

Department of Labor and Industry - Business Standards Division and Professional and Occupational Licensing Board Bills

Division	Concept/Statutes Impacted	Purpose
<p>BSD - One bill with these three parts applicable to all boards</p>	<p>Amend 37-1-121, -131 to Remove Sunset of Active Supervision</p>	<p>Extend active supervision procedures to protect board members from anti-trust liability.</p>
	<p>Amend 37-1-309 to make service effective upon mailing electronically and by regular mail</p>	<p>Some professionals avoid service of notice of disciplinary proceedings, which is accomplished by a certificate of service. This creates a risk to public safety. Because discipline cannot proceed until receipt of service by the licensee and because some licensees avoid service, the reasonable cause for discipline cannot move forward and the case stays in limbo. The proposal requires acceptance of service by regular mail or electronic service in order to serve a license with notice of discipline.</p>
	<p>Officer of private association prohibited from serving as Boardmember</p>	<p>Standard recommended practice for all states in order to avoid conflict of interest between private association interests and board duties.</p>
<p>The following are board specific bills, in alphabetical order</p>		
<p>BARCOS Board of Barbers and Cosmetologists</p>	<p>Add Advanced Practice Esthetician (APE) license to address issue of "Medical Spas"</p>	<p>This bill would address the issue of which BAR-COS practitioners can practice in "medical spas" and what they can do. APE license would be available to estheticians who receive additional education (500 in addition to current 650); practice under supervision of a licensed health care professional (APRN, MD, PA), scope of practice would include "nonablative" procedures (microneedling, dermaplaning, but not likely laser procedures). The board would consult with other interested boards before promulgating rules on APE conduct.</p>
<p>BBH Board of Behavioral Health - one bill with these</p>	<p>Repeal 37-23-202(2) Ease Requirements for Out of State LCPC applicants</p>	<p>Ease overly restrictive license requirements to increase availability for mental health care services in Mont by providing path for people with experience from other states</p>

parts	Clarify title protect; Repeal letters of reference; Modernize gambling disorder terminology	Corrects prior omission to provide title protection to baccalaureate and master's level social workers afforded to clinical social workers. Removes statutory requirements for letters of reference based on other more reliable and useful methods to determine moral character including applicant history questions, background checks, etc. Under the scope of practice of "licensed addiction counselor", correct the term "addiction and gambling dependence impulse control disorder" to "addiction and gambling disorder" to use the clinically accurate term because the old term causes confusion.
PHA Board of Pharmacy	Amend Ti. 50 ch. 32 to incorporate by reference in Board rule DEA updates to Controlled Substances Schedule	Members of the Senate Public Health Committee in 2019 session expressed interest in a more efficient process than updating the schedule in statute. By incorporating the schedule in board rule, the board can more timely update. This authority exists in other states.
PT Board of Physical Therapy	Allow exam to be taken prior to graduation; Amend 37-11-303 to remove requirement of oral interview; Clarify title protection omission in 37-11-301	37-11-303 requires graduation before the exam. In most states, this license type normally allows the exam to be taken before graduation. Statute authorizes "...an oral interview to determine the fitness of the applicant..." Board wants to remove this because oral interviews are subjective and difficult to defend against charges of bias.
PLU Board of Plumbers	Amend 37-69-304, 305, & 323	Repeal requirements for the Board to define "levels of plumbing work". Repeal the requirement for a master plumber to attest to a journeyman plumber's skills before the journeyman can get a master plumber license. This requirement reduces competition, because it creates an opportunity for master plumbers to limit competition by refusing to attest to the skills of a journeyman seeking a master plumber license.
PSY Board of Psychology	Licensure of persons licensed in other states; Repeal oral licensing exam; Create provisional licensure	Amend Ti. 37 ch. 17 to add statute offering provisional license while completing post-doctoral supervision; amend 37-17-310 to remove requirement for senior psychologist level of licensure and oral exam for out of state applicants; amend 37-17-304 to ease requirements for out of state psychologist applicants
VET Board of Veterinary Medicine	Repeal exam for ETTs; Add alternate therapies to scope of practice	There is no longer a national embryo transfer technician (ETT) exam available. Development and administration of a board examination is cost-prohibitive. There is no record of complaints by the public against any ETTs. Standardization with the AAVSB Model Practice Act for alternative therapies.