HOUSE BILL NO. 685

INTRODUCED BY LORY, BERG

BY REQUEST OF THE DEPARTMENT OF PROPESSIONAL AND OCCUPATIONAL LICENSING

IN THE HOUSE

February 9, 1981	Introduced and referred to Committee on State Administration.
February 11, 1981	Piscal 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 DEHATE

Merch 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 Joy 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 SOARD MEMBER SHALL BE FROM THE
9	PUBLIC; TO ESTABLISH MINIMUM EDUCATIONAL STANDARDS; TS
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
13	is reastablished 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_{\P}
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

(h) board of massage therapists, department of

2-15-1616;

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-2- INTRODUCED BILL HB 685

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

- 3 (i) Montana state board of medical examiners, department of professional and occupational licensing, 4 5 created by 2-15-1605:
- (i) board of morticians, department of professional 6 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;
- (1) board of nursing home administrators, department 10 11 of professional and occupational licensing, created by 2-15-1611; 12
- 13 (m) board of optometrists, department of professional and occupational licensing, created by 2-15-1612; 14
- 15 (n) board of osteopathic physicians, department of 16 professional and occupational licensing, created by 17 2-15-1607;
- (o) board of pharmacists, department of professional 18 and occupational licensing, created by 2-15-1609; 19
- 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 and occupational licensing, created by 2-15-1617; 24
- (r) board of radiologic technologists, department of 25

1	professional	and	occupational	licensing.	created	Эγ
2	2-15-1614;			-		

- (s) board of speech pathologists and audiclogists, department of professional and occupational licensing, created by 2-15-1615;
- (t) board of veterinarians, department of professional 6 and occupational licensing, created by 2-15-1618; 7
- (u) board of veterans' affairs, department of social and rehabilitation services, created by 2-15-22021s 9
 - (v)--board--of--sanitarionsy-department-of-professional and-occupational-licensing,-created-by-2-15-1631*
- (3) The following units of state government shall 12 13 terminate on July 1, 1983:
- (a) board of aeronautics, department of community 14 affairs, created by 2-15-1103; 15
- (b) state board of hail insurance, department of 16 agriculture, created by 2-15-3003; 17
- (c) board of horse racing, department of professional 31 and occupational licensing, created by 2-15-1662;
- (d) board of livestock, department of livestock, 20 created by 2-15-3102; 21
- (e) board of milk control, department of business 22 regulation, created by 2-15-1802; 23
- (f) board of oil and gas conservation, department of 24 natural resources and conservation, created by 2-15-3303; 25

- 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 2-15-1632.
- 11 (4) The following agencies terminate on July 1, 1985:
- 12 (a) the board of public accountants, created by 2-15-1641;
- (b) the board of architects, created by 2-15-1651;
- 15 (c) state banking board, department of business 16 regulation, created by 2-15-1303;
- 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 (i) 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:
- 3 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.
ż	(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-standerds-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 y-but-not-to-exceed-l-year
11	post-the-date-of-issuance-oftheprobationarycertificate
12	described-in-subsection-(3)-below.
13	{3}Uponapplicationfor-registration-and-payment-of
14	the-registration-feey-a-probationarycertificateshallbe
15	faaueda
16	(4)(3) If the applicant meets the board's standards

payment of the required fee.

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

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

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

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

and passes the examination prescribed by the board, the

department shall issue a certificate of registration upon

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- 1 \$50, and submits satisfactory proof to the board that:
 - (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.
- 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 <u>odd-numbered year years</u>. 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."
- Saction 7. Section 37-40-307, MCA, is amended to read:

 "37-40-307. Sanitarian practicing prior to effective
 date. A person having practiced as a sanitarian, as defined
 by 37-40-101(5), for 1 year prior to July 1, 1974 1981, may
 be registered as a sanitarian upon making application and
 paying the required fee."
- Section 8. Section 37-40-311. MCA, is amended to read:

 "37-40-311. Suspension or revocation of license. (11)

The board may suspend or revoke a license for the following 2 reasons: (1)(a) unprofessional conduct: 3 #21(b) fraud and deceit in obtaining a license; (3)(c) gross negligence, incompetency, or misconduct in the practice as a sanitarian; or f4f(d) the conviction of a crime involving moral 7 8 turoitude. 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 affidayit. subscribed, and sworn to by the person making them, and 12 13 filed with the department. Charges, unless dismissed by the board as unfounded or trivial, must be neard by the board 14 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

the board vote in fayor of the reissuance. A new certificate

of registration. to replace a certificate revoked. lost.

destroyed. or mutilated. may be issued by the department.

subject to the rules of the board.*

Section 9. Coordination with ___ Bill ___ [LC 1288].

If ___ Bill ___ [LC 1288] introduced in the 47th Legislature

is passed and approved, sections 5 and 6 or other sections

of this act that amend sections 37-40-303 and 37-40-304 are

void and of no effect.

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

-End-

STATE OF MONTANA

REQUEST NO. __353-81

FISCAL NOTE

Form BD-15

In compliance with a written request received <u>February 12</u> , 19 <u>81</u> , 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

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

BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2 1/6 - X/

Approved by Committee on State Administration

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3	BY REQUEST OF
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9	PUBLIC; TO ESTABLISH MINIMUM EDUCATIONAL STANDARDS; TO
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11	BIENNIAL RENEWAL PERIOD; TO PROVIDE EXPANDED DISCIPLINARY
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13	THROUGH 37-40-304, 37-40-307, AND 37-40-311, MCA; AND
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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;

(h) board of massage therapists, department of

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- SECOND READING HB685

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

- 3 (i) Montana state board of medical examiners, department of professional and occupational licensing, created by 2-15-1605; 5
 - (j) board of morticians, department of professional and occupational licensing, created by 2-15-1619;

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- 8 (k) board of nursing, department of professional and occupational licensing, created by 2-15-1610; Q
- 10 (1) board of nursing home administrators, department 11 of professional and occupational licensing, created by 12 2-15-1611:
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- 18 (o) board of pharmacists, department of professional 19 and occupational licensing, created by 2-15-1609;
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- (q) board of psychologists, department of professional 23 24 and occupational licensing, created by 2-15-1617;
- 25 (r) board of radiologic technologists, department of

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- professional occupational licensing, created by and 2-15-1614; 2
- 3 (s) board of speech pathologists and audiologists. department of professional and occupational licensing, created by 2-15-1615; 5
- (t) board of veterinarians, department of professional 6 7 and occupational licensing, created by 2-15-1618;
- (u) board of veterans' affairs, department of social 8 9 and rehabilitation services, created by 2-15-2202+
- fv1--board--of--senitarionsy-department-of-professional 10 and-occupational-licensingy-created-by-2-15-1631* 11
- (3) The following units of state government shall 12 terminate on July 1, 1983: 13
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- (f) board of oil and gas conservation, department of 24 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;
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- 5 (i) board of water and wastewater operators,
 6 department of health and environmental sciences, created by
 7 2-15-2105;
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- 17 (d) the state electrical board, created by 2-15-1654;
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- 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 (q) office of the securities commissioner, state
- 24 auditor's office, created by 2-15-1901;
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- 3 2-15-1102;
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- 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
- 16 members must be end-a registered sanitarian sanitarians. One

shall must be a resident of this state, and two of the

- 17 member must be from the public and not a sanitarian who
- 18 shall represent the interests of the public at large. Each
- 19 <u>sanitarian</u> 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.

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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 y-but-not-te-exceed-l-year
11	past-the-date-of-issuance-oftheprobationarycertificate
12	described-in-subsection-{3}-below.
13	(3)Uponapplicationfor-registration-and-payment-of
14	the-registration-feey-a-probationarycertificateshallbe
15	issuedv
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 upor
19	payment of the required fee.
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21	entitled to append to their name the initials #R.S.**
22	Section 5. Section 37-40-303, MCA, is amended to read:
23	M37~40-303. Licensing sanitarians from other states.
24	The department shall issue a license without examination to

\$50, and submits satisfactory proof to the board that: (1) he is of good moral character; and (2) he is registered or licensed as a sanitarian in a state which has requirements comparable to those in this state.* Section 6. Section 37-40-304, MCA: is amended to read: "37-40-304. Fees -- renewal. (1) An applicant for a license shall pay a fee set by the board in an amount commensurate with examination and administrative costs. (2) A registered sanitarian may renew his license by paying an-ennual a biennial fee set by the board, not to exceed \$10 \$80. (3) Renewal fees are due July 1 of the--renewat odd-numbered year years. If the renewal fee is not paid, the license expires. Licenses which have lapsed for failure to pay renewal fees may be reissued under rules adopted by the board." Section 7. Section 37-40-307, MCA, is amended to read: #37-40-307. Sanitarian practicing prior to effective date. A person having practiced as a sanitarian, as defined by 37-40-101(5), for 1 year prior to July 1, 1974 1981, may be registered as a sanitarian upon making application and paying the required fee." Section 8. Section 37-40-311, MCA, is amended to read:

#37-40-311. Suspension or revocation of license. [1]

a person who applies to the department, pays a fee of \$35

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
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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 waking 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 the board vote in favor of the reissuance. A new certificate of registration. to replace a certificate revoked. lost. destroyed. or mutilated. may be issued by the department. subject to the rules of the board." Section 9. Coordination with ___ Bill ___ [LC 1288]. If ___ Bill ___ [LC 1288] introduced in the 47th Legislature is passed and approved, sections 5 and 6 or other sections of this act that amend sections 37-40-303 and 37-40-304 are void and of no effect. 10 11 Section 10. Effective date. This act is effective on 12 passage and approval.

-End-

-10-

HB 685

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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

conditioning, created by 2-15-2303. 1981: (e) board professional and occupational licensing, created 2-15-1626; (f) board of dentists, department of professional and occupational licensing, created by 2-15-1606; (g) board of hearing aid dispensers, department of professional and occupational licensing, created by 2-15-1616;

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and occupational licensing, created by 2-15-1642; (c) state board of warm air heating, ventilation, and department of professional and occupational licensing, created by 2-15-1656; (d) board of institutions, department of institutions, (2) The following agencies shall terminate on July 1. (a) commission for human rights, department of labor and industry, created by 2-15-1706; (b) board of athletics, department of professional and occupational licensing, created by 2-15-1661; (c) board of barbers, department of professional and occupational licensing, created by 2-15-1625; (d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613; cosmetologists, department of

(h) board of massage therapists, department

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

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- (i) Montana state board of medical examiners, department of professional and occupational licensing, created by 2-15-1605;
- (j) board of morticians, department of professional and occupational licensing, created by 2-15-1619;
- (k) board of nursing, department of professional and occupational licensing, created by 2-15-1610;
- 10 (1) board of nursing home administrators, department
 11 of professional and occupational licensing, created by
 12 2-15-1611;
- (m) board of optometrists, department of professional
 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 3. 21, professional and occupational licensing, created by 22 2-15-1608:
 - (q) board of psychologists, department of professional
 and occupational licensing, created by 2-15-1617;
 - 25 (r) board of radiologic technologists, department of

1	professional	and	occupational	licensing.	created	bу
2	2-15-1614;					

- (s) board of speech pathologists and audiologists,
 department of professional and occupational licensing,
 created by 2-15-1615;
- (t) board of veterinarians, department of professional
 and occupational licensing, created by 2-15-1618;
- 8 (u) board of veterans* affairs, department of social
 9 and rehabilitation services, created by 2-15-22024
- 10 (v)--board--of--sanitariansy-department-of-professional

 11 and-occupational-licensingy-created-by-2-15-1631*
- 12 (3) The following units of state government shall 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:
- (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;
- (e) the board of professional engineers and land 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;

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Montana.

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

occupational licensing. created by 2-15-1631."

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

 "2-15-1631. Board of sanitarians. (1) There is a board
 of sanitarians.
- 13 (2) The board shall consist of three members appointed by the governor with the consent of the senate. Each member 14 15 shall must be a resident of this state, and two of the 16 members must be end-a registered senitarian sanitarians. One member must be from the public and not a sanitarian who 17 18 shall represent the interests of the public at large. Each 19 sanitarian member shall have a minimum of 3 years of experience practicing as a sanitarian in the state of 20
- 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	samitarian 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 y-but-not-to-exceed-l-year
11	past-the-date-of-issuance-oftheprobationarycertificate
12	described-in-subsection-(3)-below.
13	f3}Uponapplicationfor-registration-and-payment-of
14	the-registration-feey-a-probotionarycertificateshallbe
15	issueda
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
apr. 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

• •
 he is of good moral character; and
(2) he is registered or licensed as a sanitarian in a
state which has requirements comparable to those in this
state."
Section 6. Section 37-40-304, MCA, is amended to read:
#37-40-304. Fees renewal. (1) An applicant for a
license shall pay a fee set by the board in an amount
commensurate with examination and administrative costs.
(2) A registered sanitarian may renew his license by
paying an-onnual a biennial fee set by the board, not to
exceed \$10 180.
(3) Renewal fees are due July 1 of therenewal
odd-numbered year years. If the renewal fee is not paid, the
license expires. Licenses which have lapsed for failure to
license expires. Licenses which have lapsed for failure to pay renewal fees may be reissued under rules adopted by the
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pay renewal fees may be reissued under rules adopted by the
pay renewal fees may be reissued under rules adopted by the board."
pay renewal fees may be reissued under rules adopted by the board." Section 7. Section 37-40-307, MCA, is amended to read:
pay renewal fees may be reissued under rules adopted by the board.* Section 7. Section 37-40-307, MCA, is amended to read: #37-40-307. Sanitarian practicing prior to effective
pay renewal fees may be reissued under rules adopted by the board." Section 7. Section 37-40-307, MCA, is amended to read: "37-40-307. Sanitarian practicing prior to effective date. A person having practiced as a sanitarian, as defined

a person who applies to the department, pays a fee of \$35

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

*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	<pre>{27[b] fraud and deceit in obtaining a license;</pre>
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	turpitudes
9	(2) Any person may bring charges of frauda deceita
10	<u>gross_negligenceincompetencyor_misconduct_against_a</u>
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	licenses
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	151_Ihe_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	BDARD 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
С	INCREASE THE RECIPROCITY AND RENEWAL FEE; TO PROVIDE FOR A
1	BIENNIAL RENEWAL PERIOD; TO PROVIDE EXPANDED DISCIPLINARY
2	GUIDELINES; AMENDING SECTIONS 2-8-103. 2-15-1631. 37-40-302
3	THROUGH 37-40-304. 37-40-307. AND 37-40-311. MCA; AND
4	PROVIDING AN IMMEDIATE EFFECTIVE DATE."
5	
6	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
7	Section 1. Reestablishment. The poard of sanitarians
8	is reestablished for 6 years pursuant to 2-8-122 with its
9	existing statutory authority and rules.
D	Section 2. Section 2-8-103, MCA, is amended to read:
1	"2-8-103. Agencies to terminate. (1) The following
2	agencies shall terminate on July 1, 1979:
3	(a) board of abstracters, department of professional
4	and occupational licensing, created by 2-15-1643;
5	(b) board of roal 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;

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1	professional and	occupational	licensing.	created by
2	2-15-1627;			
3	(i) Montana	state board	of medical	examiner5
4	department of p	rofessional and	occupational	licensing
5	created by 2-15-16	05;		

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

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- (k) board of nursing, department of professional and 8 9 occupational licensing, created by 2-15-1610;
- 10 (1) board of nursing home administrators, department of professional and occupational licensing, created by 11 12 2-15-1611;
- (m) board of optometrists, department of professional 13 and occupational licensing, created by 2-15-1612; 14
 - (n) board of osteopathic physicians, department of professional and occupational licensing, created by 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 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. 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 and rehabilitation services, created by 2-15-2202+. 9
- 10 tv)--board--of--sanitariansv-department-of-professional 11 and-occupational-licensingy-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;

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1	(9)	Montana	outfitters	council,	department of	f fish.
2	wildlife,	and park	s, created b	y 2-15-340	3;	

- 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 2-15-1632.
- 11 (4) The following agencies terminate on July 1, 1985:
- 12 (a) the board of public accountants, created by 2-15-1641;
- (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;
 - (d) the state electrical board, created by 2-15-1654;
- (e) the board of professional engineers and land 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;

17

- 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

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- 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 <u>members must be</u> and-a registered sanitarian <u>sanitarians</u>. <u>One</u>
- 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."

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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-boord 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-oftheprobationarycertificate
12	described-in-subsection-(3)-below.
13	(3)Uponapplicationfor-registration-and-payment-of
14	the-registration-feey-a-probationarycertificateshallbe
15	†99bed#
16	t4)(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	<pre>+5†(4) Holders of current certificates shall be</pre>
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

1	550, 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
4	state which has requirements comparable to those in
5	state.**
6	Section 6. Section 37-40-304, MCA, is amended to
7	"37-40-304• Fees renewal• (1) An applicant
8	license shall pay a fee set by the board in an .
9	commensurate with examination and administrative costs.
10	(2) A registered sanitarian may renew his licen-
11	paying anannuat a biennial fee set by the board, n
12	exceed \$10 \$00.
13	(3) Renewal fees are due July 1 of there
14	odd-numbered year years. If the renewal fee is not paid
15	license expires. Licenses which have lapsed for failt
16	pay renewal fees may be reissued under rules adopted by
17	board•*
18	Section 7. Section 37-40-307, MCA, is amended to
19	#37-40-307. Sanitarian practicing prior to effe
20	date. A person having practiced as a sanitarian, as de
21	by 37-40-101(5), for 1 year prior to July 1, ±974 198
22	be registered as a sanitarian upon making application

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me is registered or licensed as a sanitarian in a th has requirements comparable to those in this on 6. Section 37-40-304. MCA, is amended to read: -304. Fees -- renewal. (1) An applicant for a all pay a fee set by the board in an amount e with examination and administrative costs. registered sanitarian may renew his license by -annual a biennial fee set by the board, not to .062 enewal fees are due July 1 of the--renewal d year years. If the renewal fee is not paid, the pires. Licenses which have lapsed for failure to fees may be reissued under rules adopted by the n 7. Section 37-40-307, MCA, is amended to read: -307. Sanitarian practicing prior to effective son having practiced as a sanitarian, as defined 01(5), for 1 year prior to July 1, 1974 1981, may ed as a sanitarian upon making application and paying the required fee." Section 8. Section 37-40-311, MCA, is amended to read:

"37-40-311. Suspension or revocation of license. [1]

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a person who applies to the department, pays a fee of \$35

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1	The board may suspend or revoke a license for the following
2	reasons:
3	<pre>ftf(a) unprofessional conduct;</pre>
4	$\frac{(2)(b)}{(b)}$ fraud and deceit in obtaining a license;
5	(3)(c) gross negligence, incompetency, or misconduct
6	in the practice as a sanitarian; or
7	t4)(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	bourg 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	<u>license</u>
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

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2 the board vote in favor of the reissuance. A new certificate 3 of registration, to replace a certificate revoked, lost, destroyed, or mutilated, may be issued by the department, subject to the rules of the board." Section 9. Coordination with ____ Bill ___ [LC 1288]. If $_$ Bill $_$ [LC 1288] introduced in the 47th Legislature is passed and approved, sections 5 and 6 or other sections of this act that amend sections 37-40-303 and 37-40-304 are void and of no effect. 10 11 Section 10. Effective date. This act is effective on 12 passage and approval.

certificate has been revoked if a majority of the members of

-End-

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