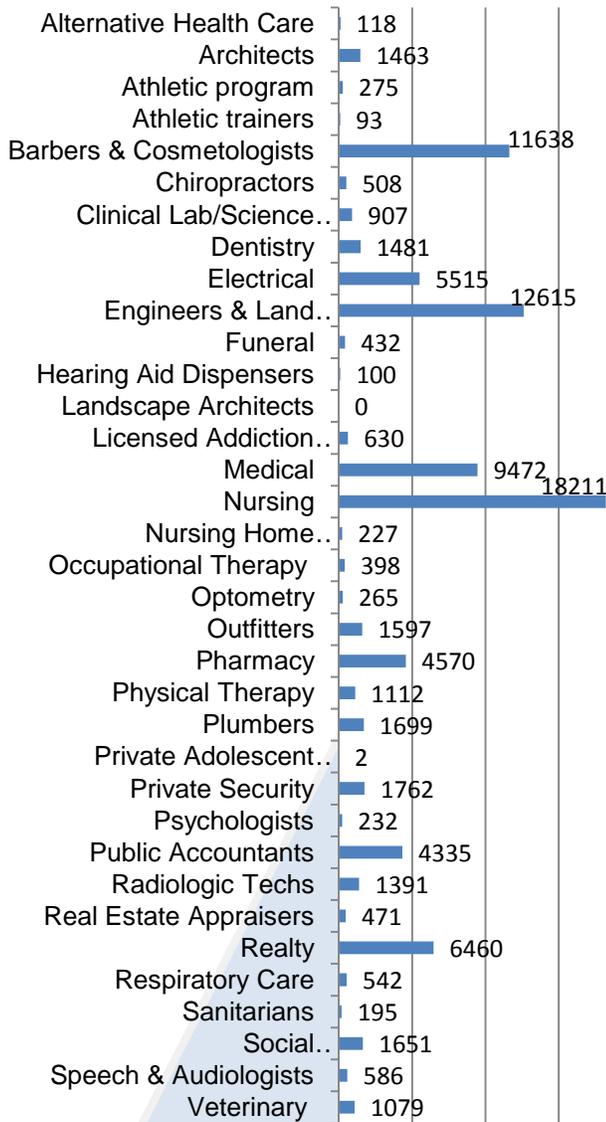
More information on the complaint process and how to file a complaint can be found at [http://bsd.dli.mt.gov//license/bsd\\_boards/complaints/complaint\\_process.asp](http://bsd.dli.mt.gov//license/bsd_boards/complaints/complaint_process.asp).



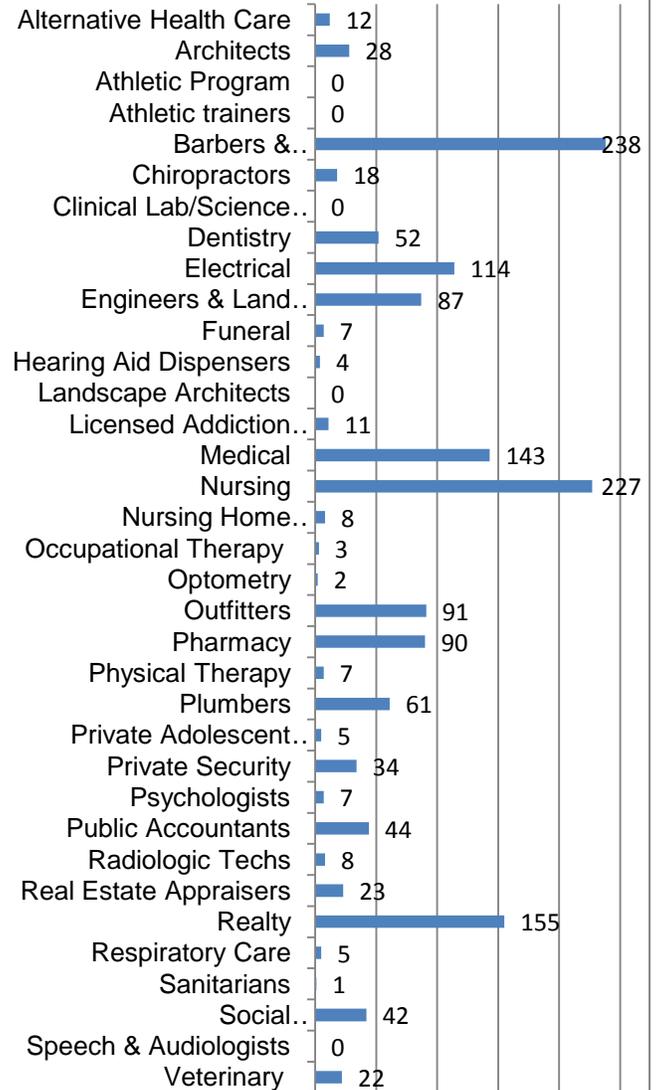
Dismissed could be with our without prejudice. With prejudice means the complaint cannot be heard again.

This category may include probation, a fine, denial, a letter of reprimand, and/or an injunction /Cease and Desist.

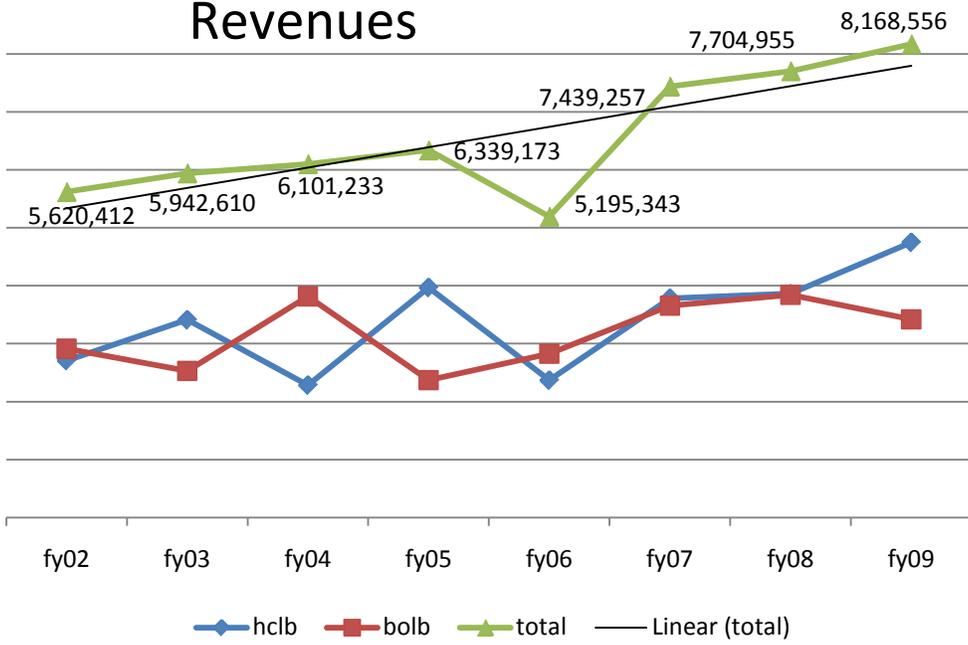
### # Licenses by board



### # Complaints by board



## Revenues

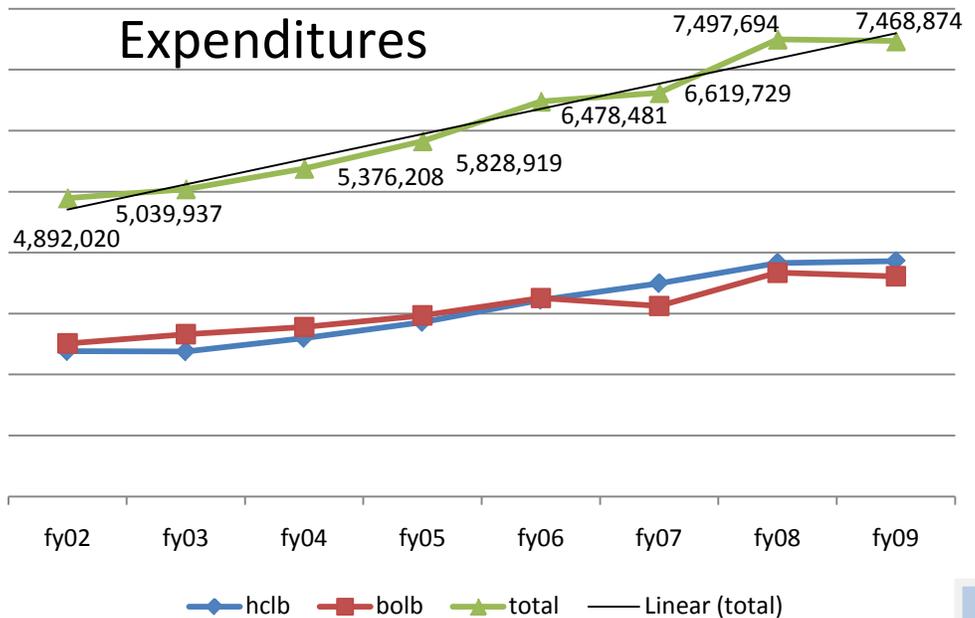


Revenues have increased an average of 4.4%, and expenditures an average of 4.9% over the last eight years.

Revenue is created by charging the license applicants a fee. Each board is self supportive through the fees they collect, and they may not collect more than two times their annual appropriation. Monies collected are deposited in each board's special revenue account.

The largest expenditure of each board, like any business, is personal services; payroll and benefits for the employees who provide the administrative services to the board. Other expenditures include legal representation, information technology, office equipment, rent, supplies and materials, travel and meeting costs, association fees, and board member per diem.

## Expenditures



## Summary of Legislation and Court Actions

### 2009 Legislative Session:

- HB 80 - Revises professional and occupational licensing laws
- HB 85 - EMS grant program
- HB 93 - Clarify EMS medical direction and handling of complaints
- HB 114- Clarify licensure and liability in public health emergencies
- HB 171- Repeal state regulation of pro and semipro combative events
- HB 354- Revise private investigator laws
- HB 362- Limit liability for practice of disaster medicine
- HB 374- Revise electrician licensing laws
- HB 386 - Right of disposition – funeral
- HB 409 - Create cancer drug repository
- HB 530 - Clarify that practice of social work includes diagnosis
- HB662 - License massage therapists
- SB53 - Revised trial period for hearing aid purchased from traveling vendor
- SB77 - Volunteer EMT on board of medical examiners
- SB174 - Establish requirements for advance pharmacist practitioner
- SB226 - License for volunteer dentists and hygienists in public clinics
- SB235 - Clarify law on who may indicate performance of psychological testing
- SB271 - Licensure and regulation for marriage and family therapists
- SB275 - Add additional pharmacist to board of pharmacy
- SB351 - Revise residential mortgage licensing law
- SB368 - Good Samaritan law for retired doctors

### Court Actions:

1. Christy Madden vs. The State of Montana Department of Labor Board of Nursing  
District Court reversed the Board's final order that suspended nursing license due to procedural issues.
2. State of Montana, Montana Board of Pharmacy vs. Thomas E Kennedy d/b/a Canadian Connection  
Kennedy was found to be practicing or assisting to practice pharmacy. He was ordered to stop, but continued. He was found in contempt and ordered to pay a fine.

Here is a list of boards and their web address for more information.

<b>Board/Program</b>	<b>Web address</b>	<b>Phone #</b>
Alternative Health Care	<a href="http://althealth.mt.gov">althealth.mt.gov</a>	841-2037
Architects	<a href="http://architect.mt.gov">architect.mt.gov</a>	841-2351
Athletic Program	<a href="http://athleticboard.mt.gov">athleticboard.mt.gov</a>	841-2302
Athletic Trainers	<a href="http://athletictrainer.mt.gov">athletictrainer.mt.gov</a>	841-2392
Barbers & Cosmetologists	<a href="http://cosmetology.mt.gov">cosmetology.mt.gov</a>	841-2335
Chiropractors	<a href="http://chiropractor.mt.gov">chiropractor.mt.gov</a>	841-2390
Clinical Lab/Science Practitioners	<a href="http://cls.mt.gov">cls.mt.gov</a>	841-2395
Dentistry	<a href="http://dentistry.mt.gov">dentistry.mt.gov</a>	841-2390
Electrical	<a href="http://electrician.mt.gov">electrician.mt.gov</a>	841-2390
Engineers & Land Surveyors	<a href="http://engineer.mt.gov">engineer.mt.gov</a>	841-2351
Funeral	<a href="http://funeral.mt.gov">funeral.mt.gov</a>	841-2037
Hearing Aid Dispensers	<a href="http://hearingaid.mt.gov">hearingaid.mt.gov</a>	841-2395
Landscape Architects	<a href="http://landscapearchitect.mt.gov">landscapearchitect.mt.gov</a>	841-2351
Licensed Addiction Counselors	<a href="http://lac.mt.gov">lac.mt.gov</a>	841-2392
Massage Therapy	<a href="http://massagetherapists.mt.gov">massagetherapists.mt.gov</a>	841-2037
Medical Examiners	<a href="http://medicalboard.mt.gov">medicalboard.mt.gov</a> <a href="http://emt.mt.gov">emt.mt.gov</a>	841-2393
Nursing	<a href="http://nurse.mt.gov">nurse.mt.gov</a>	841-2340
Nursing Home Administrators	<a href="http://nha.mt.gov">nha.mt.gov</a>	841-2385
Occupational Therapy	<a href="http://ot.mt.gov">ot.mt.gov</a>	841-2390
Optometry	<a href="http://optometry.mt.gov">optometry.mt.gov</a>	841-2390
Outfitters	<a href="http://outfitter.mt.gov">outfitter.mt.gov</a>	841-2372
Pharmacy	<a href="http://pharmacy.mt.gov">pharmacy.mt.gov</a>	841-2355
Physical Therapy	<a href="http://pt.mt.gov">pt.mt.gov</a>	841-2395
Plumbers	<a href="http://plumber.mt.gov">plumber.mt.gov</a>	841-2329
Private Adolescent Treatment Facilities	<a href="http://paarp.mt.gov">paarp.mt.gov</a>	841-2392
Private Security	<a href="http://privatesecurity.mt.gov">privatesecurity.mt.gov</a>	841-2334
Psychologists	<a href="http://psy.mt.gov">psy.mt.gov</a>	841-2394
Public Accountants	<a href="http://publicaccountant.mt.gov">publicaccountant.mt.gov</a>	841-2389
Radiologic Technicians	<a href="http://radiology.mt.gov">radiology.mt.gov</a>	841-2385
Real Estate Appraisers	<a href="http://realestateappraiser.mt.gov">realestateappraiser.mt.gov</a>	841-2325
Realty Regulation	<a href="http://realestate.mt.gov">realestate.mt.gov</a>	841-2325
Respiratory Care Practitioners	<a href="http://respcare.mt.gov">respcare.mt.gov</a>	841-2385
Sanitarians	<a href="http://sanitarian.mt.gov">sanitarian.mt.gov</a>	841-2334
Social Workers/Counselors	<a href="http://swpc.mt.gov">swpc.mt.gov</a>	841-2392
Speech & Audiologists	<a href="http://slpaud.mt.gov">slpaud.mt.gov</a>	841-2385
Veterinary	<a href="http://vet.mt.gov">vet.mt.gov</a>	841-2394

Please contact us if you have any questions or concerns, and thank you for taking the time to read this.