



*Fiscal Year 2010 –2011*

**Professional and Occupational  
Licensing Report**

Montana Department of Labor and Industry  
Business Standards Division

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Brian Schweitzer, Governor  
Keith Kelly, Commissioner

**Business Standards Division**  
Jack, Kane, Administrator

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, 2009 to June 30, 2011.

The report contains a general description of the Licensing and Board Management 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 and Board Management 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 36 individual regulatory boards and programs affecting all Montanans and contributing positively to the State's professional image.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack Kane", with a long horizontal flourish extending to the right.

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

# 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.

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

The primary role of each board is to safeguard the public health, safety, and welfare of the citizens of the State of Montana. The division provides administrative, technical, and legal services to these boards, and ensures the public is provided an opportunity to observe and participate in their deliberations.

As directed in 37-1-106, MCA, a summary of each board's activities is presented for fiscal years 2010 and 2011.

## **Bureaus' Objective:**

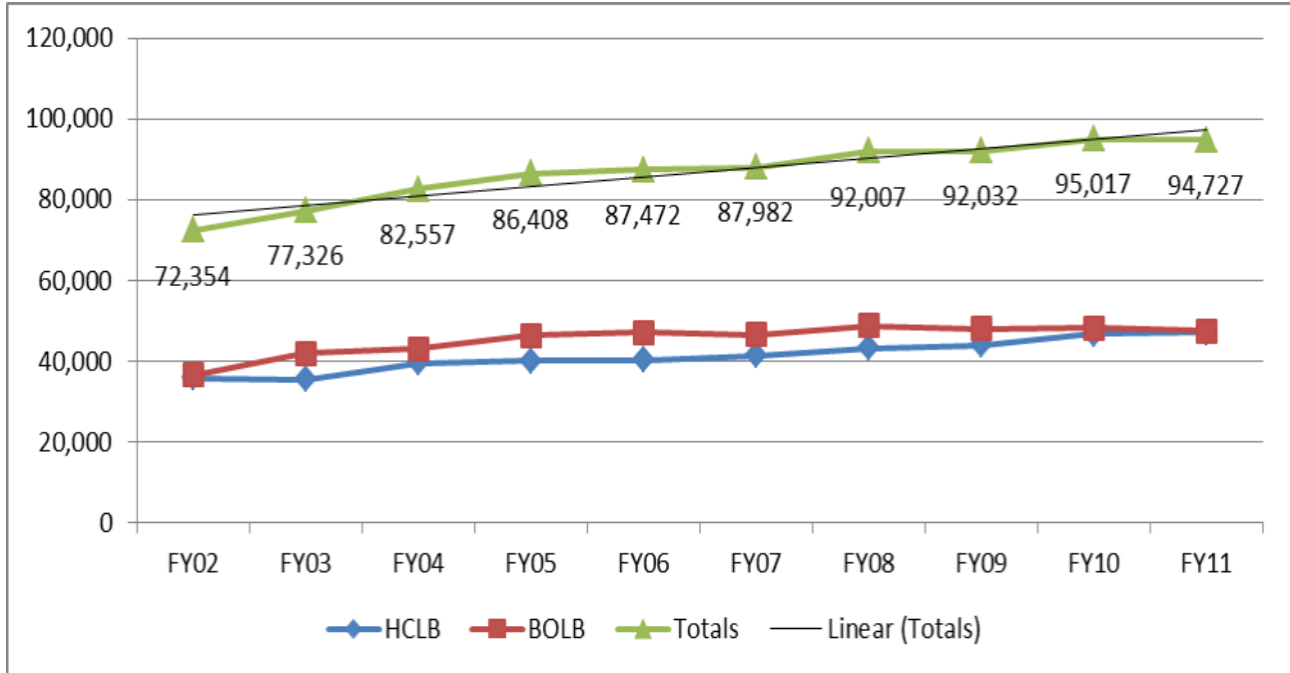
The primary objective of the two bureaus is to facilitate the boards' processes enabling them to safeguard the public health, safety, and welfare of the citizens of the State of Montana.

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 2010 and 2011.

## Total Licenses

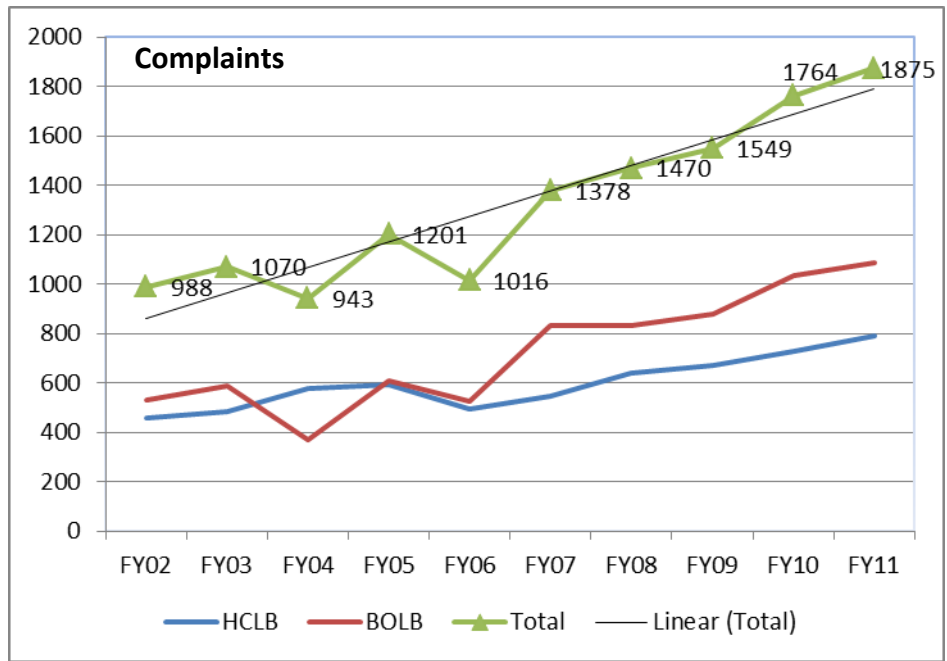


All boards have licensure requirements for all who wish to work in their profession. The fundamental purpose is to assure those who practice have the appropriate knowledge, skills, and abilities. All boards require an application be made to the department. While each occupation has its own unique qualifications,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

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

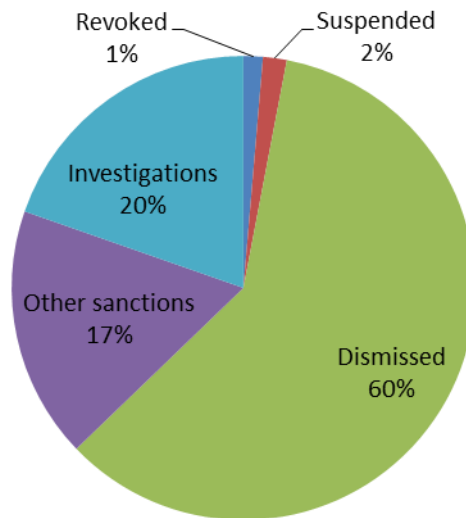
Detailed requirements for each license type can be found at the websites listed on page 10.

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 8.5%.



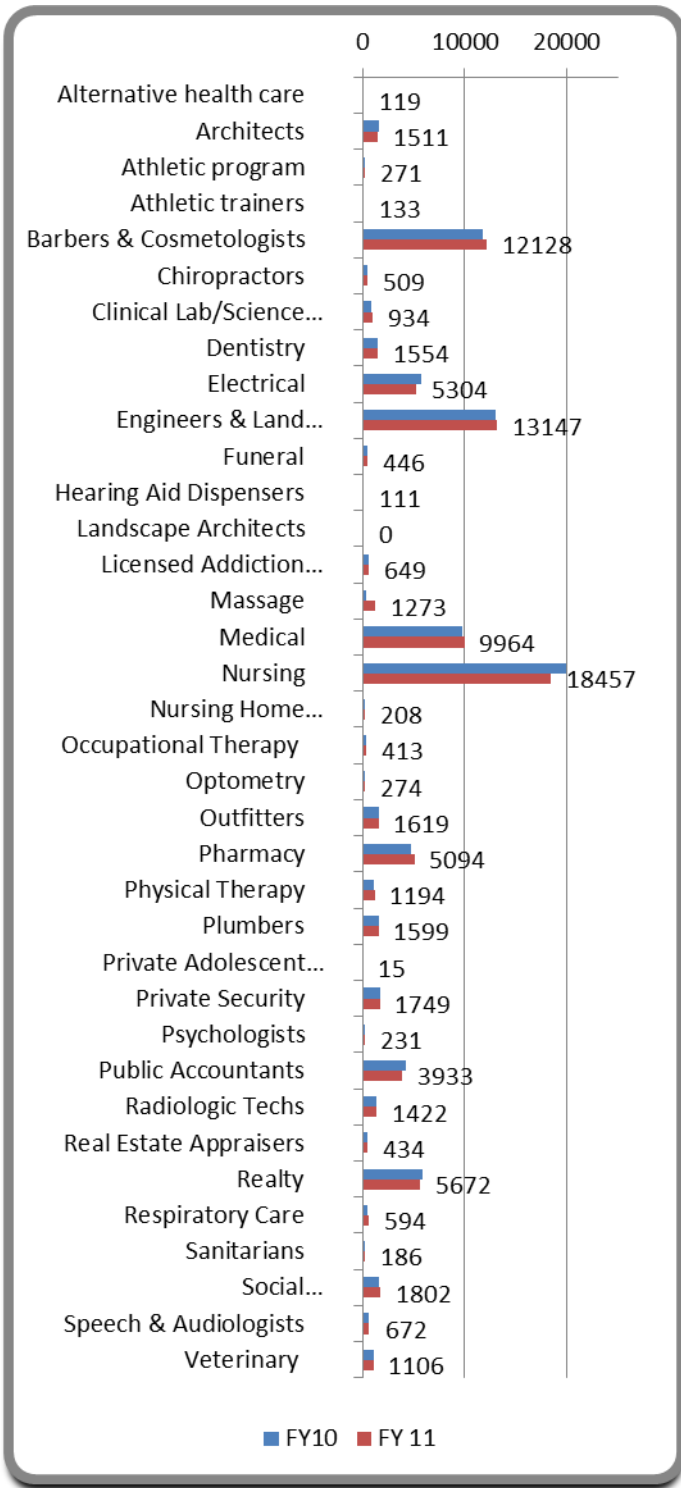
Complaints are reviewed by the boards to determine if they have merit. In FY10 and FY11 the boards received 3,639 complaints with 829 requiring additional investigation. The boards made 4,219 decisions on complaints where they revoked 57, suspended 70, sanctioned 740, and dismissed 2,523. The graph below 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 [www.complaints.mt.gov](http://www.complaints.mt.gov)

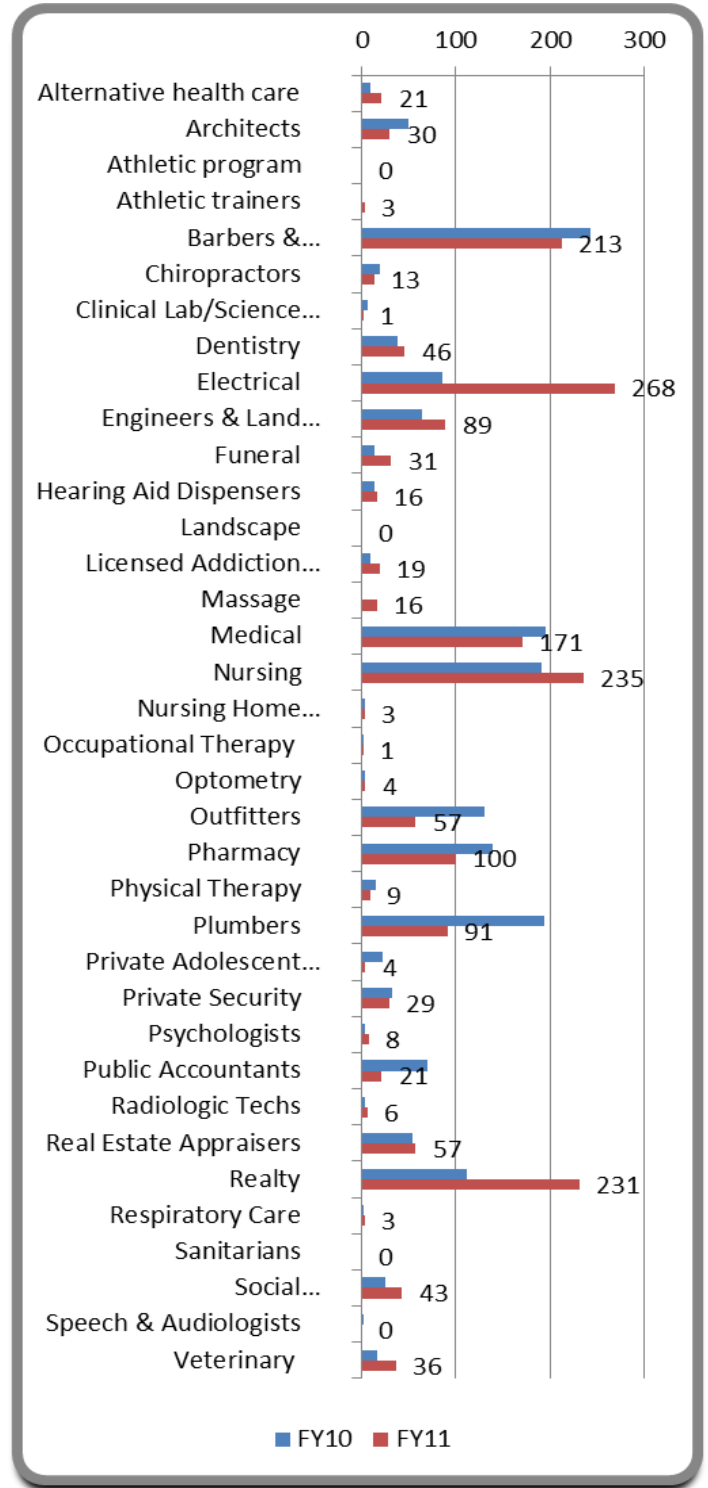


*“Other sanctions” may include probation, a fine, denial, a letter of reprimand, and / or an injunction / cease and desist.*

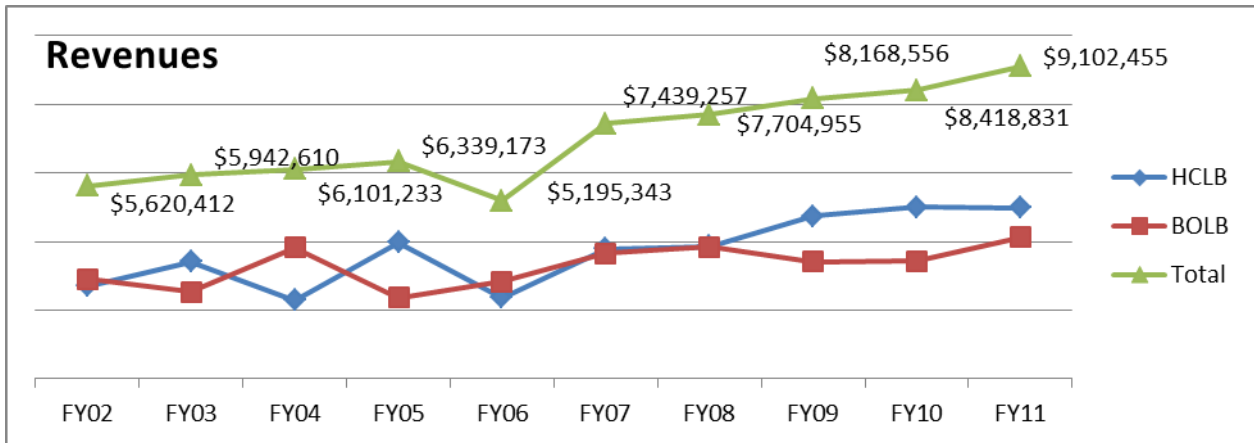
*“Dismissed” complaints could be with or without prejudice. With prejudice means the complaint cannot be heard again.*



Licenses by board



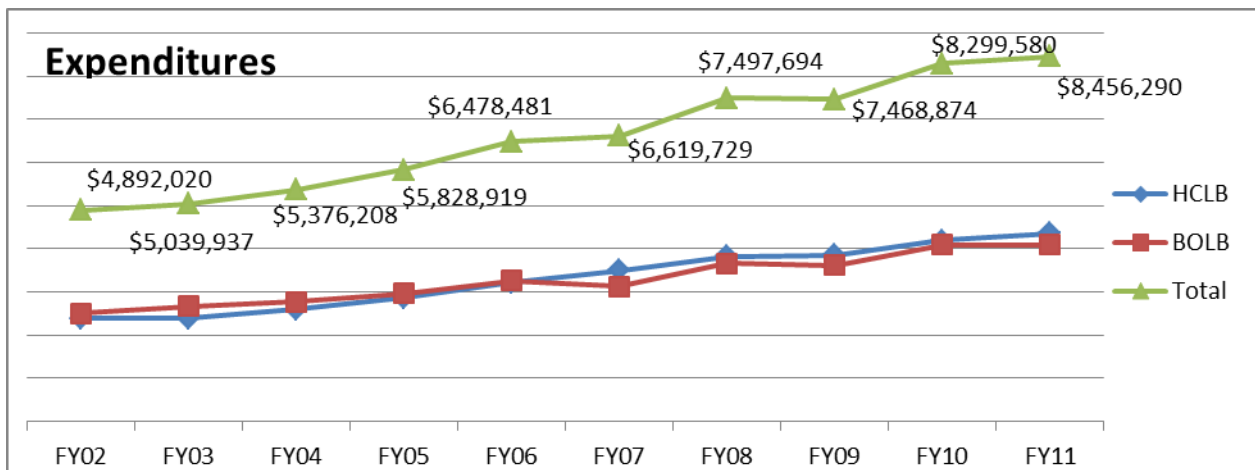
Complaints by board



Revenues have increased an average of 4%, and expenditures an average of 5.8% over the last ten 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.





## Summary of Legislation and Court Actions

### 2011 Legislative Session:

- HB 83 Create prescription drug registry
- HB 94 Revise professional and occupational licensing laws<sup>1</sup>
- HB 120 Provide for audio minutes as official minutes
- HB 188 Provide licensure and regulation of real estate appraisal management companies
- HB 315 Revise historic traction boiler inspection and traction license requirements
- HB 356 Generally revise laws relating to addiction counselors
- HB 377 Revise laws to allow medication aides in nursing homes
- SB 132 Allow audiologist to sell hearing aid without hearing aid dispenser license

Boards and their web address for more information.

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

FY 10 BOARD/Program	Summary of Activities			Revenues and Expenditures		Statistics			Summary of Complaints					
	Inspections	Audits	Exams	Revenues	Expenditures	Licenses	New	Renew	Complaints	Revoked	Suspended	Dismissed	Other sanctions	Investigations
Alternative Health Care	0	15	40	\$66,310	\$63,554	121	9	13	10	0	0	11	2	4
Architects	0	0	137	\$91,295	\$95,887	1,465	98	1,236	50	0	0	34	8	9
Athletic Program	0	0	0	\$45	\$0	271	na	na	0	0	0	0	0	0
Athletic Trainers	0	0	0	\$10,370	\$11,137	117	24	na	0	0	0	0	0	0
Barbers & Cosmetologists	1,110	15	454	\$478,882	\$621,927	11,741	910	6,325	243	2	0	187	37	14
Chiropractors	0	36	27	\$104,215	\$97,000	511	36	474	19	0	0	20	1	12
Clinical Lab/Science practitioners	714	86	0	\$60,520	\$59,128	928	73	903	6	0	0	0	4	0
Dentistry	4	74	144	\$213,234	\$233,565	1,514	85	1,468	38	0	0	27	4	11
Electrical	598	431	392	\$199,444	\$358,771	5,761	606	1,682	85	1	1	29	31	32
Engineers & Land Surveyors	0	83	769	\$286,788	\$385,762	13,009	491	5,419	64	1	0	59	19	10
Funeral	97	154	15	\$89,128	\$93,713	432	24	382	13	0	0	9	0	18
Hearing Aid Dispensers	0	25	18	\$63,635	\$44,231	111	15	83	13	0	0	7	0	13
Landscape Architects	0	0	0	\$30,159	\$31,225	103	5	86	0	0	0	0	0	0
Licensed Addiction Counselors	0	43	47	\$99,192	\$71,803	635	46	464	9	0	0	4	4	4
Massage	0	0	0	\$98,218	\$62,930	0	0	0	0	0	0	0	0	0
Medical	0	549	37	\$1,133,609	\$1,091,830	9,794	947	4,402	195	1	1	152	12	35
Nursing	0	73	647	\$1,193,336	\$891,703	19,940	1,676	19	191	4	25	106	22	60
Nursing Home Administrators	0	45	65	\$57,408	\$47,032	218	18	205	3	0	0	9	0	3
Occupational Therapy	0	34	10	\$50,084	\$33,848	263	9	234	1	0	0	0	0	0
Optometry	0	0	7	\$15,887	\$27,650	402	31	370	4	0	0	3	0	1
Outfitters	349	0	83	\$648,412	\$658,896	1,671	7	7	131	0	0	60	26	10
Pharmacy	366	0	204	\$980,279	\$650,572	4,793	720	3,761	139	1	0	117	23	25
Physical Therapy	0	23	139	\$94,891	\$93,573	1,158	100	1,035	15	0	0	10	0	2
Plumbers	390	481	151	\$261,919	\$285,016	1,646	169	936	194	2	0	128	52	34
Private Adolescent Treatment Facilities	0	0	0	\$123,011	\$85,238	4	1	2	23	0	0	12	0	2
Private Security	0	0	59	\$135,868	\$242,977	1,687	339	1,377	33	1	0	14	10	10
Psychologists	0	59	1	\$94,923	\$78,761	229	5	227	3	0	0	2	2	4
Public Accountants	0	93	354	\$290,650	\$368,382	4,267	123	3,149	70	5	0	48	9	2
Radiologic Techs	1,061	110	380	\$81,185	\$92,432	1,418	144	1,205	3	0	0	3	0	2
Real Estate Appraisers	0	19	0	\$260,120	\$223,671	445	109	422	54	3	0	30	8	4
Realty	0	50	17	\$706,339	\$802,388	5,939	348	5,734	111	17	0	116	19	26
Respiratory Care	0	46	20	\$47,042	\$32,600	544	43	518	2	0	0	5	0	3
Sanitarians	0	0	6	\$33,854	\$24,830	185	157	11	0	0	0	1	0	1
Social Workers/Counselors	0	203	83	\$181,893	\$191,295	1,664	160	1,349	25	2	0	23	10	21
Speech & Audiologists	0	37	31	\$53,343	\$47,236	625	169	411	1	0	0	1	0	1
Veterinary	8	21	45	\$83,343	\$99,017	1,094	46	1,067	16	0	0	21	0	4
<b>TOTALS</b>	<b>6,798</b>	<b>2,805</b>	<b>4,382</b>	<b>\$8,418,831</b>	<b>\$8,299,580</b>	<b>92,007</b>	<b>9,051</b>	<b>47,802</b>	<b>1,764</b>	<b>40</b>	<b>27</b>	<b>1,248</b>	<b>303</b>	<b>377</b>

FY 11 BOARD/Program	Summary of Activities			Revenues and Expenditures		Statistics			Summary of Complaints					
	Inspections	Audits	Exams	Revenues	Expenditures	Licenses	New	Renew	Complaints	Revoked	Suspended	Dismissed	Other sanctions	Investigations
Alternative Health Care	0	18	3	\$63,740	\$45,425	119	8	112	21	0	0	14	0	0
Architects	0	0	9	\$94,895	\$92,218	1,511	95	1,312	30	0	0	29	4	9
Athletic Program	0	0	0	\$90	\$0	271	0	0	0	0	0	0	0	0
Athletic Trainers	0	0	13	\$5,970	\$21,134	133	16	8	3	0	0	1	0	1
Barbers & Cosmetologists	754	4	487	\$556,343	\$593,171	12,128	1,029	5,795	213	1	0	127	66	15
Chiropractors	0	37	15	\$98,382	\$76,140	509	26	480	13	0	0	9	1	16
Clinical Lab/Science Practitioners	674	79	60	\$60,620	\$54,325	934	68	892	1	0	0	2	0	0
Dentistry	12	29	82	\$206,405	\$213,148	1,554	107	1,499	46	0	1	30	2	14
Electrical	600	1,258	139	\$437,816	\$381,668	5,304	523	1,644	268	1	2	167	47	30
Engineers & Land Surveyors	0		168	\$375,147	\$372,377	13,147	481	1,054	89	0	0	54	18	23
Funeral	6	15	5	\$101,946	\$118,453	446	44	365	31	0	0	25	1	21
Hearing Aid Dispensers	0	7	4	\$52,900	\$62,242	111	12	72	16	0	0	11	1	20
Landscape Architects	0	0	0	\$31,000	\$30,519	0	0	0	0	0	0	0	0	7
Licensed Addiction Counselors	0	80	42	\$120,700	\$87,775	649	43	502	19	1	0	16	2	7
Massage	0	0	101	\$85,143	\$123,667	1,273	1,218	2	16	0	0	8	0	1
Medical	0	35	539	\$1,065,415	\$1,047,913	9,964	897	4,085	171	1	8	147	31	33
Nursing	0	74	542	\$1,211,864	\$1,027,850	18,457	1,467	16,886	235	9	27	148	38	54
Nursing Home Administrators	0	36	13	\$49,195	\$27,935	208	21	192	3	0	0	2	2	3
Occupational Therapy	0	32	10	\$51,845	\$34,670	413	26	378	1	0	0	0	1	1
Optometry	0	0	4	\$12,123	\$36,719	274	10	233	4	0	0	4	0	2
Outfitters	228	0	32	\$615,775	\$572,105	1,619	963	1,435	57	0	0	25	53	22
Pharmacy	361	239	198	\$1,083,935	\$640,697	5,094	789	4,021	100	1	1	82	31	24
Physical Therapy	0	51	70	\$93,666	\$84,518	1,194	111	1,090	9	0	0	9	0	3
Plumbers	468	294	59	\$308,870	\$299,229	1,599	135	1,257	91	0	0	56	33	41
Private Adolescent Treatment Facilities	0	0	0	\$94,890	\$73,635	15	11	10	4	0	0	6	11	2
Private Security	0	0	18	\$214,563	\$203,197	1,749	375	1,399	29	0	0	22	12	19
Psychologists	0	30	4	\$93,466	\$99,451	231	7	225	8	0	0	7	1	4
Public Accountants	0	85	107	\$448,714	\$404,342	3,933	128	3,149	21	0	0	30	6	3
Radiologic Techs	993	137	8	\$80,325	\$88,471	1,422	112	1,269	6	0	0	3	1	2
Real Estate Appraisers	0	182	2	\$270,208	\$272,190	434	121	403	57	0	0	38	9	8
Realty Regulation	0	0	313	\$738,518	\$846,896	5,672	323	5,464	231	2	0	160	58	33
Respiratory Care	0	50	19	\$7,519	\$34,473	594	43	489	3	1	0	3	0	3
Sanitarians	0	0	1	\$33,250	\$26,944	186	7	116	0	0	0	0	0	1
Social Workers/Counselors	0	459	99	\$197,398	\$223,676	1,802	212	1,440	43	0	4	25	6	21
Speech & Audiologists	0	0	32	\$52,960	\$46,799	672	175	419	0	0	0	0	0	1
Veterinary	9	21	28	\$86,859	\$92,318	1,106	50	1,055	36	0	0	15	2	8
<b>TOTALS</b>	<b>4,105</b>	<b>3,252</b>	<b>3,226</b>	<b>\$9,102,455</b>	<b>\$8,456,290</b>	<b>94,727</b>	<b>9,653</b>	<b>58,752</b>	<b>1,875</b>	<b>17</b>	<b>43</b>	<b>1,275</b>	<b>437</b>	<b>452</b>