

FY 2012 & FY 2013

PROFESSIONAL & OCCUPATIONAL LICENSING REPORT



Montana Department of
LABOR & INDUSTRY
Business Standards Division



Montana Department of **LABOR & INDUSTRY**

Steve Bullock, Governor
Pam Bucy, Commissioner

The Honorable Steve Bullock
Governor of Montana
State Capitol
Helena MT 59620

Dear Governor Bullock:

Pursuant to Sections 37-1-106 MCA, the Montana Department of Labor & Industry, in cooperation with each professional and occupational licensing board and program, respectfully submits this biennial report for the fiscal periods of July 1, 2011 to June 30, 2013.

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 35 individual regulatory boards and programs affecting all Montanans and contributing positively to the State's professional image.

Respectfully submitted,

Todd Younkin, Administrator
Business Standards Division
Montana Department of Labor & Industry

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Division Description

The Business Standards Division is one of five divisions in the Department of Labor & Industry. It is organized into five bureaus, three of which work directly with administering and licensing board activities.

- The Licensing Bureau (LB) provides all licensing and renewal functions for the boards and programs. In addition the licensing bureau has an audit unit that conducts random audits related to board and program requirements, such as continuing education, maintenance of annual certifications of licensees and internal compliance audits of division policies and procedures.
- The Board Management Bureau (BMB) provides professional and administrative support to all boards and programs by preparing agendas, facilitating meetings of the boards and providing information to the public and other administrative and financial responsibilities.
- The Operations Bureau (OPB) provides technical and administrative support to all boards and programs regarding misconduct and practice complaints and investigations, fiscal responsibilities, IT and Legal unit liaison and reception duties.

Division's Objective

The boards are administratively attached to the department and division for the purposes of providing the professional, technical and administrative daily functions of the boards and programs. In addition division staff provides standardized, streamlined and efficient processes for all boards and programs. This enables boards to carry out their legislative duties and responsibilities to safeguard the public health, safety, and welfare of the citizens of the State of Montana.

The bureaus work closely with the department's legal unit. Together they ensure licensees are complying with laws by investigating allegations made against licensees, preparing administrative rule modifications, and explaining statutory requirements.

One technical aspect involves the division collaborating with the department's Technical Services Division (TSD) to develop and maintain the vast licensing database. The database and automated processes created through this partnership provide our web services and data management. The tables below outline the activities of the boards for fiscal years 2012 and 2013.

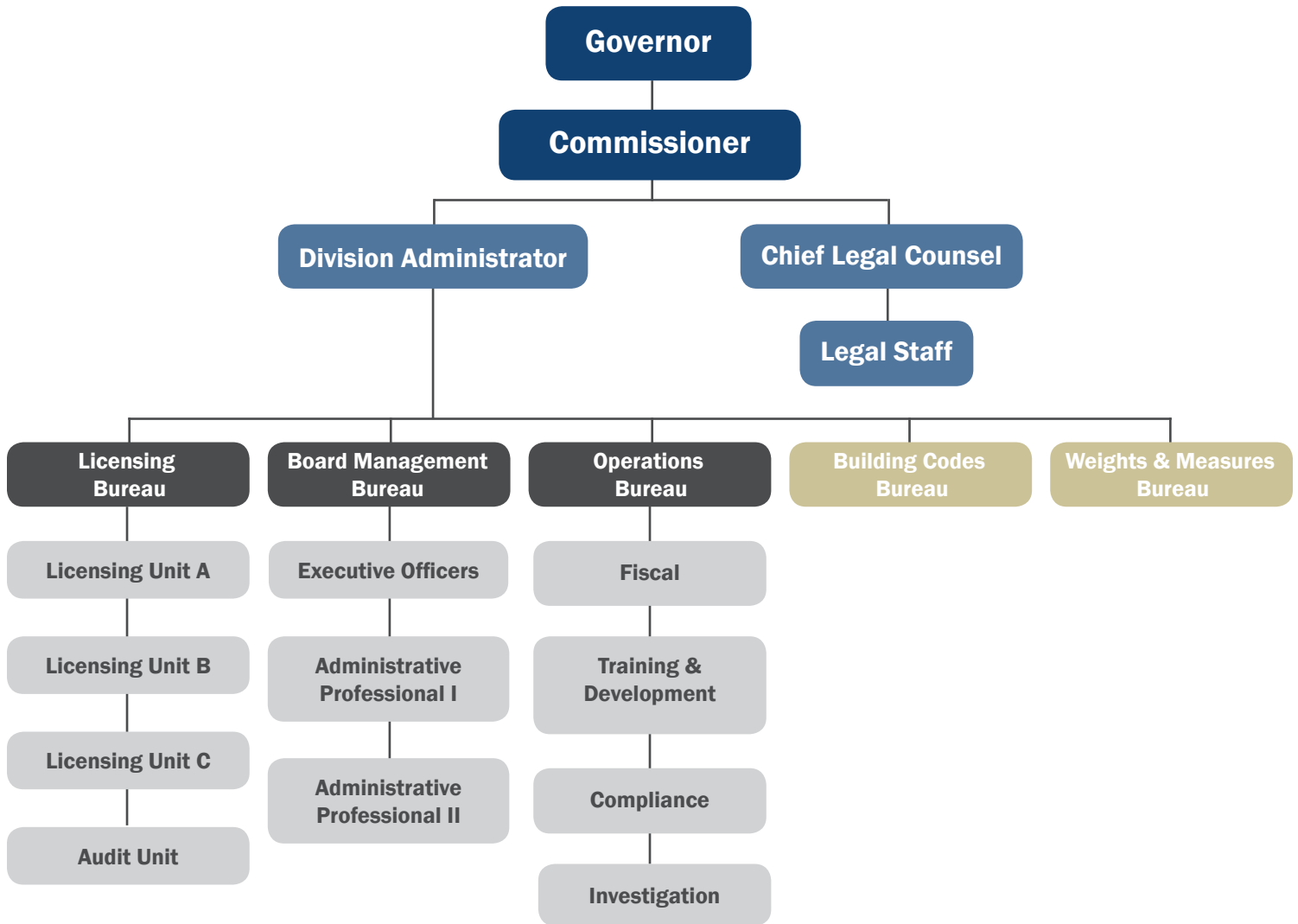
Title 2, Ch. 15, part 18 -

Establishes the Department of Labor and Industry and professional boards.

Title 37, 23, 39, 50 -

Governs the boards/programs attached to the department.

Business Standards Organizational Chart



Board Summary - FY12

FY 12	Summary of Activities		Budgets		License Statistics			Summary of Complaints						Other
	Inspections	Audits	Revenue	Expenditure	Licenses	Applications	Renewed	New Complaints	Revoked	Suspended	Dismissed	Sanctioned	Investigations	
BOARD/PROGRAM														
Alternative Health Care	0	72	\$69,765	\$69,386	125	8	0	11	1	0	10	1	2	% on-line renewal 90.5
Architects & Landscape Architects	0	0	\$118,060	\$107,402	1466	47	54	7	0	3	14	5	0	95.4
Athletic Program	0	0	\$12,287	\$823	21	11	0	1	0	0	1	0	0	non-renewal
Athletic Trainers	0	12	\$24,095	\$20,045	135	15	113	0	0	0	0	0	0	92.1
Barbers & Cosmetologists	2350	15	\$686,602	\$578,804	12278	503	1384	82	3	1	95	94	7	72.4
Chiropractors	0	38	\$100,114	\$110,667	499	13	485	14	0	0	11	5	3	89.9
Clinical Laboratory Science Practitioners	614	84	\$60,075	\$70,272	967	34	3	4	0	0	1	2	0	84.8
Dentistry	8	0	\$217,475	\$288,149	1615	58	605	26	0	0	34	6	3	78.4
Electrical	393	1105	\$361,717	\$442,001	5444	293	11	71	0	0	66	70	27	88.4
Engineers & Land Surveyors	0	7	\$354,870	\$422,550	13414	309	935	25	0	0	29	4	4	96.0
Funeral	4	170	\$129,017	\$155,203	435	14	8	90	0	0	93	4	0	93.8
Hearing Aid Dispensers	0	0	\$54,034	\$83,879	86	1	0	5	0	0	5	4	1	78.9
Licensed Addiction Counselors	0	86	\$102,010	\$113,144	651	32	11	5	0	0	8	2	5	90.7
Massage Therapy	0	64	\$172,500	\$102,199	1343	221	1085	9	0	0	11	0	0	8.3
Medical Examiners	0	0	\$1,168,959	\$1,370,224	10482	438	445	133	1	4	182	15	2	95.6
Nursing	0	932	\$1,247,976	\$1,025,823	19374	796	755	161	1	26	264	64	5	5.3
Nursing Home Administrators	0	15	\$49,015	\$28,526	217	7	189	3	0	0	3	0	0	33.3
Occupational Therapy	0	40	\$11,240	\$39,726	413	18	2	5	0	0	4	1	0	88.6
Optometry	0	Odd year	\$34,995	\$47,115	277	8	27	3	0	0	4	0	1	94.6
Outfitters & Guides	17	513	\$669,207	\$538,549	1876	220	1323	63	3	3	43	54	1	71.4
Pharmacy	488	302	\$1,145,700	\$771,398	5171	496	1540	113	2	5	142	28	0	95.5
Physical Therapy	0	131	\$102,910	\$119,264	1266	64	2	13	0	0	16	2	0	94.9
Plumbers	293	117	\$304,576	\$308,134	1552	97	1035	83	0	0	45	34	11	76.3
Alternative Private Adolescent Residential/Outdoor Programs	12	0	\$33,105	\$57,795	13	1	1	1	0	0	1	0	2	0.0
Private Security	0	419	\$281,518	\$199,799	2011	227	289	40	0	0	39	16	4	45.5
Psychologists	0	7	\$95,651	\$121,028	236	5	223	9	0	0	8	1	0	90.1
Public Accountants	0	370	\$459,469	\$475,883	3949	49	3140	23	0	0	31	6	0	94.2
Radiologic Technologists	987	31	\$81,050	\$109,139	1497	83	923	7	0	0	8	0	0	32.5
Real Estate Appraisers	0	281	\$404,252	\$332,323	489	60	0	50	2	2	68	21	3	94.7
Realty Regulations	0	5384	\$715,673	\$1,031,844	5384	113	5261	162	0	0	144	78	16	96.8
Respiratory Care	0	53	\$47,070	\$48,187	575	27	1	1	0	0	2	1	0	97.1
Sanitarians	0	Odd year	\$32,220	\$25,126	189	7	3	1	0	0	1	0	0	73.3
Social Workers/Prof. Counselors/Marriage & Family Therapists	0	264	\$210,111	\$268,963	1938	133	1599	54	0	2	52	19	0	73.3
Speech Pathologists & Audiologists	0	Odd year	\$55,580	\$64,127	590	154	325	4	0	0	3	0	0	74.3
Veterinary Medicine	9	21	\$134,100	\$143,053	1066	17	1012	14	0	1	13	3	3	75.8
TOTALS	5175	10483	\$9,746,998	\$9,690,550	97044	4579	22789	1293	13	47	1451	540	100	75.4

Board Summary - FY13

FY 13	Summary of Activities			Budgets		License Statistics			Summary of Complaints						Other	
BOARD/PROGRAM	Inspections	Audits	Revenue	Expenditures	Licenses	Applications	Renewed	New Complaints	Revoked	Suspended	Dismissed	Sanctioned	Investigations	% on-line renewal	% on-line application	
Alternative Health Care	0	83	\$80,877	\$58,926	135	16	123	5	0	0	5	0	1	95.9	0	
Architects & Landscape Architects	0	0	\$132,585	\$113,353	1525	151	1489	8	0	0	6	2	2	96.8	15.89	
Athletic Program	0	0	\$8,019	\$14,244	9	84		1	0	0	1	0	0	no renewal	0	
Athletic Trainers	0	13	\$24,715	\$18,489	145	21	113	0	0	0	0	0	0	87.6	23.81	
Barbers & Cosmetologists	6420	0	\$723,899	\$574,051	11930	1262	6661	99	3	3	37	80	5	85.2	18.23	
Chiropractors	0	37	\$101,255	\$100,451	517	17	492	15	0	0	12	3	2	91.1	17.65	
Clinical Laboratory Science Pract	685	84	\$61,775	\$72,145	967	81	889	2	0	0	2	3	0	95.6	33.33	
Dentistry	3	0	\$219,270	\$270,353	1683	119	1571	23	0	0	19	11	4	96.8	39.5	
Electrical	571	Even yrs	\$446,073	\$321,310	5054	862	1507	99	8	9	50	76	17	78.6	9.28	
Prof Engineers &Prof Land Surveyors	0	Even yrs	\$336,230	\$410,445	10349	671	1296	23	0	0	19	3	7	87.1	0	
Funeral Service	131	153	\$198,745	\$185,307	429	39	374	34	0	1	27	11	2	94.4	2.56	
Hearing Aid Dispensers	0	50	\$103,440	\$25,530	59	8	51	3	0	0	2	2	0	54.9	0	
Licensed Addiction Counselors	0	83	\$105,491	\$116,209	634	56	597	4	0	0	3	3	3	92.5	0	
Massage Therapy	0	75	\$154,755	\$122,145	1767	224	1268	30	1	0	15	13	0	86.4	4.46	
Medical Examiners	0	191	\$1,197,192	\$1,392,663	10742	1416	4227	129	0	1	111	22	1	97.0	0.56	
Nursing	0	Even yrs	\$1,280,290	\$1,020,646	19319	1988	17589	159	2	20	130	30	5	91.2	0	
Nursing Home Administrators	0	0	\$50,560	\$36,658	207	23	194	3	0	0	3	0	0	93.3	0	
Occupational Therapy	0	41	\$57,880	\$49,645	451	49	414	2	0	0	1	2	0	98.1	6.12	
Optometry	0	49	\$40,575	\$45,273	275	13	267	2	0	0	2	1	0	95.9	30.77	
Outfitters	42	541	\$631,215	\$415,702	2050	389	2055	55	0	3	20	47	1	78.9	0	
Pharmacy	447	0	\$778,315	\$712,096	5682	853	4623	64	0	5	60	12	2	95.2	6.1	
Physical Therapy	0	134	\$107,145	\$89,098	1364	127	1272	1	0	0	1	0	0	97.5	7.09	
Plumbers	425	176	\$318,155	\$242,271	1627	205	1253	46	0	2	15	22	19	87.4	0	
Alternative Private Adolescent Residential/Outdoor Programs	2	0	\$120,203	\$66,680	13	1	21	0	0	0	0	0	0	47.6	0	
Private Security	0	0	\$294,102	\$203,322	1940	593	1606	34	0	2	27	21	1	67.7	1.01	
Psychologists	0	0	\$96,270	\$109,465	236	17	227	4	0	0	3	0	0	94.3	0	
Public Accountants	0	358	\$445,470	\$385,121	4284	156	3744	19	0	0	13	3	3	97.2	0	
Radiologic Technologists	1042	119	\$81,900	\$82,512	1497	144	1390	4	0	0	4	0	0	95.5	6.94	
Real Estate Appraisers	0	280	\$435,010	\$331,552	788	265	470	31	1	3	25	9	2	93.0	0.75	
Really Regulations	0	5371	\$737,950	\$891,842	7065	790	5136	225	8	2	172	90	17	92.5	0	
Respiratory Care Practitioners	0	Even yrs	\$48,570	\$49,167	580	55	546	2	0	0	2	0	0	98.9	20	
Sanitarians	0	14	\$31,160	\$33,259	191	21	168	1	0	0	1	0	1	86.9	9.52	
Social Work Examiners & Prof. Counselors	0	0	\$263,556	\$226,204	2086	170	1927	17	0	2	17	6	0	91.9	2.35	
Speech Language Pathologists & Audiologists	0	46	\$58,175	\$78,920	649	203	456	4	0	0	3	0	0	90.1	0.99	
Veterinary Medicine	13	1	\$138,955	\$128,555	1112	61	1055	19	0	0	13	4	4	87.9	1.64	
TOTALS	9781	7708	\$9,909,777	\$8,993,609	97361	11150	65271	1167	23	53	821	476	99	88.8	7.60	

Total Licenses by Fiscal Year

All boards and programs have established licensure requirements for individuals who wish to work in their professions or occupations. The fundamental purpose of these licensure requirements is to ensure those individuals practicing in these professions or occupations have the appropriate knowledge, skills, and abilities. This provides for public safety. All boards require an application be made to the department. The applicant must meet the qualifications and demonstrate the minimum competencies established by statute or board rule. While each profession or occupation has its own unique qualifications, common requirements are listed below:

- a. Name, contact information and other necessary demographic data
- b. Proof they have qualifications such as education, experience and age requirements
- c. Proof they have passed appropriate national, state or regional examinations
- d. Demonstration that they are an individual of good moral character, and for some, complete an internship

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



Board Licenses Summary: FY08 - FY13

BOARD/PROGRAM	2013 LICENSES	2012 LICENSES	2011 LICENSES	2010 LICENSES	2009 LICENSES	2008 LICENSES
Private Alternative Adolescent Residential/Outdoor Programs	13	13	15	4	2	7
Alternative Health Care	135	125	119	121	118	102
Architects & Landscape Architects	1525	1466	1511	1568	1463	1540
Athletic Program	9	21	271	271	271	676
Athletic Trainers	145	135	133	117	93	0
Barbers and Cosmetologists	11930	12278	12128	11741	11638	11387
Chiropractors	517	499	509	511	508	515
Clinical Laboratory Science Practitioners	967	967	934	928	907	919
Dentistry	1683	1615	1554	1514	1481	1404
Electrical	5054	5444	5304	5761	5515	5739
Funeral Service	429	435	446	432	432	434
Hearing Aid Dispensers	59	86	111	111	100	96
Licensed Addiction Counselors	634	651	649	635	630	599
Massage Therapy	1767	1343	1273	0		
Medical Examiners	10742	10482	9964	9794	9472	9183
Nursing	19319	19374	18457	19940	18211	18263
Nursing Home Administrators	207	217	208	218	227	226
Occupational Therapy	451	413	413	402	398	392
Optometry	275	277	274	263	265	258
Outfitters	2050	1876	1619	1671	1597	1664
Speech-Language Pathologists & Audiologists	649	590	672	625	586	598
Pharmacy	5682	5171	5094	4793	4570	4332
Physical Therapy	1364	1266	1194	1158	1112	1083
Plumbers	1627	1552	1599	1646	1699	1759
Private Security	1940	2011	1749	1687	1762	1824
*Prof Engineers & Prof Land Surveyors	10349	13414	13147	13009	12615	12324
Psychologists	236	236	231	229	232	234
Public Accountants	4284	3949	3933	4267	4335	4355
Radiologic Technologists	1497	1497	1422	1418	1391	1397
Real Estate Appraisers	788	489	434	445	471	488
Realty Regulation	7065	5384	5672	5939	6460	6770
Respiratory Care Practitioners	580	575	594	544	542	620
Sanitarians	191	189	186	185	195	196
Social Work Examiners & Prof Counselors	2086	1938	1802	1664	1651	1554
Veterinary Medicine	1112	1066	1106	1094	1079	1069
Total Licenses	97361	97044	94727	94705	92032	92007

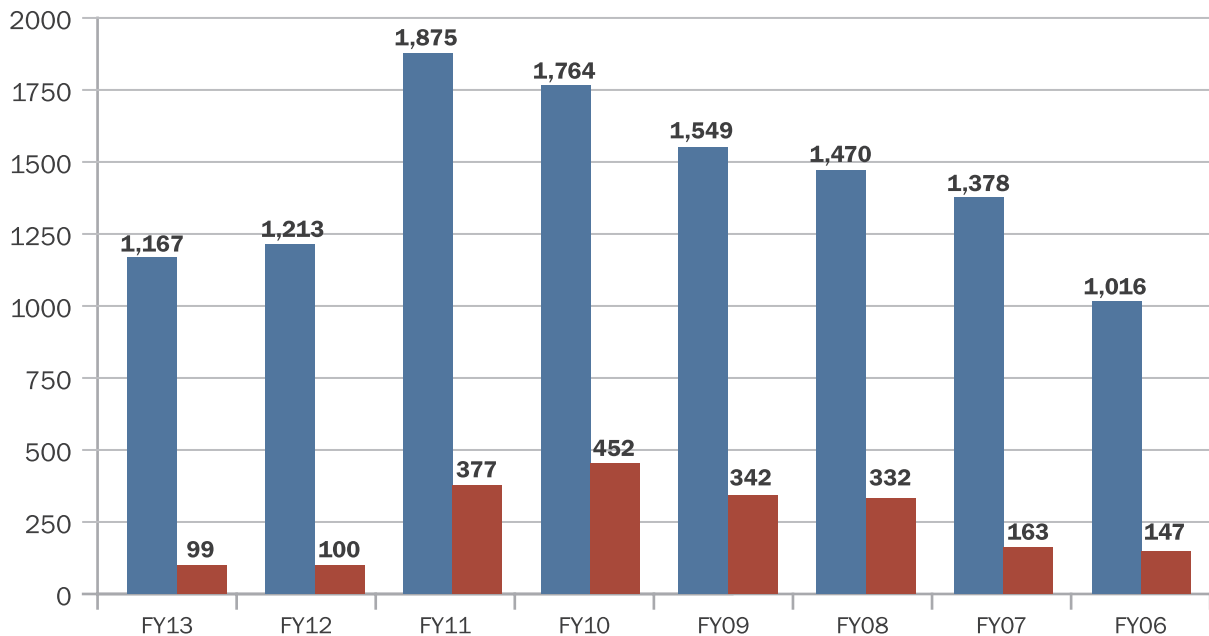
*In FY12 the Board of Professional Engineers and Land Surveyors changed rules regarding Engineer and Land Surveying Interns by requiring the interns to renew on a biennial basis. Prior to the new rule interns never renewed and never expired. This change in procedure has dropped 3,000 licensees over a decade and has affected the overall growth in total number of licensees in FY13. The percentage of increase was actually 9.08 percent rather than the reported 5.82 percent above

Complaints Filed by Fiscal Year

Allegations of unprofessional conduct or illegal activity can be filed upon a licensee by anyone. The operations bureau receives, processes, and investigates information 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, if any. The number of complaints filed has decreased an average of 35 percent over the last biennium.

Number of Complaints Filed and Investigations

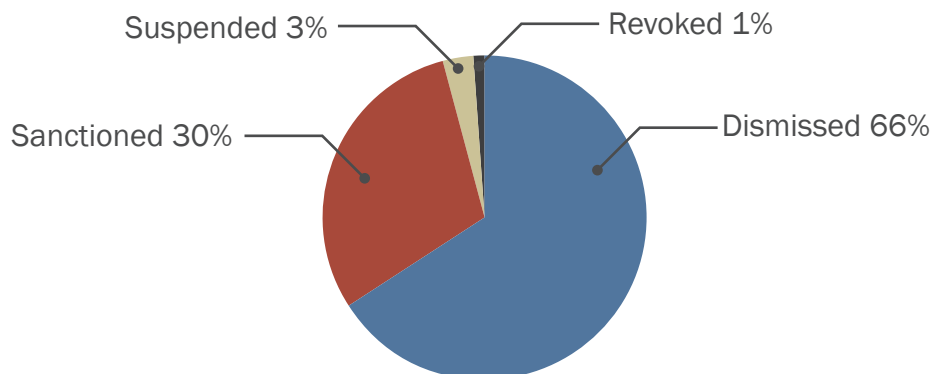
by Fiscal Year



Board Decisions

Investigated complaints are reviewed by the boards to determine appropriate action. In FY12 and FY13 the boards received a total of 2,460 complaints with 199 requiring additional investigation. Over the biennium the boards made 3,424 decisions on complaints where they revoked one percent (36), suspended three percent (100), sanctioned 30 percent (1,016), and dismissed 66 percent (2,272).

Percentage of Board Disciplinary Decisions Made

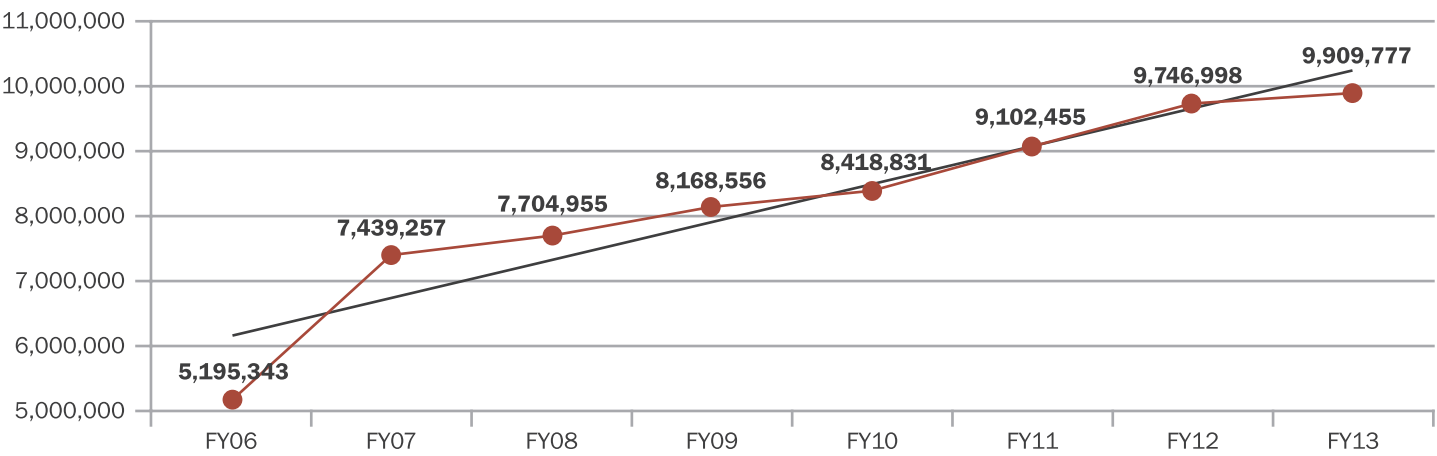


More information on the complaint process and how to file a complaint can be found at http://bsd.dli.mt.gov//license/bsd_boards/complaints/complaint_process.asp.

Revenues

Revenues have increased an average of 8.87 percent and expenditures an average of 5 percent over the last biennium. Revenue is created by charging the license applicant and licensee a variety of fees such as application and renewal fees. 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 many businesses, 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 diems.

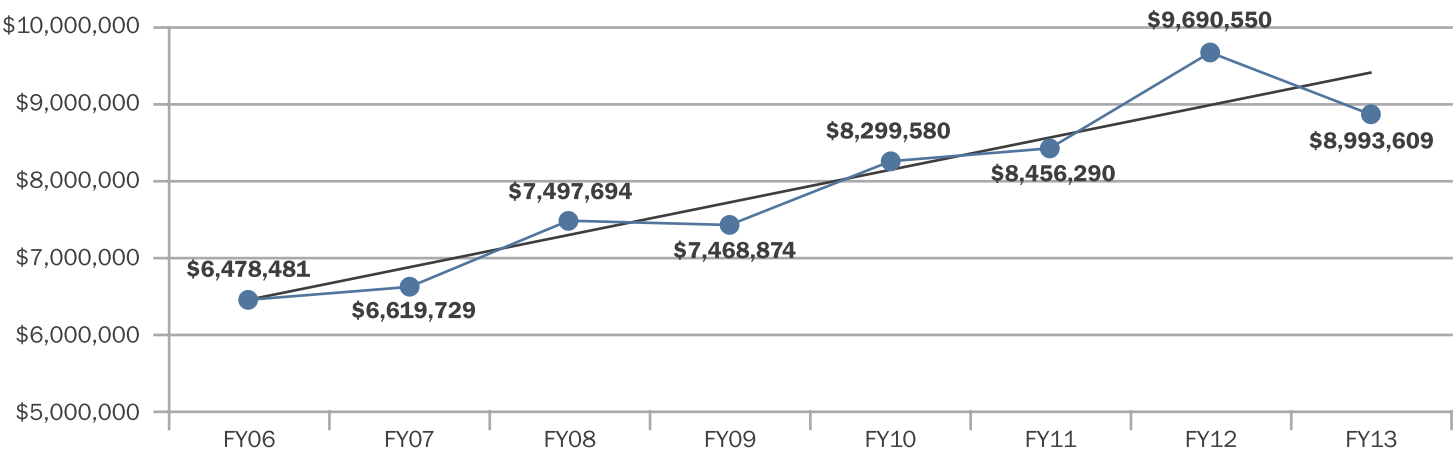
License Fee Revenues



Expenditures

The reason for the FY12 spike in expenditures was due to the one-time-only HB10 appropriation for the new Licensing database of 1.23 million.

Expenditures for all Professional & Occupational Licensing Boards and Programs



Summary of 2013 Legislation

HB 60	Revising termination date for required review of certain boards
HB 61	Allow addiction counselors to treat gambling addictions
HB 140	Generally revising controlled substance laws
HB 184	Revise law on real estate broker liability for sale by owner by salesperson
HB 243	Revise professional engineer, engineer intern, and surveyor examination laws
HB 259	Revising professional, occupational licensing terms regarding military training
HB 274	Revise laws related to licensing of outfitters and guides
HB 308	Revise qualifications for the Montana board of real estate appraisers
SB 64	Revise certain complaint provisions for professional and occupational licensing
SB 139	Require small business impact analyses prior to adoption of administrative rules
SB 149	Revise collaborative practice laws for pharmacy immunizations
SB 172	Revise laws related to dental insurance plans and services
SB 183	Revise licensing laws regarding military service experience
SB 230	Revise laws governing board of speech-language pathologists and audiologists
SB 235	Establish the pharmacy audit integrity act
SB 323	Revise workers' compensation laws on prescribing schedule II and III drugs
SB 343	Generally revise laws related to board of barbers and cosmetologists

Summary of FY12-FY13 Court Cases

FY 2012	Case Number	Case Name	Court Heard	Board
	DV 2011-27	Ranch for Kids	District Court	PAARP
	DV 2012-294	Mayer	District Court	PSY
	ADV 2012-262	Spoja	District Court	FNR
	DV 2012-50	Kerner and D&D Security Patrol	District Court	PSP
	DDV 2012-40	Woods	District Court	RRE
	DV 2011-270	Malyevac	district court	ELE
	BDV 2011-714	Harlow	District Court	PLU
	DV 2011-196	Doubek	District Court	PLU
	DV 2011-137	Graybel	District Court	PLU
	DV 09-842(b)	Heppner	District Court	REA
FY 2013				
	DA 13-0129	Mayer	Supreme Court	PSY
	DDV 2012-657	Golobek	District Court	MED
	ADV 2012-1057	MAAS v. Board	District Court	MED
	DA 13-0186	Caebert	Supreme Court	RRE
	DA 13-0267	Ranch for Kids	Supreme Court	PAARP
	ADV 2012-627(d)	Strable	District Court	REA
	ADV 2013-322	Strable	District Court	REA
	DV 14-39	Murphy	District Court	COS
	DDV 2012-631	Johnson	District Court	PEL
	DV 2011-964(a)	Downs	District Court	PLU
	DA 12-0402	Heppner	District Court	REA

Board and Program Contact Information

Board/Program	Web Address	Email Address
Alternative Health Care	althealth.mt.gov	dlibsdahc@mt.gov
Architects	architect.mt.gov	dlibsdark@mt.gov
Athletic Program	athleticboard.mt.gov	dlibsdatr@mt.gov
Athletic Trainers	athletictrainer.mt.gov	dlibsdatr@mt.gov
Barbers & Cosmetologists	cosmetology.mt.gov	dlibsdcos@mt.gov
Chiropractors	chiropractor.mt.gov	dlibsdcchi@mt.gov
Clinical Laboratory Science Practitioners	cls.mt.gov	dlibsdccls@mt.gov
Dentistry	dentistry.mt.gov	dlibsdden@mt.gov
Electrical	electrician.mt.gov	dlibsdele@mt.gov
Prof Engineers & Land Surveyors	engineer.mt.gov	
Funeral Service	funeral.mt.gov	dlibsdfnr@mt.gov
Hearing Aid Dispensers	hearingaid.mt.gov	dlibsddhad@mt.gov
Landscape Architects	landscapearchitect.mt.gov	dlibsdlar@mt.gov
Licensed Addiction Counselors	lac.mt.gov	dlibsdlac@mt.gov
Massage Therapy	massagetherapists.mt.gov	dlibsdlmt@mt.gov
Medical Examiners	medicalboard.mt.gov & emt.mt.gov	dlibsmed@mt.gov
Nursing	nurse.mt.gov	dlibsdnur@mt.gov
Nursing Home Administrators	nha.mt.gov	dlibsdnha@mt.gov
Occupational Therapy	ot.mt.gov	dlibsdotp@mt.gov
Optometry	optometry.mt.gov	dlibsdopt@mt.gov
Outfitters	outfitter.mt.gov	dlibsout@mt.gov
Pharmacy	pharmacy.mt.gov	dlibsdpah@mt.gov
Physical Therapy	pt.mt.gov	dlibsdppt@mt.gov
Plumbers	plumber.mt.gov	dlibsdppl@mt.gov
Private Alternative Adolescent	paarp.mt.gov	dlibsdpap@mt.gov
Private Security	privatesecurity.mt.gov	dlibsdpdp@mt.gov
Psychologists	psy.mt.gov	dlibsdpdy@mt.gov
Public Accountants	publicaccountant.mt.gov	dlibsdpac@mt.gov
Radiologic Technicians	radiology.mt.gov	dlibsdrts@mt.gov
Real Estate Appraisers	realestateappraiser.mt.gov	dlibsdrda@mt.gov
Realty Regulation	realestate.mt.gov	dlibsdrre@mt.gov
Respiratory Care Practitioners	respcares.mt.gov	dlibsdrpc@mt.gov
Sanitarians	sanitarian.mt.gov	dlibsdsan@mt.gov
Social Workers/Counselors	swpc.mt.gov	dlibsdsdpc@mt.gov
Speech & Audiologists	slpaud.mt.gov	dlibsdsdp@mt.gov
Veterinary	vet.mt.gov	dlibsdvat@mt.gov

Please contact the division administrator, if you have any questions or concerns regarding this report.

Thank You For Reading

Thank you for taking the time to read our report. If you have any questions concerning this report, or have any questions about Professional & Occupational Licensing please get in touch with us.

Todd Younkin, Administrator
Business Standards Division
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www.bsd.dli.mt.gov



Montana Department of
LABOR & INDUSTRY

No cost disclosure is required because the Montana Registered Apprenticeship Governor's Report was printed internally at the Walt Sullivan Building.