



Economic Affairs Interim Committee

61st Montana Legislature

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PAT MURDO, Research Analyst
BART CAMPBELL, Staff Attorney
CLAUDIA (CJ) JOHNSON, Secretary

TO: EAIC members
FROM: Bart Campbell
RE: July 2009 Rule Review

Dept. of Commerce

Revising ARM 8.119.101 pertaining to Tourism Advisory Council to allow Regional/CVB Tourism organizations to host their web sites on nondepartment servers.

Dept. of Labor & Industry

Proposing to adopt 13 new rules regarding the voluntary certification of workers' compensation claims examiners by providing minimum qualifications, examination, two-year certification and renewal, continuing education requirements, and a waiver of examination requirements. House Bill 283 provided for the voluntary certification of claims examiners, including examination and continuing education, and granted rulemaking authority to the department to implement the law.

Board of Dentistry

Revising ARM 24.138.508 pertaining to dental hygiene local anesthetic agent certification to strike requirement of successful completion of a local anesthetic course by a Commission or Dental Accreditation (CODA) school as the course is a prerequisite for applicants to qualify for taking the Western Regional Examining Board (WREB) exam which is already required by rule. Amending 24.138.2106 to provide that volunteer licensees are exempt from continuing education requirements as the board believes it is not necessary for volunteer licensees to obtain continuing education for the limited scope of their license.

Board of Pharmacy

Amending ARM 24.174.301 to clarify that it is the duty of the pharmacist-in-charge to ensure that the pharmacy and all pharmacy working personnel have current and appropriate licensure and certification. Amending 24.174.602 pertaining to internship requirements to comport with national standards promoted by the National Association of Boards of Pharmacy. Amending 24.174.523 to address the security of electronically generated prescriptions. Amending 24.174.1114 pertaining to the use of emergency drug kits in certain institutional facilities because current requirements are vague and allow kits of unlimited size which are not true emergency kits and the proposed amendment will allow the board to adopt a list of drugs that are truly used in emergency situations.

(more)

Board of Nursing Home Administrators

Amending 24.162.420 to raise fees in order to meet requirement that fees be commensurate with costs. Amending ARM 24.162.510 to ensure that applicant for reciprocity license demonstrate good character as required by 37-9-301.

Board of Radiologic Technologists

Amending ARMs 24.204.501 through 24.204.511 to increase course hour requirements for limited permit applicants in order to keep pace with national trends as the board believes that raising the course requirement from 88 hours to 104 hours will ensure demonstrated competency and further protect public welfare.

Board of Real Estate Appraisers

Amending ARM 24.207.401 raising various license fees in order to comply with statutory requirement to make fees commensurate with program costs.

Dept. of Livestock

Amending ARM 32.6.712 pertaining to food safety and inspection service allowing the Montana State Meat and Poultry Inspection program to update its reference to federal USDA rules from October 1, 2007, to April 17, 2009.

State Auditor

Generally amending ARMs 6.6.2801 through 6.6.2807 pertaining to Surplus Lines Insurance in order to allow the department to resume surplus lines insurance stamping office functions under surplus lines insurance law at 33-2-301, et seq. The following is an excerpt from a letter sent out by the Commissioner.

" June 17, 2009

Surplus Lines Agent/Agency

Re: Revised Procedure for Surplus Lines Policy Filings, Stamping Fees and
Surplus Lines Taxes

Dear Surplus Lines Agent/Agency:

Monica J. Lindeen, Montana Commissioner of Securities and Insurance, Office of the State Auditor, has determined that effective July 1, 2009, the CSI will now directly review and process surplus lines insurance submissions, determine applicable stamping fees owed, and send surplus lines agent tax and fee statements. All of these functions were previously performed by the Montana Surplus Lines Agents Association (MSLAA).

The decision to bring these functions under the direct control of the CSI from the MSLAA was a difficult process and was brought about by many factors, including the uncertainty of the surplus lines insurance market and proposed federal legislation.

The CSI has revised the surplus lines submission/endorsement forms for all surplus lines transactions reported after July 1, 2009. The updated surplus lines forms can be obtained at <http://csi.mt.gov>. In the near future, the CSI will implement an electronic filing system for surplus lines submissions that should simplify the process for all involved. **Effective July 1, please send all of your surplus lines submissions to:**

Montana Securities & Insurance Commissioner
Surplus Lines
840 Helena Avenue
Helena, MT, 59601 "

Board of Horse Racing

Amending ARM 32.28.202 and ARM 32.28.801 pertaining to uncoupling horses owned by the same ownership interest for wagering purposes with respect to live races in order to correct an outdated rules that has been changed in most other racing states in order to increase betting opportunities and to preserve racing fields.