

HOUSE BILL NO. 685

INTRODUCED BY LORY, BERG

BY REQUEST OF THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

IN THE HOUSE

February 9, 1981	Introduced and referred to Committee on State Administration.
February 11, 1981	Fiscal note requested.
February 16, 1981	Fiscal note returned.
	Committee recommend bill do pass. Report adopted.
February 17, 1981	Bill printed and placed on members' desks.
February 21, 1981	Second reading, do pass.
February 23, 1981	Considered correctly engrossed.
February 24, 1981	Third reading, passed, Ayes, 78; Noes, 19. Transmitted to Senate.

IN THE SENATE

March 2, 1981	Introduced and referred to Committee on State Administration.
March 11, 1981	Committee recommend bill concurred in. Report adopted.
March 12, 1981	Second reading, no affirmative action.
March 13, 1981	Motion pass consideration until March 16, 1981.
March 16, 1981	Second reading, concurred in.
March 18, 1981	Third reading, concurred in. Ayes, 36; Noes, 13.

IN THE HOUSE

March 19, 1981

Returned from Senate.  
Concurred in. Sent to  
enrolling.

Reported correctly enrolled.

1                    HOUSE    BILL NO. 685  
 2    INTRODUCED BY Jay Berg  
 3                    BY REQUEST OF

4    THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

5  
 6    A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
 7    BOARD OF SANITARIANS UNDER EXISTING STATUTORY AUTHORITY AND  
 8    RULES; TO PROVIDE THAT ONE BOARD MEMBER SHALL BE FROM THE  
 9    PUBLIC; TO ESTABLISH MINIMUM EDUCATIONAL STANDARDS; TO  
 10    INCREASE THE RECIPROCITY AND RENEWAL FEE; TO PROVIDE FOR A  
 11    BIENNIAL RENEWAL PERIOD; TO PROVIDE EXPANDED DISCIPLINARY  
 12    GUIDELINES; AMENDING SECTIONS 2-8-103, 2-15-1631, 37-40-302  
 13    THROUGH 37-40-304, 37-40-307, AND 37-40-311, MCA; AND  
 14    PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15  
16    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17            Section 1. Reestablishment. The board of sanitarians  
18    is reestablished for 6 years pursuant to 2-8-122 with its  
19    existing statutory authority and rules.

20            Section 2. Section 2-8-103, MCA, is amended to read:

21            "2-8-103. Agencies to terminate. (1) The following  
22    agencies shall terminate on July 1, 1979:

23            (a) board of abstracters, department of professional  
24    and occupational licensing, created by 2-15-1643;

25            (b) board of real estate, department of professional

1    and occupational licensing, created by 2-15-1642;

2            (c) state board of warm air heating, ventilation, and  
3    air conditioning, department of professional and  
4    occupational licensing, created by 2-15-1656;

5            (d) board of institutions, department of institutions,  
6    created by 2-15-2303.

7            (2) The following agencies shall terminate on July 1,  
8    1981:

9            (a) commission for human rights, department of labor  
10    and industry, created by 2-15-1706;

11            (b) board of athletics, department of professional and  
12    occupational licensing, created by 2-15-1661;

13            (c) board of barbers, department of professional and  
14    occupational licensing, created by 2-15-1625;

15            (d) board of chiropractors, department of professional  
16    and occupational licensing, created by 2-15-1613;

17            (e) board of cosmetologists, department of  
18    professional and occupational licensing, created by  
19    2-15-1626;

20            (f) board of dentists, department of professional and  
21    occupational licensing, created by 2-15-1606;

22            (g) board of hearing aid dispensers, department of  
23    professional and occupational licensing, created by  
24    2-15-1616;

25            (h) board of massage therapists, department of

1 professional and occupational licensing, created by  
2 2-15-1627;

3 (i) Montana state board of medical examiners,  
4 department of professional and occupational licensing,  
5 created by 2-15-1605;

6 (j) board of morticians, department of professional  
7 and occupational licensing, created by 2-15-1619;

8 (k) board of nursing, department of professional and  
9 occupational licensing, created by 2-15-1610;

10 (l) board of nursing home administrators, department  
11 of professional and occupational licensing, created by  
12 2-15-1611;

13 (m) board of optometrists, department of professional  
14 and occupational licensing, created by 2-15-1612;

15 (n) board of osteopathic physicians, department of  
16 professional and occupational licensing, created by  
17 2-15-1607;

18 (o) board of pharmacists, department of professional  
19 and occupational licensing, created by 2-15-1609;

20 (p) board of podiatry examiners, department of  
21 professional and occupational licensing, created by  
22 2-15-1608;

23 (q) board of psychologists, department of professional  
24 and occupational licensing, created by 2-15-1617;

25 (r) board of radiologic technologists, department of

1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202;

10 ~~(v) board of sanitarians, department of professional~~  
11 ~~and occupational licensing, created by 2-15-1631;~~

12 (3) The following units of state government shall  
13 terminate on July 1, 1983:

14 (a) board of aeronautics, department of community  
15 affairs, created by 2-15-1103;

16 (b) state board of hail insurance, department of  
17 agriculture, created by 2-15-3003;

18 (c) board of horse racing, department of professional  
19 and occupational licensing, created by 2-15-1662;

20 (d) board of livestock, department of livestock,  
21 created by 2-15-3102;

22 (e) board of milk control, department of business  
23 regulation, created by 2-15-1802;

24 (f) board of oil and gas conservation, department of  
25 natural resources and conservation, created by 2-15-3303;

1 (g) Montana outfitters council, department of fish,  
2 wildlife, and parks, created by 2-15-3403;

3 (h) public service commission, department of public  
4 service regulation, created by 69-1-102;

5 (i) board of water and wastewater operators,  
6 department of health and environmental sciences, created by  
7 2-15-2105;

8 (j) board of water well contractors, department of  
9 professional and occupational licensing, created by  
10 2-15-1632.

11 (4) The following agencies terminate on July 1, 1985:

12 (a) the board of public accountants, created by  
13 2-15-1641;

14 (b) the board of architects, created by 2-15-1651;

15 (c) state banking board, department of business  
16 regulation, created by 2-15-1803;

17 (d) the state electrical board, created by 2-15-1654;

18 (e) the board of professional engineers and land  
19 surveyors, created by 2-15-1653;

20 (f) office of commissioner of insurance and the  
21 insurance department, state auditor's office, created by  
22 2-15-1902 and 2-15-1903;

23 (g) office of the securities commissioner, state  
24 auditor's office, created by 2-15-1901;

25 (h) the board of landscape architects, created by

1 2-15-1652;

2 (i) the board of county printing, created by  
3 2-15-1102;

4 (j) the board of plumbers, created by 2-15-1655;

5 (k) board of physical therapy examiners, created by  
6 2-15-1628.

7 ~~(5) The following agency terminates on July 1, 1985:~~  
8 ~~the board of sanitarians, department of professional and~~  
9 ~~occupational licensing, created by 2-15-1631."~~

10 Section 3. Section 2-15-1631, MCA, is amended to read:

11 "2-15-1631. Board of sanitarians. (1) There is a board  
12 of sanitarians.

13 (2) The board shall consist of three members appointed  
14 by the governor ~~with the consent of the senate~~. Each member  
15 ~~shall must~~ be a resident of this state, ~~and two of the~~  
16 ~~members must be~~ end-a registered sanitarian sanitarians. One  
17 ~~member must be from the public and not a sanitarian who~~  
18 ~~shall represent the interests of the public at large~~. Each  
19 ~~sanitarian~~ member shall have a minimum of 3 years of  
20 experience practicing as a sanitarian in the state of  
21 Montana.

22 (3) Members shall serve for 3-year terms. One term  
23 shall expire on July 1 of each year.

24 (4) The board is allocated to the department for  
25 administrative purposes only as prescribed in 2-15-121."

1 Section 4. Section 37-40-302, MCA, is amended to read:

2 "37-40-302. Application -- examination -- certificate.

3 (1) A person wishing to practice the profession of  
4 sanitarian may apply to the department for registration on a  
5 form prescribed by the board.

6 (2) An applicant must ~~meet minimum standards set by~~  
7 ~~the board possess a minimum of a bachelor's degree in~~  
8 ~~environmental health or its equivalent from an accredited~~  
9 ~~university or college~~ and must pass an examination given at  
10 a time and place set by the board, ~~but not to exceed 1 year~~  
11 ~~post the date of issuance of the probationary certificate~~  
12 ~~described in subsection (3) below.~~

13 ~~(3) Upon application for registration and payment of~~  
14 ~~the registration fee, a probationary certificate shall be~~  
15 ~~issued.~~

16 ~~(4)~~(3) If the applicant meets the board's standards  
17 and passes the examination prescribed by the board, the  
18 department shall issue a certificate of registration upon  
19 payment of the required fee.

20 ~~(5)~~(4) Holders of current certificates shall be  
21 entitled to append to their name the initials "R.S.".

22 Section 5. Section 37-40-303, MCA, is amended to read:

23 "37-40-303. Licensing sanitarians from other states.

24 The department shall issue a license without examination to  
25 a person who applies to the department, pays a fee of \$35

1 \$50, and submits satisfactory proof to the board that:

2 (1) he is of good moral character; and

3 (2) he is registered or licensed as a sanitarian in a  
4 state which has requirements comparable to those in this  
5 state."

6 Section 6. Section 37-40-304, MCA, is amended to read:

7 "37-40-304. Fees -- renewal. (1) An applicant for a  
8 license shall pay a fee set by the board in an amount  
9 commensurate with examination and administrative costs.

10 (2) A registered sanitarian may renew his license by  
11 paying ~~an annual~~ a biennial fee set by the board, not to  
12 exceed ~~\$10~~ \$80.

13 (3) Renewal fees are due July 1 of ~~the renewal~~  
14 ~~odd-numbered year~~ years. If the renewal fee is not paid, the  
15 license expires. Licenses which have lapsed for failure to  
16 pay renewal fees may be reissued under rules adopted by the  
17 board."

18 Section 7. Section 37-40-307, MCA, is amended to read:

19 "37-40-307. Sanitarian practicing prior to effective  
20 date. A person having practiced as a sanitarian, as defined  
21 by 37-40-101(5), for 1 year prior to July 1, ~~1974~~ 1981, may  
22 be registered as a sanitarian upon making application and  
23 paying the required fee."

24 Section 8. Section 37-40-311, MCA, is amended to read:

25 "37-40-311. Suspension or revocation of license. (1)

1 The board may suspend or revoke a license for the following  
2 reasons:

3 ~~(1)~~(a) unprofessional conduct;  
4 ~~(2)~~(b) fraud and deceit in obtaining a license;  
5 ~~(3)~~(c) gross negligence, incompetency, or misconduct  
6 in the practice as a sanitarian; or

7 ~~(4)~~(d) the conviction of a crime involving moral  
8 turpitude.

9 ~~(2) Any person may bring charges of fraud, deceit,~~  
10 ~~gross negligence, incompetency, or misconduct against a~~  
11 ~~registrant. The charges shall be made by affidavit,~~  
12 ~~subscribed and sworn to by the person making them, and~~  
13 ~~filed with the department. Charges, unless dismissed by the~~  
14 ~~board as unfounded or trivial, must be heard by the board~~  
15 ~~within 3 months after the date on which they were made.~~

16 ~~(3) The board may require a registrant to take a~~  
17 ~~written or oral examination, or both, in a proceeding to~~  
18 ~~reprimand or to revoke, suspend, or refuse to renew a~~  
19 ~~license.~~

20 ~~(4) If, after a hearing, a majority of the board votes~~  
21 ~~in favor of sustaining the charges, the board shall~~  
22 ~~reprimand or suspend, refuse to renew, or revoke the~~  
23 ~~certificate of registration of the professional sanitarian.~~

24 ~~(5) The board, for reasons it considers sufficient,~~  
25 ~~may reissue a certificate of registration to a person whose~~

1 ~~certificate has been revoked if a majority of the members of~~  
2 ~~the board vote in favor of the reissuance. A new certificate~~  
3 ~~of registration, to replace a certificate revoked, lost,~~  
4 ~~destroyed, or mutilated, may be issued by the department,~~  
5 ~~subject to the rules of the board.\*~~

6 Section 9. Coordination with \_\_\_ Bill \_\_\_ [LC 1288].  
7 If \_\_\_ Bill \_\_\_ [LC 1288] introduced in the 47th Legislature  
8 is passed and approved, sections 5 and 6 or other sections  
9 of this act that amend sections 37-40-303 and 37-40-304 are  
10 void and of no effect.

11 Section 10. Effective date. This act is effective on  
12 passage and approval.

-End-

## STATE OF MONTANA

REQUEST NO. 353-81

## FISCAL NOTE

Form BD-15

In compliance with a written request received February 12, 19 81, there is hereby submitted a Fiscal Note for House Bill 685 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to reestablish the Board of Sanitarians under existing statutory authority and rules; to provide that one board member shall be from the public; to establish minimum education standards; to increase the reciprocity and renewal fee; to provide for biennial renewal period; to provide expanded disciplinary guidelines.

Assumptions

1. Assume 138 licensees and 34 probationary certificates
2. Assume 3 board members meet 3 times a year (9 board meeting days)
3. Assume expenditures will remain at current level
4. Assume revenue will reflect high peak during odd-numbered years and low peak during even-numbered years due to biennial license renewal period

<u>Fiscal Impact</u>	<u>FY 1982</u>		<u>FY 1983</u>	
	<u>Current</u>	<u>Proposed</u>	<u>Current</u>	<u>Proposed</u>
Revenue	\$2,500	\$1,000	\$2,500	\$12,040
Expenditures	<u>3,161</u>	<u>3,161</u>	<u>3,198</u>	<u>3,198</u>
Net Effect	\$ (661)	(\$2,161)	\$ (661)	\$ 8,842
Net effect of proposed law over biennium (Earmarked Funds)				\$ 6,681

*David M Lewis*

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-16-81



Approved by Committee  
on State Administration

1                                    HOUSE    BILL NO.    685  
2    INTRODUCED BY Jay Berg  
3                                    BY REQUEST OF  
4    THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

5  
6    A BILL FOR AN ACT ENTITLED:    "AN ACT TO REESTABLISH THE  
7    BOARD OF SANITARIANS UNDER EXISTING STATUTORY AUTHORITY AND  
8    RULES; TO PROVIDE THAT ONE BOARD MEMBER SHALL BE FROM THE  
9    PUBLIC; TO ESTABLISH MINIMUM EDUCATIONAL STANDARDS; TO  
10    INCREASE THE RECIPROCITY AND RENEWAL FEE; TO PROVIDE FOR A  
11    BIENNIAL RENEWAL PERIOD; TO PROVIDE EXPANDED DISCIPLINARY  
12    GUIDELINES; AMENDING SECTIONS 2-8-103, 2-15-1631, 37-40-302  
13    THROUGH 37-40-304, 37-40-307, AND 37-40-311, MCA; AND  
14    PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15  
16    BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17            Section 1. Reestablishment. The board of sanitarians  
18    is reestablished for 6 years pursuant to 2-8-122 with its  
19    existing statutory authority and rules.

20            Section 2. Section 2-8-103, MCA, is amended to read:

21            "2-8-103. Agencies to terminate. (1) The following  
22    agencies shall terminate on July 1, 1979:

23            (a) board of abstracters, department of professional  
24    and occupational licensing, created by 2-15-1643;

25            (b) board of real estate, department of professional

1    and occupational licensing, created by 2-15-1642;  
2            (c) state board of warm air heating, ventilation, and  
3    air conditioning, department of professional and  
4    occupational licensing, created by 2-15-1656;  
5            (d) board of institutions, department of institutions,  
6    created by 2-15-2303.  
7            (2) The following agencies shall terminate on July 1,  
8    1981:  
9            (a) commission for human rights, department of labor  
10    and industry, created by 2-15-1706;  
11            (b) board of athletics, department of professional and  
12    occupational licensing, created by 2-15-1661;  
13            (c) board of barbers, department of professional and  
14    occupational licensing, created by 2-15-1625;  
15            (d) board of chiropractors, department of professional  
16    and occupational licensing, created by 2-15-1613;  
17            (e) board of cosmetologists, department of  
18    professional and occupational licensing, created by  
19    2-15-1626;  
20            (f) board of dentists, department of professional and  
21    occupational licensing, created by 2-15-1606;  
22            (g) board of hearing aid dispensers, department of  
23    professional and occupational licensing, created by  
24    2-15-1616;  
25            (h) board of massage therapists, department of

1 professional and occupational licensing, created by  
2 2-15-1627;

3 (i) Montana state board of medical examiners,  
4 department of professional and occupational licensing,  
5 created by 2-15-1605;

6 (j) board of morticians, department of professional  
7 and occupational licensing, created by 2-15-1619;

8 (k) board of nursing, department of professional and  
9 occupational licensing, created by 2-15-1610;

10 (l) board of nursing home administrators, department  
11 of professional and occupational licensing, created by  
12 2-15-1611;

13 (m) board of optometrists, department of professional  
14 and occupational licensing, created by 2-15-1612;

15 (n) board of osteopathic physicians, department of  
16 professional and occupational licensing, created by  
17 2-15-1607;

18 (o) board of pharmacists, department of professional  
19 and occupational licensing, created by 2-15-1609;

20 (p) board of podiatry examiners, department of  
21 professional and occupational licensing, created by  
22 2-15-1608;

23 (q) board of psychologists, department of professional  
24 and occupational licensing, created by 2-15-1617;

25 (r) board of radiologic technologists, department of

1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202~~1~~<sub>2</sub>;

10 ~~(v) board of sanitarians, department of professional~~  
11 ~~and occupational licensing, created by 2-15-1631~~2~~~~

12 (3) The following units of state government shall  
13 terminate on July 1, 1983:

14 (a) board of aeronautics, department of community  
15 affairs, created by 2-15-1103;

16 (b) state board of hail insurance, department of  
17 agriculture, created by 2-15-3003;

18 (c) board of horse racing, department of professional  
19 and occupational licensing, created by 2-15-1662;

20 (d) board of livestock, department of livestock,  
21 created by 2-15-3102;

22 (e) board of milk control, department of business  
23 regulation, created by 2-15-1802;

24 (f) board of oil and gas conservation, department of  
25 natural resources and conservation, created by 2-15-3303;

1 (g) Montana outfitters council, department of fish,  
2 wildlife, and parks, created by 2-15-3403;  
3 (h) public service commission, department of public  
4 service regulation, created by 69-1-102;  
5 (i) board of water and wastewater operators,  
6 department of health and environmental sciences, created by  
7 2-15-2105;  
8 (j) board of water well contractors, department of  
9 professional and occupational licensing, created by  
10 2-15-1632.  
11 (4) The following agencies terminate on July 1, 1985:  
12 (a) the board of public accountants, created by  
13 2-15-1641;  
14 (b) the board of architects, created by 2-15-1651;  
15 (c) state banking board, department of business  
16 regulation, created by 2-15-1803;  
17 (d) the state electrical board, created by 2-15-1654;  
18 (e) the board of professional engineers and land  
19 surveyors, created by 2-15-1653;  
20 (f) office of commissioner of insurance and the  
21 insurance department, state auditor's office, created by  
22 2-15-1902 and 2-15-1903;  
23 (g) office of the securities commissioner, state  
24 auditor's office, created by 2-15-1901;  
25 (h) the board of landscape architects, created by

1 2-15-1652;  
2 (i) the board of county printing, created by  
3 2-15-1102;  
4 (j) the board of plumbers, created by 2-15-1655;  
5 (k) board of physical therapy examiners, created by  
6 2-15-1628.  
7 ~~(5) The following agency terminates on July 1, 1987:~~  
8 ~~the board of sanitarians, department of professional and~~  
9 ~~occupational licensing, created by 2-15-1631."~~  
10 Section 3. Section 2-15-1631, MCA, is amended to read:  
11 "2-15-1631. Board of sanitarians. (1) There is a board  
12 of sanitarians.  
13 (2) The board shall consist of three members appointed  
14 by the governor ~~with the consent of the senate~~. Each member  
15 ~~shall~~ ~~must~~ be a resident of this state, ~~and two of the~~  
16 ~~members must be and-a registered sanitarien sanitarians. One~~  
17 ~~member must be from the public and not a sanitarian who~~  
18 ~~shall represent the interests of the public at large~~. Each  
19 ~~sanitarian~~ member shall have a minimum of 3 years of  
20 experience practicing as a sanitarian in the state of  
21 Montana.  
22 (3) Members shall serve for 3-year terms. One term  
23 shall expire on July 1 of each year.  
24 (4) The board is allocated to the department for  
25 administrative purposes only as prescribed in 2-15-121."

1 Section 4. Section 37-40-302, MCA, is amended to read:

2 "37-40-302. Application -- examination -- certificate.

3 (1) A person wishing to practice the profession of  
4 sanitarian may apply to the department for registration on a  
5 form prescribed by the board.

6 (2) An applicant must ~~meet minimum standards set by~~  
7 ~~the board possess a minimum of a bachelor's degree in~~  
8 ~~environmental health or its equivalent from an accredited~~  
9 ~~university or college~~ and must pass an examination given at  
10 a time and place set by the board, ~~but not to exceed 1 year~~  
11 ~~post the date of issuance of the probationary certificate~~  
12 ~~described in subsection (3) below.~~

13 ~~(3) Upon application for registration and payment of~~  
14 ~~the registration fee, a probationary certificate shall be~~  
15 ~~issued.~~

16 ~~(4)~~(3) If the applicant meets the board's standards  
17 and passes the examination prescribed by the board, the  
18 department shall issue a certificate of registration upon  
19 payment of the required fee.

20 ~~(5)~~(4) Holders of current certificates shall be  
21 entitled to append to their name the initials "R.S.".

22 Section 5. Section 37-40-303, MCA, is amended to read:

23 "37-40-303. Licensing sanitarians from other states.

24 The department shall issue a license without examination to  
25 a person who applies to the department, pays a fee of \$35

1 \$50, and submits satisfactory proof to the board that:

2 (1) he is of good moral character; and

3 (2) he is registered or licensed as a sanitarian in a  
4 state which has requirements comparable to those in this  
5 state."

6 Section 6. Section 37-40-304, MCA, is amended to read:

7 "37-40-304. Fees -- renewal. (1) An applicant for a  
8 license shall pay a fee set by the board in an amount  
9 commensurate with examination and administrative costs.

10 (2) A registered sanitarian may renew his license by  
11 paying an ~~annual~~ biennial fee set by the board, not to  
12 exceed ~~\$10~~ \$80.

13 (3) Renewal fees are due July 1 of the ~~renewal~~  
14 ~~odd-numbered year~~ years. If the renewal fee is not paid, the  
15 license expires. Licenses which have lapsed for failure to  
16 pay renewal fees may be reissued under rules adopted by the  
17 board."

18 Section 7. Section 37-40-307, MCA, is amended to read:

19 "37-40-307. Sanitarian practicing prior to effective  
20 date. A person having practiced as a sanitarian, as defined  
21 by 37-40-101(5), for 1 year prior to July 1, ~~1974~~ 1981, may  
22 be registered as a sanitarian upon making application and  
23 paying the required fee."

24 Section 8. Section 37-40-311, MCA, is amended to read:

25 "37-40-311. Suspension or revocation of license. (1)

1 The board may suspend or revoke a license for the following  
2 reasons:

- 3 ~~(1)(a)~~ unprofessional conduct;  
4 ~~(2)(b)~~ fraud and deceit in obtaining a license;  
5 ~~(3)(c)~~ gross negligence, incompetency, or misconduct  
6 in the practice as a sanitarian; or  
7 ~~(4)(d) the conviction of a crime involving moral~~  
8 ~~turpitude.~~

9 ~~(2) Any person may bring charges of fraud, deceit,~~  
10 ~~gross negligence, incompetency, or misconduct against a~~  
11 ~~registrant. The charges shall be made by affidavit,~~  
12 ~~subscribed, and sworn to by the person making them, and~~  
13 ~~filed with the department. Charges, unless dismissed by the~~  
14 ~~board as unfounded or trivial, must be heard by the board~~  
15 ~~within 3 months after the date on which they were made.~~

16 ~~(3) The board may require a registrant to take a~~  
17 ~~written or oral examination, or both, in a proceeding to~~  
18 ~~reprimand or to revoke, suspend, or refuse to renew a~~  
19 ~~license.~~

20 ~~(4) If, after a hearing, a majority of the board votes~~  
21 ~~in favor of sustaining the charges, the board shall~~  
22 ~~reprimand or suspend, refuse to renew, or revoke the~~  
23 ~~certificate of registration of the professional sanitarian.~~

24 ~~(5) The board, for reasons it considers sufficient,~~  
25 ~~may reissue a certificate of registration to a person whose~~

1 ~~certificate has been revoked if a majority of the members of~~  
2 ~~the board vote in favor of the reissuance. A new certificate~~  
3 ~~of registration, to replace a certificate revoked, lost,~~  
4 ~~destroyed, or mutilated, may be issued by the department,~~  
5 ~~subject to the rules of the board."~~

6 Section 9. Coordination with \_\_\_ Bill \_\_\_ [LC 1288].  
7 If \_\_\_ Bill \_\_\_ [LC 1288] introduced in the 47th Legislature  
8 is passed and approved, sections 5 and 6 or other sections  
9 of this act that amend sections 37-40-303 and 37-40-304 are  
10 void and of no effect.

11 Section 10. Effective date. This act is effective on  
12 passage and approval.

-End-

HB 685



1 professional and occupational licensing, created by  
2 2-15-1627;

3 (i) Montana state board of medical examiners,  
4 department of professional and occupational licensing,  
5 created by 2-15-1605;

6 (j) board of morticians, department of professional  
7 and occupational licensing, created by 2-15-1619;

8 (k) board of nursing, department of professional and  
9 occupational licensing, created by 2-15-1610;

10 (l) board of nursing home administrators, department  
11 of professional and occupational licensing, created by  
12 2-15-1611;

13 (m) board of optometrists, department of professional  
14 and occupational licensing, created by 2-15-1612;

15 (n) board of osteopathic physicians, department of  
16 professional and occupational licensing, created by  
17 2-15-1607;

18 (o) board of pharmacists, department of professional  
19 and occupational licensing, created by 2-15-1609;

20 (p) board of podiatry examiners, department of  
21 professional and occupational licensing, created by  
22 2-15-1608;

23 (q) board of psychologists, department of professional  
24 and occupational licensing, created by 2-15-1617;

25 (r) board of radiologic technologists, department of

1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202~~1~~;

10 ~~(v) board of sanitarians, department of professional~~  
11 ~~and occupational licensing, created by 2-15-1631;~~

12 (3) The following units of state government shall  
13 terminate on July 1, 1983:

14 (a) board of aeronautics, department of community  
15 affairs, created by 2-15-1103;

16 (b) state board of hail insurance, department of  
17 agriculture, created by 2-15-3003;

18 (c) board of horse racing, department of professional  
19 and occupational licensing, created by 2-15-1662;

20 (d) board of livestock, department of livestock,  
21 created by 2-15-3102;

22 (e) board of milk control, department of business  
23 regulation, created by 2-15-1802;

24 (f) board of oil and gas conservation, department of  
25 natural resources and conservation, created by 2-15-3303;

1 (g) Montana outfitters council, department of fish,  
2 wildlife, and parks, created by 2-15-3403;

3 (h) public service commission, department of public  
4 service regulation, created by 69-1-102;

5 (i) board of water and wastewater operators,  
6 department of health and environmental sciences, created by  
7 2-15-2105;

8 (j) board of water well contractors, department of  
9 professional and occupational licensing, created by  
10 2-15-1632.

11 (4) The following agencies terminate on July 1, 1985:

12 (a) the board of public accountants, created by  
13 2-15-1641;

14 (b) the board of architects, created by 2-15-1651;

15 (c) state banking board, department of business  
16 regulation, created by 2-15-1803;

17 (d) the state electrical board, created by 2-15-1654;

18 (e) the board of professional engineers and land  
19 surveyors, created by 2-15-1653;

20 (f) office of commissioner of insurance and the  
21 insurance department, state auditor's office, created by  
22 2-15-1902 and 2-15-1903;

23 (g) office of the securities commissioner, state  
24 auditor's office, created by 2-15-1901;

25 (h) the board of landscape architects, created by

1 2-15-1652;

2 (i) the board of county printing, created by  
3 2-15-1102;

4 (j) the board of plumbers, created by 2-15-1655;

5 (k) board of physical therapy examiners, created by  
6 2-15-1628.

7 (5) The following agency terminates on July 1, 1987:  
8 the board of sanitarians, department of professional and  
9 occupational licensing, created by 2-15-1631."

10 Section 3. Section 2-15-1631, MCA, is amended to read:

11 "2-15-1631. Board of sanitarians. (1) There is a board  
12 of sanitarians.

13 (2) The board shall consist of three members appointed  
14 by the governor with the consent of the senate. Each member  
15 shall must be a resident of this state, and two of the  
16 members must be and-a registered sanitarian sanitarians. One  
17 member must be from the public and not a sanitarian who  
18 shall represent the interests of the public at large. Each  
19 sanitarian member shall have a minimum of 3 years of  
20 experience practicing as a sanitarian in the state of  
21 Montana.

22 (3) Members shall serve for 3-year terms. One term  
23 shall expire on July 1 of each year.

24 (4) The board is allocated to the department for  
25 administrative purposes only as prescribed in 2-15-121."



1 Section 4. Section 37-40-302, MCA, is amended to read:

2 "37-40-302. Application -- examination -- certificate.

3 (1) A person wishing to practice the profession of  
4 sanitarian may apply to the department for registration on a  
5 form prescribed by the board.

6 (2) An applicant must ~~meet minimum standards set by~~  
7 ~~the board possess a minimum of a bachelor's degree in~~  
8 ~~environmental health or its equivalent from an accredited~~  
9 ~~university or college~~ and must pass an examination given at  
10 a time and place set by the board, ~~but not to exceed 1 year~~  
11 ~~past the date of issuance of the probationary certificate~~  
12 ~~described in subsection (3) below.~~

13 ~~(3) Upon application for registration and payment of~~  
14 ~~the registration fee, a probationary certificate shall be~~  
15 ~~issued.~~

16 ~~(4)(3)~~ If the applicant meets the board's standards  
17 and passes the examination prescribed by the board, the  
18 department shall issue a certificate of registration upon  
19 payment of the required fee.

20 ~~(5)(4)~~ Holders of current certificates shall be  
21 entitled to append to their name the initials "R.S.".

22 Section 5. Section 37-40-303, MCA, is amended to read:

23 "37-40-303. Licensing sanitarians from other states.

24 The department shall issue a license without examination to  
25 a person who applies to the department, pays a fee of \$35

1 \$50, and submits satisfactory proof to the board that:

2 (1) he is of good moral character; and

3 (2) he is registered or licensed as a sanitarian in a  
4 state which has requirements comparable to those in this  
5 state."

6 Section 6. Section 37-40-304, MCA, is amended to read:

7 "37-40-304. Fees -- renewal. (1) An applicant for a  
8 license shall pay a fee set by the board in an amount  
9 commensurate with examination and administrative costs.

10 (2) A registered sanitarian may renew his license by  
11 paying ~~an annual~~ a biennial fee set by the board, not to  
12 exceed ~~\$10~~ \$80.

13 (3) Renewal fees are due July 1 of the ~~renewal~~  
14 odd-numbered year years. If the renewal fee is not paid, the  
15 license expires. Licenses which have lapsed for failure to  
16 pay renewal fees may be reissued under rules adopted by the  
17 board."

18 Section 7. Section 37-40-307, MCA, is amended to read:

19 "37-40-307. Sanitarian practicing prior to effective  
20 date. A person having practiced as a sanitarian, as defined  
21 by 37-40-101(5), for 1 year prior to July 1, ~~1974~~ 1981, may  
22 be registered as a sanitarian upon making application and  
23 paying the required fee."

24 Section 8. Section 37-40-311, MCA, is amended to read:

25 "37-40-311. Suspension or revocation of license. (1)

1 The board may suspend or revoke a license for the following  
2 reasons:

- 3 ~~(1)~~(a) unprofessional conduct;  
4 ~~(2)~~(b) fraud and deceit in obtaining a license;  
5 ~~(3)~~(c) gross negligence, incompetency, or misconduct  
6 in the practice as a sanitarian; or  
7 ~~(4)~~(d) the conviction of a crime involving moral  
8 turpitude.

9 (2) Any person may bring charges of fraud, deceit,  
10 gross negligence, incompetency, or misconduct against a  
11 registrant. The charges shall be made by affidavit,  
12 subscribed, and sworn to by the person making them, and  
13 filed with the department. Charges, unless dismissed by the  
14 board as unfounded or trivial, must be heard by the board  
15 within 3 months after the date on which they were made.

16 (3) The board may require a registrant to take a  
17 written or oral examination, or both, in a proceeding to  
18 reprimand or to revoke, suspend, or refuse to renew a  
19 license.

20 (4) If, after a hearing, a majority of the board votes  
21 in favor of sustaining the charges, the board shall  
22 reprimand or suspend, refuse to renew, or revoke the  
23 certificate of registration of the professional sanitarian.

24 (5) The board, for reasons it considers sufficient,  
25 may reissue a certificate of registration to a person whose

1 certificate has been revoked if a majority of the members of  
2 the board vote in favor of the reissuance. A new certificate  
3 of registration, to replace a certificate revoked, lost,  
4 destroyed, or mutilated, may be issued by the department,  
5 subject to the rules of the board."

6 Section 9. Coordination with \_\_\_ Bill \_\_\_ [LC 1288].  
7 If \_\_\_ Bill \_\_\_ [LC 1288] introduced in the 47th Legislature  
8 is passed and approved, sections 5 and 6 or other sections  
9 of this act that amend sections 37-40-303 and 37-40-304 are  
10 void and of no effect.

11 Section 10. Effective date. This act is effective on  
12 passage and approval.

-End-

1 HOUSE BILL NO. 685  
 2 INTRODUCED BY LORY, BERG  
 3 BY REQUEST OF  
 4 THE DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL LICENSING

5  
 6 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE  
 7 BOARD OF SANITARIANS UNDER EXISTING STATUTORY AUTHORITY AND  
 8 RULES; TO PROVIDE THAT ONE BOARD MEMBER SHALL BE FROM THE  
 9 PUBLIC; TO ESTABLISH MINIMUM EDUCATIONAL STANDARDS; TO  
 10 INCREASE THE RECIPROCITY AND RENEWAL FEE; TO PROVIDE FOR A  
 11 BIENNIAL RENEWAL PERIOD; TO PROVIDE EXPANDED DISCIPLINARY  
 12 GUIDELINES; AMENDING SECTIONS 2-8-103, 2-15-1631, 37-40-302  
 13 THROUGH 37-40-304, 37-40-307, AND 37-40-311, MCA; AND  
 14 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

15  
 16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

17 Section 1. Reestablishment. The board of sanitarians  
 18 is reestablished for 6 years pursuant to 2-8-122 with its  
 19 existing statutory authority and rules.

20 Section 2. Section 2-8-103, MCA, is amended to read:

21 "2-8-103. Agencies to terminate. (1) The following  
 22 agencies shall terminate on July 1, 1979:

23 (a) board of abstractors, department of professional  
 24 and occupational licensing, created by 2-15-1643;

25 (b) board of real estate, department of professional

1 and occupational licensing, created by 2-15-1642;  
 2 (c) state board of warm air heating, ventilation, and  
 3 air conditioning, department of professional and  
 4 occupational licensing, created by 2-15-1656;  
 5 (d) board of institutions, department of institutions,  
 6 created by 2-15-2303.

7 (2) The following agencies shall terminate on July 1,  
 8 1981:

9 (a) commission for human rights, department of labor  
 10 and industry, created by 2-15-1706;

11 (b) board of athletics, department of professional and  
 12 occupational licensing, created by 2-15-1661;

13 (c) board of barbers, department of professional and  
 14 occupational licensing, created by 2-15-1625;

15 (d) board of chiropractors, department of professional  
 16 and occupational licensing, created by 2-15-1613;

17 (e) board of cosmetologists, department of  
 18 professional and occupational licensing, created by  
 19 2-15-1626;

20 (f) board of dentists, department of professional and  
 21 occupational licensing, created by 2-15-1606;

22 (g) board of hearing aid dispensers, department of  
 23 professional and occupational licensing, created by  
 24 2-15-1616;

25 (h) board of massage therapists, department of

1 professional and occupational licensing, created by  
2 2-15-1627;

3 (i) Montana state board of medical examiners,  
4 department of professional and occupational licensing,  
5 created by 2-15-1605;

6 (j) board of morticians, department of professional  
7 and occupational licensing, created by 2-15-1619;

8 (k) board of nursing, department of professional and  
9 occupational licensing, created by 2-15-1610;

10 (l) board of nursing home administrators, department  
11 of professional and occupational licensing, created by  
12 2-15-1611;

13 (m) board of optometrists, department of professional  
14 and occupational licensing, created by 2-15-1612;

15 (n) board of osteopathic physicians, department of  
16 professional and occupational licensing, created by  
17 2-15-1607;

18 (o) board of pharmacists, department of professional  
19 and occupational licensing, created by 2-15-1609;

20 (p) board of podiatry examiners, department of  
21 professional and occupational licensing, created by  
22 2-15-1608;

23 (q) board of psychologists, department of professional  
24 and occupational licensing, created by 2-15-1617;

25 (r) board of radiologic technologists, department of

1 professional and occupational licensing, created by  
2 2-15-1614;

3 (s) board of speech pathologists and audiologists,  
4 department of professional and occupational licensing,  
5 created by 2-15-1615;

6 (t) board of veterinarians, department of professional  
7 and occupational licensing, created by 2-15-1618;

8 (u) board of veterans' affairs, department of social  
9 and rehabilitation services, created by 2-15-2202+;

10 ~~(v) board of sanitarians, department of professional~~  
11 ~~and occupational licensing, created by 2-15-1631;~~

12 (3) The following units of state government shall  
13 terminate on July 1, 1983:

14 (a) board of aeronautics, department of community  
15 affairs, created by 2-15-1103;

16 (b) state board of hail insurance, department of  
17 agriculture, created by 2-15-3003;

18 (c) board of horse racing, department of professional  
19 and occupational licensing, created by 2-15-1662;

20 (d) board of livestock, department of livestock,  
21 created by 2-15-3102;

22 (e) board of milk control, department of business  
23 regulation, created by 2-15-1802;

24 (f) board of oil and gas conservation, department of  
25 natural resources and conservation, created by 2-15-3303;

1 (g) Montana outfitters council, department of fish,  
 2 wildlife, and parks, created by 2-15-3403;  
 3 (h) public service commission, department of public  
 4 service regulation, created by 69-1-102;  
 5 (i) board of water and wastewater operators,  
 6 department of health and environmental sciences, created by  
 7 2-15-2105;  
 8 (j) board of water well contractors, department of  
 9 professional and occupational licensing, created by  
 10 2-15-1632.  
 11 (4) The following agencies terminate on July 1, 1985:  
 12 (a) the board of public accountants, created by  
 13 2-15-1641;  
 14 (b) the board of architects, created by 2-15-1651;  
 15 (c) state banking board, department of business  
 16 regulation, created by 2-15-1803;  
 17 (d) the state electrical board, created by 2-15-1654;  
 18 (e) the board of professional engineers and land  
 19 surveyors, created by 2-15-1653;  
 20 (f) office of commissioner of insurance and the  
 21 insurance department, state auditor's office, created by  
 22 2-15-1902 and 2-15-1903;  
 23 (g) office of the securities commissioner, state  
 24 auditor's office, created by 2-15-1901;  
 25 (h) the board of landscape architects, created by

1 2-15-1652;  
 2 (i) the board of county printing, created by  
 3 2-15-1102;  
 4 (j) the board of plumbers, created by 2-15-1655;  
 5 (k) board of physical therapy examiners, created by  
 6 2-15-1628.  
 7 (5) The following agency terminates on July 1, 1987:  
 8 the board of sanitarians, department of professional and  
 9 occupational licensing, created by 2-15-1631."  
 10 Section 3. Section 2-15-1631, MCA, is amended to read:  
 11 "2-15-1631. Board of sanitarians. (1) There is a board  
 12 of sanitarians.  
 13 (2) The board shall consist of three members appointed  
 14 by the governor with the consent of the senate. Each member  
 15 shall must be a resident of this state, and two of the  
 16 members must be ~~and a~~ registered ~~sanitarian~~ sanitarians. One  
 17 member must be from the public and not a sanitarian who  
 18 shall represent the interests of the public at large. Each  
 19 sanitarian member shall have a minimum of 3 years of  
 20 experience practicing as a sanitarian in the state of  
 21 Montana.  
 22 (3) Members shall serve for 3-year terms. One term  
 23 shall expire on July 1 of each year.  
 24 (4) The board is allocated to the department for  
 25 administrative purposes only as prescribed in 2-15-121."

1 Section 4. Section 37-40-302, MCA, is amended to read:

2 "37-40-302. Application -- examination -- certificate.

3 (1) A person wishing to practice the profession of  
4 sanitarian may apply to the department for registration on a  
5 form prescribed by the board.

6 (2) An applicant must meet ~~minimum standards set by~~  
7 the board possess a minimum of a bachelor's degree in  
8 environmental health or its equivalent from an accredited  
9 university or college and must pass an examination given at  
10 a time and place set by the board, ~~but not to exceed 1 year~~  
11 ~~past the date of issuance of the probationary certificate~~  
12 ~~described in subsection (3) below.~~

13 ~~(3) Upon application for registration and payment of~~  
14 ~~the registration fee, a probationary certificate shall be~~  
15 ~~issued.~~

16 ~~(4)~~ (3) If the applicant meets the board's standards  
17 and passes the examination prescribed by the board, the  
18 department shall issue a certificate of registration upon  
19 payment of the required fee.

20 ~~(5)~~ (4) Holders of current certificates shall be  
21 entitled to append to their name the initials "R.S.".

22 Section 5. Section 37-40-303, MCA, is amended to read:

23 "37-40-303. Licensing sanitarians from other states.

24 The department shall issue a license without examination to  
25 a person who applies to the department, pays a fee of \$35

1 \$50, and submits satisfactory proof to the board that:

2 (1) he is of good moral character; and

3 (2) he is registered or licensed as a sanitarian in a  
4 state which has requirements comparable to those in this  
5 state."

6 Section 6. Section 37-40-304, MCA, is amended to read:

7 "37-40-304. Fees -- renewal. (1) An applicant for a  
8 license shall pay a fee set by the board in an amount  
9 commensurate with examination and administrative costs.

10 (2) A registered sanitarian may renew his license by  
11 paying ~~an annual~~ a biennial fee set by the board, not to  
12 exceed \$10 \$40.

13 (3) Renewal fees are due July 1 of the ~~renewal~~  
14 odd-numbered year years. If the renewal fee is not paid, the  
15 license expires. Licenses which have lapsed for failure to  
16 pay renewal fees may be reissued under rules adopted by the  
17 board."

18 Section 7. Section 37-40-307, MCA, is amended to read:

19 "37-40-307. Sanitarian practicing prior to effective  
20 date. A person having practiced as a sanitarian, as defined  
21 by 37-40-101(5), for 1 year prior to July 1, 1974 1981, may  
22 be registered as a sanitarian upon making application and  
23 paying the required fee."

24 Section 8. Section 37-40-311, MCA, is amended to read:

25 "37-40-311. Suspension or revocation of license. (1)

1 The board may suspend or revoke a license for the following  
 2 reasons:

- 3 (1) (a) unprofessional conduct;
- 4 (2) (b) fraud and deceit in obtaining a license;
- 5 (3) (c) gross negligence, incompetency, or misconduct
- 6 in the practice as a sanitarian; or
- 7 (4) (d) the conviction of a crime involving moral
- 8 turpitude.

9 (2) Any person may bring charges of fraud, deceit,  
 10 gross negligence, incompetency, or misconduct against a  
 11 registrant. The charges shall be made by affidavit,  
 12 subscribed, and sworn to by the person making them, and  
 13 filed with the department. Charges, unless dismissed by the  
 14 board as unfounded or trivial, must be heard by the board  
 15 within 3 months after the date on which they were made.

16 (3) The board may require a registrant to take a  
 17 written or oral examination, or both, in a proceeding to  
 18 reprimand or to revoke, suspend, or refuse to renew a  
 19 license.

20 (4) If, after a hearing, a majority of the board votes  
 21 in favor of sustaining the charges, the board shall  
 22 reprimand or suspend, refuse to renew, or revoke the  
 23 certificate of registration of the professional sanitarian.

24 (5) The board, for reasons it considers sufficient,  
 25 may reissue a certificate of registration to a person whose

1 certificate has been revoked if a majority of the members of  
 2 the board vote in favor of the reissuance. A new certificate  
 3 of registration, to replace a certificate revoked, lost,  
 4 destroyed, or mutilated, may be issued by the department,  
 5 subject to the rules of the board."

6 Section 9. Coordination with \_\_\_ Bill \_\_\_ [LC 1288].  
 7 If \_\_\_ Bill \_\_\_ [LC 1288] introduced in the 47th Legislature  
 8 is passed and approved, sections 5 and 6 or other sections  
 9 of this act that amend sections 37-40-303 and 37-40-304 are  
 10 void and of no effect.

11 Section 10. Effective date. This act is effective on  
 12 passage and approval.

-End-