

SB 153
Senator Vicki Cocchiarella
AN ACT REVISING PROFESSIONAL AND OCCUPATIONAL LICENSING LAWS

This is a general revision bill, removing outdated references, addressing audit citations, and responding to issues from various licensing boards and programs of the Department.

The bill:

- Affects the 40 licensing boards and programs administratively attached to the Department of Labor and Industry.
- Creates an emeritus status for architects
- Creates a retirement license for plumbers
- Revises the Board of Realty Regulation
- Revises and renames the Board of Private Security
- Amends and clarifies the definition of license
- Allows boards to require state, regional or national certification for license renewal
- Expands definition of unprofessional conduct for licensing programs
- Adds elevator contractors, mechanics and inspectors to those covered by unprofessional conduct
- Revises the name of ambulatory surgical facilities
- Adds naturopathic physician, physician assistant, and optometrist to definitions relating to nursing
- Removes the oath requirement on nursing applications
- Removes age requirement and high school diploma for optometrists
- Clarifies the Department designs forms for the Board of Speech-Language Pathologists and Audiologists
- Clarifies trainee license terminates for hearing aid dispenser if examination is failed
- Changes the term "certificate of registration" to "license" for Board of Veterinary Medicine
- Removes redundant rulemaking authority for the Board of Alternative Health Care Practitioners in regards to military licensees
- Allows direct application and payment to the naturopathic testing agency
- Clarifies that respiratory care practitioners students may not receive compensation
- Revises fee distribution between the department and the department of fish wildlife and parks
- Clarifies conditions for denying, suspending or revoking an outfitter's, guide's or professional guide's license
- Requires the department to publish a pamphlet of Outfitter names and addresses
- Provides penalties for noncompliance by real estate brokers or property managers with trust account provisions
- Creates endorsement provisions for a supervising real estate broker
- Creates a temporary license for elevator inspectors

Jane Lee Hamman
P. O. Box 164
Clancy, MT 59634-0164
406/933-8203
406/465-4011 (cell)
Janeleehamman@aol.com

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Representative Scott Mendenhall, H. D. 77
House of Representatives Seat 51
Chairman, House Business and Labor Committee
Helena, MT 59620

RE: SB 153 Hearing, Friday March 16 ~ Proponent

Mr. Chairman and members of the House Business and Labor Committee. Regretfully, I am in Billings on business today, so my testimony on SB 153 is being submitted only in writing. The Montana Association of Acupuncture and Oriental Medicine, with whom I am working this session, is supporting passage and approval of SB 153.

In addition to generally revising the professional and occupational boards, this bill adds acupuncturists under the Montana Lien Act with other health professionals, generally in Sections 44 through 50. The Montana Association of Acupuncture and Oriental Medicine (MAAOM) has 142 active licensed members in the state. Based on the scope of their practices and referrals, an informal survey by the association shows that about 60% or 85 licensed members will from time-to-time use these lien rights. Neither Jeannie Worsech, Executive Director of the Board of Medical Examiners, nor Lisa Addington, Health Care Licensing Bureau Chief, know of any opposition to inclusion of acupuncturists in the lien rights.

MAAOM is under the State Board of Medical Examiners, not operating a separate board for licensing purposes, but electing officers of their association. This relationship has been positive and cost-effective. Mrs. Tanja Brekke of Bozeman is MAAOM President.

Since 1991, acupuncturists have been Master's Degree level professionals, with all members having continuing education standards and many having additional higher education as well. The Accreditation Commission for Acupuncture and Oriental Medicine was recognized by the U.S. Department of Education as a "specialized and professional" accrediting agency in 1988.

MAAOM commends Legislators and staff who worked on the SJR 35 Interim Committee and staff of the Department of Labor and Industry for their dedicated work. MAAOM especially thanks Senator Cocchiarella for sponsoring all three of the bills that evolved out of the interim study of professional and occupational licensing.

We would appreciate your support of SB 153. If you have any follow-up questions, I will be available Monday, March 19. Thank you.

Sincerely,



Jane Lee Hamman
MAAOM Lobbyist

C: Senator Vicki Cocchiarella
Lisa Addington, Health Care Licensing Bureau Chief