

RESERVE
KFM
9035
1973
.A245a

RESERVE

LIBRARY

APR 14 1989

OF MONTANA

**MONTANA
ADMINISTRATIVE
REGISTER**

**DOES NOT
CIRCULATE**

1989 ISSUE NO. 7
APRIL 13, 1989
PAGES 430-459



STATE LAW LIBRARY
MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 7 APR 14 1989

The Montana Administrative Register (MAR), a twice-monthly publication, has three sections. The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted. The rule section indicates that the proposed rule action is adopted and lists any changes made since the proposed stage. The interpretation section contains the attorney general's opinions and state declaratory rulings. Special notices and tables are inserted at the back of each register.

	<u>Page Number</u>
TABLE OF CONTENTS	
<u>NOTICE SECTION</u>	
<u>COMMERCE, Department of, Title 8</u>	
8-56-16 (Board of Radiologic Technologists) Notice of Proposed Amendment - Fees Schedule. No Public Hearing Contemplated.	430-431
8-58-34 (Board of Realty Regulation) Notice of Public Hearing on Proposed Amendment - Fee Schedule.	432-433
8-61-10 (Board of Social Work Examiners and Professional Counselors) Notice of Proposed Amendment and Adoption - Hours, Credits and Carry Over - Fee Schedule - Ethical Standards. No Public Hearing Contemplated.	434-437
<u>RULE SECTION</u>	
<u>EDUCATION, Title 10</u>	
NEW Traffic Education. REP	438
<u>SOCIAL AND REHABILITATION SERVICES, Department of, Title 46</u>	
AMD Preadmission Screening for Persons Entering REP Long Term Care Services. NEW	439-449
<u>SPECIAL NOTICE AND TABLE SECTION</u>	
Functions of the Administrative Code Committee.	450
How to Use ARM and MAR.	451
Accumulative Table.	452-459
-i-	7-4/13/89

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF RADIOLOGIC TECHNOLOGISTS

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of a rule pertaining) OF 8.56.409 FEES SCHEDULE
to fees)

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On May 13, 1989, the Board of Radiologic Technologists proposes to amend the above-stated rule:
2. The proposed amendment will read as follows: (new matter underlined, deleted matter interlined) (full text of the rule is located at pages 8-1562 and 8-1563, Administrative Rule of Montana)

"8.56.409 FEES SCHEDULE (1) will remain the same.

(a) Examination fee	\$65.00	<u>\$30.00</u>
(b) Application fee - radiologic technologist	\$60.00	<u>\$30.00</u>
(c) Original certificate fee.	\$35.00	<u>\$15.00</u>
(d) and (e) will remain the same.		
(f) Duplicate or lost licenses or certificates	\$25.00	<u>\$15.00"</u>

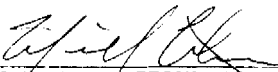
Auth: Sec. 37-14-202, MCA; Imp; Sec. 37-14-303,
37-14-305, MCA

3. REASON: This amendment is being proposed to make fees commensurate with program area costs.
4. Interested persons may submit their data, views or arguments concerning the proposed amendment in writing to the Board of Radiologic Technologists, 1424 - 9th Avenue, Helena, Montana 59620-0407, no later than May 11, 1989.
5. If a person who is directly affected by the proposed amendment wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any comments he has to the Board of Radiologic Technologists, 1424 - 9th Avenue, Helena, Montana 59620-0407, no later than May 11, 1989.
6. If the Department receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed amendment, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those

persons directly affected has been determined to be 83 based on the 828 licensees in Montana.

BOARD OF RADIOLOGIC
TECHNOLOGISTS
CAROL ANGLAND, PRESIDENT

BY:


MICHAEL L. LETSON, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, April 3, 1989.

BEFORE THE BOARD OF REALTY REGULATION
DEPARTMENT OF COMMERCE
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment to a rule pertaining) ON PROPOSED AMENDMENT TO
to real estate license applicant) 8.58.411 FEE SCHEDULE
examination rescheduling fee)

TO: All Interested Persons

1. On Friday, May 19, 1989, at 9:00 a.m., a public hearing will be held in the downstairs conference room of the State of Montana Department of Commerce Building located at 1424 - 9th Avenue, Helena, Montana, to consider the proposed amendment of rules pertaining to the real estate license applicant examination rescheduling fee.

2. The proposed amendment will read as follows (new matter underlined, deleted matter interlined) (full text of the rule is located at page 8-1605 and 8-1606, Administrative Rules of Montana)

"8.58.411 FEE SCHEDULE (1) through (3)(b) will remain the same.

(4) For each rescheduling
of examination.....\$25.00 30.00
(5) through (21) will remain the same."

Auth: 37-51-203, MCA Imp: 37-51-303, MCA

REASON: The board contracts with an independent testing agency to provide examinations for license applicants. This testing agency presently does charge the board \$25.50 for examination rescheduling. This amount is in excess of that presently charged by the board to the applicant and furthermore does not provide for recovery of reasonable costs of administration. The fee change is necessary to make fees commensurate with costs.

3. Interested persons may present their data, views, or arguments, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to the Board of Realty Regulation, Department of Commerce, 1424 9th Avenue, Helena, Montana, 59620, no later than Friday, May 13, 1989.

4. Martin Jacobson, staff attorney, Board of Realty Regulation, Department of Commerce, State of Montana, 1424 -

9th Avenue, Helena, Montana, 59620, phone (406) 444-4290, has been designated to preside over and conduct the hearing.

JOHN DUDIS, CHAIRMAN
BOARD OF REALTY REGULATION

BY: 

MICHAEL L. LETSON, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, April 3, 1989.

STATE OF MONTANA
DEPARTMENT OF COMMERCE
BEFORE THE BOARD OF SOCIAL WORK EXAMINERS
AND PROFESSIONAL COUNSELORS

In the matter of the proposed) NOTICE OF PROPOSED AMENDMENT
amendment of rules pertaining) OF 8.61.1601 HOURS, CREDITS
to hours, credits and carry) AND CARRY OVER, 8.61.404 FEE
over, and fees and the adop-) SCHEDULE AND 8.61.1203 FEE
tion of a new rule pertaining) SCHEDULE AND THE ADOPTION OF
to ethical standards) NEW RULE I. ETHICAL
) STANDARDS

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons:

1. On May 13, 1989, the Board of Social Work Examiners and Professional Counselors proposes to amend and adopt the above-stated rules.

2. The proposed amendment of 8.61.404 will read as follows: (new matter underlined, deleted matter interlined) (full text of the rule is located at pages 8-1669 and 8-1670, Administrative Rules of Montana)

"8.61.404 FEE SCHEDULE (1) will remain the same.
(2) Original license fee ~~\$120.00~~ \$100.00
(3) will remain the same.
(4) Renewal fee (based on annual renewal) ~~\$120.00~~ \$100.00
(5) through (7) will remain the same."

Auth: Sec. 37-1-134, 37-22-302, MCA; AUTH Extension, Sec. 5, Ch. 78, L. 1987, Eff. 3/13/87; Imp, Sec. 37-1-134, 37-22-302, 37-22-304, MCA

3. REASON: The loan from the general fund to cover start-up costs has now been paid in full, and the current fee of \$120.00 is in excess of program area costs.

4. The proposed amendment of 8.61.1203 will read as follows: (new matter underlined, deleted matter interlined) (full text of the rule is located at page 8-1674, Administrative Rules of Montana)

"8.61.1203 FEE SCHEDULE (1) will remain the same.
(2) Original license fee ~~\$120.00~~ \$100.00
(3) will remain the same.
(4) Renewal fee ~~\$120.00~~ \$100.00
(5) through (7) will remain the same."

Auth: Sec. 37-1-134, MCA; Imp, Sec. 37-1-134, 37-23-205, 37-23-206, MCA

5. REASON: The loan from the general fund to cover start-up costs has now been paid in full, and the current fee of \$120.00 is in excess of program area costs.

6. The proposed amendment of 8.61.1601 will read as follows: (new matter underlined, deleted matter interlined) (full text of the rule is located at page 8-1677, Administrative Rules of Montana)

"8.61.1601 HOURS, CREDITS AND CARRY OVER (1) will remain the same.

(2) A maximum of ten clock hours may be given for the first time preparation of a new course, in-service training workshop or seminar which is related to the enhancement of professional counselor practice, values, skills, and knowledge; or a maximum of ten clock hours credit may be given for the preparation by the author or authors of a professional counselor paper published for the first time in a recognized professional journal or given for the first time at a statewide or national professional meeting.

~~42~~-(3) If a licensee completes more than 20 hours of continuing education after 1986, excess hours in an amount not to exceed 20 hours may be carried forward to the next year.

(3) and (4) will remain the same but will be renumbered (4) and (5)."

Auth: Sec. 37-23-103, MCA; Imp, Sec. 37-23-103, 37-23-205, MCA

7. **REASON:** In an earlier resolution of the Board of Social Work Examiners and Professional Counselors, it was decided to propose identical rules relating to continuing education hours, credits and carry over for both social work examiners and professional counselors. It has come to the attention of the board that a clerical error has occurred, and such rules have not been adopted for professional counselors. Therefore, at its February 10, 1989 meeting, the Board again decided to adopt the above rules for professional counselors so that the CE requirements of the two occupations are consistent.

8. The proposed new rule will read as follows:

"1. ETHICAL STANDARDS (1) Violation of any of the following constitutes a breach of professional ethics:

(a) Misrepresent the type or status of license held by the licensee.

(b) Intentionally cause physical or emotional harm to a client.

(c) Commit any dishonest, corrupt, or fraudulent act which is substantially related to the qualifications, functions or duties of a licensee.

(d) Misrepresent or permit the misrepresentation of his or her professional qualifications, affiliations, or purposes.

(e) Have sexual relations with a client, solicit sexual relations with a client, or to commit an act of sexual misconduct or a sexual offense if such act, offense, or solicitation is substantially related to the qualifications, functions, or duties of the licensee.

(f) Perform or hold himself or herself out as able to perform professional services beyond his or her field or fields of competence as established by his or her education, training and/or experience.

(g) Permit a person under his or her supervision or control to perform or permit such person to hold himself or herself out as competent to perform professional services beyond the level of education, training and/or experience of that person.

(h) Fail to maintain the confidentiality, except as otherwise required or permitted by law, of all information that has been received from a counselee during the course of treatment and all information about the counselee which is obtained from tests or other such means.

(i) Prior to the commencement of treatment, fail to disclose to the counselee, or prospective counselee, the fee to be charged for the professional services, or the basis upon which such fee will be computed.

(j) Advertise in a manner which is false or misleading."

Auth: Sec. 37-1-131, 37-22-201, MCA; IMP, Sec. 37-22-201, 37-22-311, MCA

9. REASON: This rule is being proposed to ensure a safeguard for the health, safety and welfare of the public and to make the Professional Counselor rules symmetrical to the Social Work Examiner rules.

10. Interested persons may submit their data, views or arguments concerning the proposed amendment in writing to the Board of Social Work Examiners and Professional Counselors, 1424 - 9th Avenue, Helena, Montana 59620-0407, no later than May 11, 1989.

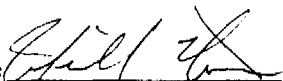
11. If a person who is directly affected by the proposed amendments wishes to express his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit this request along with any comments he has to the Board of Social Work Examiners and Professional Counselors, 1424 - 9th Avenue, Helena, Montana 59620-0407, no later than May 11, 1989.

12. If the Board receives requests for a public hearing on the proposed amendments from either 10% or 25, whichever is less, of those persons who are directly affected by the proposed amendments, from the Administrative Code Committee of the legislature, from a governmental agency or subdivision or from an association having no less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those persons

directly affected has been determined to be 43 based on the 430 licensees in Montana.

BOARD OF SOCIAL WORK EXAMINERS
AND PROFESSIONAL COUNSELORS
PATRICK KELLY, CHAIRMAN

BY:


MICHAEL L. LETSON, DIRECTOR
DEPARTMENT OF COMMERCE

Certified to the Secretary of State, April 3, 1989.

BEFORE THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
STATE OF MONTANA

In the matter of the)
adoption of Rules I thru) NOTICE OF ADOPTION OF RULES
VII and repeal of 10.13.301) 10.13.307 THROUGH 10.13.313
through 306 concerning) CONCERNING TRAFFIC
traffic education) EDUCATION
)

TO: All Interested Persons

1. On October 13, 1988, the Office of Public Instruction published notice of a proposed adoption of rules concerning traffic education at page 2074A of the 1988 Montana Administrative Register, Issue No. 19.

2. On December 8, 1988, the Office of Public Instruction published notice of intended repeal of rules 10.13.301 through 306 at page 2537 of the 1988 Montana Administrative Register, Issue No. 23.

3. The Office has repealed and adopted the rules, with the following changes:

10.13.311 TRAFFIC EDUCATION VEHICLES

(1) through (2) (e) same as proposed rule.

(2)(f) "Exempt" license plates shall be obtained for a traffic education vehicle owned by, or provided to the district by a dealer. "Dealer" license plates are not to be used on these vehicles. Responsibility for securing an exempt license rests with the school district. The school must obtain the appropriate application from the county treasurer. In the space provided for registered owner, type the name and telephone number of the school district and the name of the dealer providing the vehicle.

10.13.313 LEARNER LICENSE

(1) through (2) (b) same as proposed rule.

(i) the respective school district personnel authorizes the student to apply for the license by placing his/her name on the gold form entitled "Traffic Education Notice of Successful Participation" and transmits the original and duplicate to the county treasurer. If the county treasurer does not sell driver licenses, receipts should be transmitted directly to the local driver examiner's office.

4. The above amendments are the result of requests for clarification by the Motor Vehicle Division, Department of Justice. The adoption of the rules clarify, establish and make consistent policies and procedures that address traffic education.

5. The authority for the rules is 20-7-502, MCA, and implement 20-7-503, MCA.

Nancy Keenan
Nancy Keenan
State Superintendent of Public
Instruction

Certified to the Secretary of State April 3, 1989.

BEFORE THE DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES OF THE
STATE OF MONTANA

In the matter of the	)	NOTICE OF AMENDMENT OF ARM
proposed amendment of ARM	)	46.12.1205 AND 46.12.1301,
46.12.1205 and 46.12.1301,	)	REPEAL OF ARM 46.12.1101,
repeal of ARM 46.12.1101,	)	46.12.1302, 46.12.1303,
46.12.1302, 46.12.1303, and	)	AND 46.12.1304, AND THE
46.12.1304 and the adoption	)	ADOPTION OF RULES (I)
of Rules I through IV	)	46.12.1305, (II)
pertaining to preadmission	)	46.12.1306, (III) 46.12.1308
screening for persons	)	AND (IV) 46.12.1310,
entering long term care	)	PERTAINING TO PREAMMISSION
services.	)	SCREENING FOR PERSONS
	)	ENTERING LONG TERM CARE
	)	SERVICES.

TO: All Interested Persons

1. On January 26, 1989, the Department of Social and Rehabilitation Services published notice of the proposed adoption, amendment and repeal of rules as listed above at page 209 of the 1989 Montana Administrative Register, issue number 2.

2. The Department has adopted Rule (IV) 46.12.1310, PREAMMISSION SCREENING, QUALIFIED MENTAL RETARDATION PROFESSIONAL, as proposed.

3. The Department has adopted the following rules as proposed with the following changes:

46.12.1305 PREAMMISSION SCREENING, GENERAL REQUIREMENTS

(1) This rule provides the preadmission screening requirements required by of the Montana medicaid program for any entrant applicants into a nursing facility participating in the Montana medicaid program.

(2) ~~Any person, inclusive of medicaid and non-medicaid eligible persons, admitted to a nursing facility applicants participating in the Montana Medicaid program, must undergo a level I screening prior to that admission a level I screening to a nursing facility. for mental retardation and for mental illness.~~

~~(a) A nursing facility admitting a person for whom a level I screening has not been conducted, may be subjected to the sanctions provided at ARM 46.12.402 and to any other measures that federal or state authorities deem appropriate and necessary for the purposes of the federal Social Security Act.~~

(ba) A level I screening may result in the following determinations which will be applied as indicated:

(i) the a nursing facility applicant who has no diagnosis or any indications of mental retardation or mental illness will:

Subsections (2)(b)(i)(A) and (2)(b)(i)(B) remain as proposed in text but will be recategorized as subsections (2)(a)(i)(A) and (2)(a)(i)(B), respectively.

(ii) the a nursing facility applicant who has a diagnosis or indications of mental retardation or mental illness will be referred to either the state mental health authority or the mental retardation authority for a level II screening unless determined by the level I screening to be within one of the exceptions provided for in (3)(a) of this rule.

~~(A) be referred to the state mental health or mental retardation authority for a level II screen unless determined by the level I screen to be within one of the exceptions provided for in (3)(a);~~

~~(B) undergo a level of care determination for nursing facility services if determined to be within one of the exceptions provided for in (3)(a);~~

(3) A nursing facility applicant who has a diagnosis or indications of mental retardation or mental illness may enter a nursing facility only if the applicant is determined to be in need of nursing facility services meets the level of care requirements and is allowed to enter as provided for in subsections (3)(a) or (b) of this rule;

(a) A person with a diagnosis or indications of mental retardation or mental illness who meets the level of care requirements is in need of nursing facility services may enter a nursing facility without a level II screening or a determination of appropriate active treatment, if either:

Subsections (3)(a)(i) through (3)(a)(iv) remain as proposed.

(b) A level II screening may result in the following determinations which will be applied as indicated:

(i) Any person with mental retardation or mental illness determined ~~through this process~~ not to be in need of the level of nursing facility services, provided by a nursing facility, whether or not active treatment services are required, shall be considered inappropriate for placement or continued residence in a medicaid-certified nursing facility;

(ii) Any person with mental retardation or mental illness determined ~~through this process~~ to be in need of active treatment services shall be considered inappropriate for placement or continued residence in a medicaid-certified nursing facility;

(iii) Any person with mental retardation or mental illness determined ~~through this process~~ to be in need of the level of nursing facility services provided by a nursing facility but not to be in need of active treatment services shall be considered appropriate for placement or continued residence in medicaid-certified a nursing facility;

(iv) Any person with mental retardation or mental illness determined ~~through this process~~ to be in need of both the level of nursing facility services provided by a nursing

facility-as-well-as and active treatment, who is of advanced years, but-is competent to make an independent decision and who is not a danger to self or others shall be considered appropriate for placement or continued residence in a ~~medicaid-certified~~ nursing facility if the person so chooses.

(4) Medicaid recipients must ~~undergo-a-level-of-care determination-by-the-department-or-its-designee-and~~ be determined by a preadmission screening team to require ~~the-level-of-care-of-a~~ nursing facility services before medicaid payment for services in a nursing facility or the home and community services program will be authorized.

(a) If a person is medicaid eligible prior to admission to a nursing facility, a ~~level-of-care-determination~~ nursing facility screening must be ~~done~~ requested prior to admission. Payment for nursing facility care shall be effective on the date of entry to the nursing facility if the applicant meets all eligibility requirements.

(b) If the person applies for medicaid while a resident of a nursing facility, the ~~level-of-care-determination~~ nursing facility screening must be done prior to initial medicaid payment. Payment shall be effective on the date of ~~level-of-care determination~~ the nursing facility screening or the date of referral to the preadmission screening team, whichever is earlier.

(5) ~~Effective-January-17-1989,-retroactive-medicaid-payments-for-nursing-facility-care-are-not-allowable.~~ Retroactive approval for nursing facility services is available only if:

~~(a) the applicant is determined to be financially eligible for medicaid during the retroactive period; and~~

~~(b) the applicant had undergone a determination of need for nursing facility services either by the preadmission screening team or for purposes of medicare payment; and~~

~~(c) the applicant was determined to be in need of nursing facility services as a result of the screenings.~~

(6) A nursing facility applicant who is not a medicaid recipient may request that a ~~level-of-care-determination~~ nursing facility screening be conducted ~~for-the-applicant~~. This ~~determination screening~~ will be performed by the preadmission screening team ~~as-time-allows~~.

(7) Preadmission screening will be performed by persons the department determines are qualified to conduct the various elements of the screening.

(8) A nursing facility admitting a nursing facility applicant for whom a level I screening or a nursing facility screening has not been conducted may be subject to the sanctions provided at ARM 46.12.402 and to any other measures that federal or state authorities deem appropriate and necessary for the purposes of the federal Social Security Act.

AUTH: Sec. 53-6-113 and 53-2-201 MCA; AUTH Extension, Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87; Sec. 2, Ch. 77, L. 1985, Eff. 10/1/85; Sec. 4, Ch. 329, L. 1987, Eff. 10/1/87.
IMP: Sec. 53-2-201, 53-6-101, 53-6-141, 53-6-402 MCA

46.12.1306 PREADMISSION SCREENING, LEVEL-OF-CARE-CRITERIA NURSING FACILITY SERVICES

(1) For elderly persons and physically disabled persons, the ~~appropriate level of care~~ need for nursing facility service will be determined based upon the following criteria:

(a) ~~For the services of a skilled nursing facility (SNF) level of care the are needed when a person meets the criteria for skilled care as defined by title XVIII of the social security act.~~

~~(i) requires 180 management minutes or more of nursing care;~~

~~(ii) requires one of the specified skilled services;~~

~~(iii) the person requires 40 management minutes of licensed nursing time per 24 hours; or~~

~~(iv) meets any two of the following criteria:~~

~~(A) the status is unstable, deteriorating, critical or terminal;~~

~~(B) 150 minutes or more of nursing care are required;~~

~~(C) there are 5 or more problems determined to be high level by the department or its designee.~~

(b) For ~~the services of an intermediate care facility (ICF) level of care the are needed when a person:~~

(i) does not qualify for skilled ~~level of nursing facility care;~~ and

(ii) is determined by the department or its designee to need care at a level higher than personal care;

(iii) ~~in the absence of the order to receive home and community services, program and related resources would an applicant must be determined to be at risk of or require care at the intermediate level as determined by the department or its designee through a functional rating of the person. The need for such care, arising from this absence,~~ is indicated when the person:

(A_i) is able to ambulate (walk or wheel) to a dining room or equivalent;

(B_{ii}) is capable of self care with minimal assistance;

(C_{iii}) has four or fewer problems determined to be low level by the department or its designee; and

(D_{iv}) requires no more than one-hour of nursing care per 24 hours.

(e_d) A candidate for discharge is a person who has two or less problems. This criteria does not apply to persons with a diagnosis of mental illness or mental retardation.

(2) For mentally retarded persons applying for the home and community services program, the appropriate level of care

nursing facility services will be determined based upon the following criteria:

(a) The services of an intermediate care facility for the mentally retarded (ICF/MR) level-of-care-is are needed when a mentally retarded person:

Subsections (2)(a)(i) through (2)(a)(iii) remain as proposed.

(b) Skilled nursing facility (SNF) level of care is needed when a person with mental retardation: meets the requirements for SNF services as found in subsection (1)(a) of this rule.

~~(i)---has-needs-for-medical-care-which-override-the-need-for-the-active-treatment-provided-in-an-ICF/MR;-and~~

~~(ii)---meets-the-requirements-for-SNF-level-of-care-as-found-in-subsection-(1)(a)-of-this-rule;~~

~~(c)---intermediate-care-facility-(ICF)-level-of-care-is-indicated-when-a-mentally-retarded-person;~~

~~(i)---meets-the-criteria-in-subsection-3(a)-of-Rule-V;~~
and

~~(ii)---meets-the-requirements-for-SNF-level-of-care-as-found-in-subsection-(1)(a)-of-this-rule.~~

AUTH: Sec. 53-2-201, 53-6-113 and 53-6-402 MCA; AUTH Extension, Sec. 2, Ch. 77, L. 1985, Eff. 10/1/85; Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87; Sec. 4, Ch. 329, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-6-101, 53-6-111 and 53-6-402 MCA

46.12.1308 PREADMISSION SCREENING, RE-EVALUATIONS--OF LEVEL-OF-CARE REDETERMINATION OF NEED FOR NURSING FACILITY SERVICES (1) For a person who is identified as requiring-the-level-of-care-of-a in need of nursing facility services, and who is enrolled in the home and community services program, a re-evaluation redetermination of the need for nursing facility services will take place 90 days after enrollment and every 180 days thereafter.

(2) For a person who is identified as requiring-the-level-of-care-of in need of nursing facility services in an intermediate care facility for the mentally retarded (ICF/MR), and who is enrolled in the home and community services program, a re-evaluation redetermination will be conducted annually.

AUTH: Sec. 53-2-201, 53-6-113 and 53-6-402 MCA; AUTH Extension, Sec. 2, Ch. 77, L. 1985, Eff. 10/1/85; Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87; Sec. 4, Ch. 329, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-6-101, 53-6-111 and 53-6-402 MCA

4. The Department has repealed ARM 46.12.1101, 46.12.1302, 46.12.1303 and 46.12.1304 as proposed.

5. The Department has amended the following rules as proposed with the following changes:

46.12.1205 PAYMENT PROCEDURES (1) The department pays providers amounts determined under these rules on a monthly basis upon receipt of an appropriate billing which represents the number of patient days of long-term care facility services provided to authorized medicaid recipients times the payment rate minus the amount each medicaid recipient pays toward the cost of care. Authorized medicaid recipients are those residents who have been determined eligible for medicaid and have been authorized for either skilled or intermediate level-of care NURSING SERVICES as a result of the screening process described in ~~ARM--46-12-1101~~ ARM 46.12.1305, 46.12.1306, 46.12.1308 and 46.12.1310.

Subsections (1)(a) through (7) remain as proposed.

AUTH: Sec. 53-6-113 MCA
IMP: Sec. 53-6-141 MCA

46.12.1301 PREADMISSION SCREENING, DEFINITIONS

Subsections (1) through (2) remain as proposed.

(3) "Level I screening" means a review of a nursing facility applicant to identify whether the applicant has a primary or secondary diagnosis or indications of mental retardation and OR of mental illness.

(4) "Level II screening" means an assessment applied to persons identified as having a primary or secondary diagnosis of mental retardation or mental illness which determines whether the person as a nursing facility applicant has need for the level of services provided by the nursing facility or by another type of facility and, if so, whether the individual requires active treatment.

~~(5) -- "Management minutes" mean the amount of direct nursing time, including licensed nursing time, required by the recipient, as determined by the department or its designee. Direct nursing time, as used in determining management minutes, does not include nursing administrative time, special demands, and other activities or tasks not directly related to the medical care of the recipient.~~

(4) (65) "Medicaid recipient" means a person who is currently medicaid eligible or who has applied for medicaid.

~~(7) -- "Medical status" means the medical condition of the recipient as determined by objective medical criteria. A recipient may be medically unstable, deteriorating, critical or terminal.~~

Subsections (8) through (10)(c) remain as proposed in text but will be recategorized as subsections (6) through (8)(c).

(119) "Nursing facility applicant" means any person who has been referred for or is applying for admission to a nursing facility or the home and community services program, regardless of source of payment for services.

Subsections (12) through (12)(a)(i) remain as proposed in text but will be recategorized as subsections (10 through (10(a)(i).

(ii) a level II screening ~~for~~ IF an applicant who is found by the level I screening to need further assessment; and

(iii) a ~~level-of-care~~ NURSING FACILITY screening ~~to~~ WHICH determines if an applicant's ~~is-in~~ need of the level of care provided by FOR nursing facilities ~~and the home and community services program.~~

Subsection (13) remains as proposed in text but will be recategorized as subsection (11).

(a) for a nursing facility ~~level-of-care~~ SERVICES determination, a licensed registered nurse and a department long term care specialist;

(b) for a level I screening, a long term care specialist or other professional approved by the department; and

(c) for a level II screening, employees or contractors of the state mental retardation authority or the state mental health authority.

Subsection (14) remains as proposed in text but will be recategorized as subsection (12).

~~(15) -- "Specified skilled services" means the following 20 skilled services when they require an equivalent of 40 management minutes of licensed nursing time per 24 hours:~~

~~(a) -- special skin care;~~

~~(b) -- decubitus care;~~

~~(c) -- IV (intravenous);~~

~~(d) -- oxygen therapy;~~

~~(e) -- tracheotomy care;~~

~~(f) -- special colostomy and ileostomy care;~~

~~(g) -- intake and output;~~

~~(h) -- sterile dressing;~~

~~(i) -- suctioning;~~

~~(j) -- drug regulation;~~

~~(k) -- multiple injections;~~

~~(l) -- irrigation/special catheter care;~~

~~(m) -- inhalation therapy;~~

~~(n) -- behavior observation;~~

~~(o) -- patient/family education;~~

~~(p) -- isolation;~~

~~(q) -- vital signs evaluation;~~

~~(r) -- overall management and evaluation of care plan;~~

~~(s) -- observation and assessment; and~~

~~(t) -- tube feeding.~~

Original subsections (2) and (2)(a) remain deleted as proposed.

Subsections (16) and (17) remain as proposed in text but will be recategorized as subsections (13) and (14).

Original subsections (2)(b) through (3)(d) remain deleted as proposed.

AUTH: Sec. 53-2-201, 53-5-205, 53-6-113 and 53-6-402 MCA; AUTH Extension, Sec. 2, Ch. 77, L. 1985, Eff. 10/1/85; Sec. 113, Ch. 609, L. 1987, Eff. 10/1/87; Sec. 4, Ch. 329, L. 1987, Eff. 10/1/87.

IMP: Sec. 53-2-201, 53-6-101, 53-6-111, 53-6-131, 53-6-141 and 53-6-402 MCA

6. The Department has thoroughly considered all commentary received.

COMMENT: The Department's criteria for skilled care does not match Medicare, Title XVIII criteria for skilled care. The difference could have an impact on payment for skilled care.

RESPONSE: The Department agrees and has changed the rule to state that the skilled care criteria for Medicaid is the same as for Title XVIII of the Social Security Act.

COMMENT: Screening of private pay applicants is a breach of privacy and the Department does not have the constitutional authority to do so.

RESPONSE: The department, given the supremacy of federal law, must comply with any requirements of the federal act made applicable to the state. Section 1919(b)(3)(F) of the Social Security Act states "A nursing facility must not admit, on or after January 1, 1989, any new resident who is mentally ill" ... or "is mentally retarded". Section 1919(e)(7) of the Act states "Effective January 1, 1989, the State must have in effect a preadmission screening program, for making determinations ... described in (b)(3)(F) for mentally ill and mentally retarded individuals". We have been advised by the Federal Health Care Financing Administration (HCFA) that the plain reading of the law, and the absence of any apparent limitations means that all persons must be screened, regardless of method of payment.

COMMENT: These rules are precipitous because we do not yet have federal regulations.

RESPONSE: Section 1919(e)(7) of the Social Security Act states "The failure of the Secretary to develop minimum criteria ... shall not relieve any State of its responsibility to have a preadmission screening program ...".

COMMENT: Level I screens can be completed only Monday - Friday, 8:00 a.m. - 5:00 p.m. A grace period of up to 72

hours should be allowed for obtaining the screen. SRS should allow a temporary waiver of the screen when life or safety are at issue.

RESPONSE: The federal statute is clear regarding screening prior to entry. The penalty for a nursing home of accepting a person who has not been screened is potential loss of facility certification. It is not within the Department's power to grant exemptions, waivers or grace periods for screening.

COMMENT: Because Department staff are available weekdays only, the Department should allow nursing home and/or hospital personnel to complete Level I screens.

RESPONSE: The Department is in the process of considering a plan for nursing home personnel to complete Level I screens. The rule as written allows the Department to designate Level I screeners. If nursing home personnel are agreeable to the plan, it may be implemented.

COMMENT: The Department should look "humanistically and practically" at the disruption that placement will have on persons who have to be discharged.

RESPONSE: Discharge of current nursing home residents as a result of this new legislation will not occur until 1993 if Montana's Alternative Disposition Plan (ADP) is accepted by HCFA. The federal legislation contains several safeguards for those persons who will have to be discharged, including certain exceptions and extensive discharge planning with the client who will have to be moved. The Department will have a hearing at a later date on changes to the screening rule which will deal with the rights of the client regarding discharge.

COMMENT: Hospitals are concerned about releasing information to SRS employees about persons who are not medicaid eligible, without a release of information form.

RESPONSE: It is the responsibility of the hospital to obtain a release of information from the non-medicaid recipients. Medicaid recipients are already covered for release of information by signing a medicaid application.

COMMENT: SRS should pursue an exemption from the new screening requirements.

RESPONSE: The Department considered action which would potentially have delayed implementation, but chose not to pursue that action. In a letter from William Roper, U.S. Department of Health and Human Services, he states "If the statutory requirements are not being met, HCFA will pursue

compliance actions against the State under section 1904, since we consider failure to implement the clear statutory mandate to constitute a failure to meet Medicaid State Plan requirements. While we appreciate the concerns of the states and the nursing home industry about the implications of this legislation, we are committed to enforcing the statute as enacted".

COMMENT: Level II screens will take several days. The Department should pay hospitals for administrative days while the client waits in the hospital for the Level II screen to be completed.

RESPONSE: The Department has written to HCFA to request a clarification on our ability to pay for administrative days which are limited to the PASARR (screening) process. We are not able to further address this issue until a response from HCFA is received.

COMMENT: The Department should reimburse hospitals and nursing homes for staff time and reproduction of medical records related to the screening process.

RESPONSE: Traditionally, hospitals and nursing homes have shared information regarding patients to assist with determining client eligibility for needed services. It seems appropriate for hospitals and nursing homes to relay information to the Department as part of their discharge planning responsibilities. Since hospitals have an interest in discharging hospital patients in a timely manner, and nursing homes have an interest in timely admission, it is of benefit to these groups to participate in the determination of eligibility for services on behalf of their patients. Nursing homes should consider these to be routine allowable costs reportable as such in the annual cost reports.

COMMENT: Clarify who is responsible for making level of care determinations.

RESPONSE: The Department or its designee is responsible for level of care determinations.

COMMENT: What happens to a person who requires active treatment? Where do they go if they cannot go to a nursing home?

RESPONSE: Persons with mental illness who require active treatment may be referred for inpatient psychiatric hospitalization. Persons with mental retardation or a related condition may be referred to an intermediate care facility for the mentally retarded or community programs.

COMMENT: What is the fiscal impact of these new requirements?

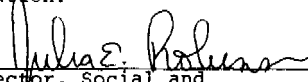
RESPONSE: We are unable to fully answer this question at this time. Implementation of the full screening process may increase administrative costs by approximately \$1,000,000. While there are concerns that nursing facilities will lose revenue, we do not have any indications of that occurring. We do expect the need for an increase in the availability of community programs, particularly for mentally retarded persons.

COMMENT: The prohibition of the three month retroactive payment for services in a nursing facility is in conflict with 42 USC §1983(a)(34) which provides for three month retroactive medicaid coverage from date of application.

RESPONSE: The rule has been changed to provide that the retroactive three month coverage would be applicable if the applicant prior to application was properly screened in accord with the rules. An applicant who has not been properly screened would be generally ineligible for medicaid coverage due to the statutory provisions of the federal social security act.

COMMENT: An attorney from legislative council pointed out that a necessary authority had been omitted from Rule I (ARM 46.12.1305).

RESPONSE: The Department agrees and has inserted the necessary statutory authority citation.



Director, Social and
Rehabilitation Services

Certified to the Secretary of State April 3, 1989.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules or amendment or repeal of existing rules filed with the Secretary of State. Proposals of the Department of Revenue are reviewed only in regard to the procedural requirements of the Montana Administrative Procedure Act. The Committee has the authority to make recommendations to an agency regarding the adoption, amendment, or repeal of a rule or to request that the agency prepare a statement of the estimated economic impact of a proposal. In addition, the Committee may poll the members of the Legislature to determine if a proposed rule is consistent with the intent of the Legislature or, during a legislative session, introduce a bill repealing a rule, or directing an agency to adopt or amend a rule, or a Joint Resolution recommending that an agency adopt or amend a rule.

The Committee welcomes comments from the public and invites members of the public to appear before it or to send it written statements in order to bring to the Committee's attention any difficulties with the existing or proposed rules. The address is Room 138, Montana State Capitol, Helena, Montana 59620.

HOW TO USE THE ADMINISTRATIVE RULES OF MONTANA AND THE
MONTANA ADMINISTRATIVE REGISTER

Definitions: Administrative Rules of Montana (ARM) is a looseleaf compilation by department of all rules of state departments and attached boards presently in effect, except rules adopted up to three months previously.

Montana Administrative Register (MAR) is a soft back, bound publication, issued twice-monthly, containing notices of rules proposed by agencies, notices of rules adopted by agencies, and interpretations of statutes and rules by the attorney general (Attorney General's Opinions) and agencies (Declaratory Rulings) issued since publication of the preceding register.

Use of the Administrative Rules of Montana (ARM):

- | | |
|-------------------------------------|---|
| Known
Subject
Matter | 1. Consult ARM topical index.
Update the rule by checking the accumulative table and the table of contents in the last Montana Administrative Register issued. |
| Statute
Number and
Department | 2. Go to cross reference table at end of each title which list MCA section numbers and corresponding ARM rule numbers. |

ACCUMULATIVE TABLE

The Administrative Rules of Montana (ARM) is a compilation of existing permanent rules of those executive agencies which have been designated by the Montana Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 1988. This table includes those rules adopted during the period January 1, 1989 through March 31, 1989 and any proposed rule action that is pending during the past 6 month period. (A notice of adoption must be published within 6 months of the published notice of the proposed rule.) This table does not, however, include the contents of this issue of the Montana Administrative Register (MAR).

To be current on proposed and adopted rulemaking, it is necessary to check the ARM updated through December 31, 1988, this table and the table of contents of this issue of the MAR.

This table indicates the department name, title number, rule numbers in ascending order, catchphrase or the subject matter of the rule and the page number at which the action is published in the 1988 and 1989 Montana Administrative Registers.

ADMINISTRATION, Department of, Title 2

I Exempt Compensatory Time - Workweek, p. 2609
I-VII Exchange and Loan of Employees, p. 1935, 2370
2.21.1812 Exempt Compensatory Time, p. 1933, 2372
2.21.8001 and other rules - Grievances, p. 2055, 2559
(Teachers' Retirement Board)
I and other rules - Creditable Service for Absence Without Pay - Clarifying Redeposits of Amounts Withdrawn - Earnings After Retirement - Recalculation of Benefits Using Termination Pay, p. 1292, 2213

AGRICULTURE, Department of, Title 4

I Inspection Fee for Commercial Feeds, p. 2467, 13
I-XXVI and other rules - Standards and Procedures for Implementation of the Montana Environmental Policy Act, p. 1606, 2692
4.9.401 Annual Assessment on Wheat and Barley, p. 1627, 2032
4.12.3011 Regulation of Noxious Weed Seeds, p. 248, 394
4.12.3501 and other rules - Grading of Certified Seed Potatoes, p. 2062, 2562
4.12.3501 and other rules - Grading of Certified Seed Potatoes, p. 2266

STATE AUDITOR, Title 6

- I-II Unethical Practices by Investment Advisers and Broker-dealers, p. 2065, 221
- I-VII Emergency Rules - Implementation of the Medicare Catastrophic Coverage Act of 1988, p. 2563
- 6.2.122 Temporary Cease and Desist Orders, p. 1233, 1888
- 6.10.101 and other rules - Securities - Whole Mortgages and Certificates of Deposit, p. 918, 1803, 1889
- 6.10.121 Registration of Securities Salesmen and Broker-dealers, p. 2071, 220

COMMERCE, Department of, Title 8

- I-XXVI and other rules - Standards and Procedures for Implementation of the Montana Environmental Policy Act, p. 1606, 2692
- (Board of Cosmetologists)
- 8.14.603 School Requirements, p. 1943, 2479
- (Board of Medical Examiners)
- 8.28.418 and other rule - Annual Registration and Fees - Fee Schedule, p. 172, 395
- 8.28.904 and other rules - Medical Examiners - Definitions - Duties - Applications - Certification - Equivalency - Suspension or Revocation of Certification - Acts Allowed - Course Requirements, p. 1848, 2374
- (Board of Morticians)
- 8.30.701 Unprofessional Conduct - Narcotics Law Violations - Felony, p. 2535, 225
- 8.30.701 Unprofessional Conduct, p. 1945, 2377
- (Board of Nursing)
- 8.32.305 and other rules - Educational Requirements - Licensure - Conduct - Disciplinary Procedures - Standards - General Welfare - Reports - Definitions, p. 1629, 2720
- (Board of Nursing Home Administrators)
- 8.34.414 and other rule - Examinations - Fee Schedule, p. 2269, 2567, 14
- (Board of Optometrists)
- 8.36.404 Examinations, p. 1947, 318
- (Board of Physical Therapy Examiners)
- 8.42.601 and other rules - Unprofessional Conduct - Disciplinary Actions, p. 174
- (Board of Polygraph Examiners)
- 8.47.404 License Renewal - Date - Continuing Education, p. 1
- (Board of Professional Engineers and Land Surveyors)
- 8.48.1105 Fee Schedule, p. 1643, 1979
- (Board of Private Security Patrolmen and Investigators)
- 8.50.437 Fee Schedule, p. 2073, 2480
- (Board of Realty Regulation)
- 8.58.606 Licensure - Course of Education, p. 179

- (Board of Social Work Examiners and Professional Counselors)
8.61.1201 Licensure Requirements, p. 1866, 319
8.61.1601 Hours, Credits and Carry Over, p. 2469, 320
(Building Codes Bureau)
8.70.101 and other rules - Incorporation by Reference of
Codes - Standards - Fees - National Standard for
Park Trailers, p. 2611
(Milk Control Bureau)
8.79.301 Licensee Assessments, p. 250, 396
(Financial Division)
8.80.307 Dollar Amounts to Which Consumer Loan Rates Are
to Be Applied, p. 1295, 2034
(Board of Milk Control)
Notice of Public Hearing on a Proposed Quota Plan
for Meadow Gold Producers: Meadow Gold Quota Plan
as a Method of Distributing the Proceeds to
Producers, p. 1301, 2300
8.86.301 Class I Pricing Formulas, p. 2333, 15
8.86.301 Class I Pricing Formulas - Formula Index,
p. 1949, 15
8.86.301 Transportation of Class III Milk, p. 1304, 2298
(Board of Investments)
I-XVII Economic Development Bond Program - Investments
By the Montana Board of Investments, p. 252
I-XXXI and other rules - Investments by the Montana
Board of Investments, p. 1747, 2214
(Board of Housing)
8.111.305 and other rule - Qualified Lending Institutions -
Qualified Loan Servicers Guidelines, p. 2625, 266
(Montana Agriculture Development Council)
I-VI Growth Through Agriculture Program, p. 2026,
2481
(Montana State Lottery Commission)
8.127.605 and other rules - Licenses - License Renewal -
Electronic Funds Transfer - Prizes, p. 2342, 19

EDUCATION, Title 10

- (Superintendent of Public Instruction)
I-VII Traffic Education, p. 2074A
10.13.301 and other rules - Program Standards and Course
Requirements for Traffic Education, p. 2537
(Board of Public Education)
I-CLXXXVI and other rules - Accreditation, p. 2075, 2271,
342
10.57.301 and other rules - Endorsement Information - Class
2 Teaching Certification, p. 312
10.58.302 and other rules - Teacher Education Programs
Leading to Interstate Reciprocity of Teacher
Certification, p. 2629, 397
10.65.201 Policy Statement on Kindergarten Accreditation
and Schedule Variances, p. 311

FAMILY SERVICES, Department of, Title 11

- 11.7.101 and other rules - Foster Care Placement of Children, p. 1052, 1700, 2035
- 11.9.105 and other rules - Eligibility for Residential Alcohol and Drug Treatment Payments, p. 1306, 1891
- 11.12.104 Youth Care Facility Licensing Criteria, p. 646, 2217
- 11.12.211 and other rules - Payment Rates for Residential Foster Care Providers, p. 2344, 20

FISH, WILDLIFE AND PARKS, Department of, Title 12

- I-XXVI and other rules - Standards and Procedures for Implementation of the Montana Environmental Policy Act, p. 1606, 2692
- 12.6.701 Personal Flotation Devices and Life Preservers, p. 1960, 267
- 12.6.707 Definition of "Vessel", p. 1959, 269
- 12.6.901 Establishing a 10 Horsepower Limit on Carpenter Lake, p. 1308, 1892
- 12.6.901 Extension of 10 Horsepower Restriction on Yellowstone River to the Springdale Bridge, p. 1063, 2219

HEALTH AND ENVIRONMENTAL SCIENCES, Department of, Title 16

- I-XV Licensure Standards for Medical Assistance Facilities, p. 2345
- I-XXVI and other rules - Standards and Procedures for Implementation of the Montana Environmental Policy Act, p. 1606, 226, 398
- 16.8.921 and other rules - Air Quality Permitting of New or Altered Sources of Air Contamination, p. 181, 315
- 16.8.1407 and other rules - Air Quality - Combustion in Woodwaste Burners - Definitions for Emission Standards for Existing Aluminum Plants - Standards for Visible Emissions in Aluminum Plants, p. 2471, 270
- 16.20.102 Enforcement Procedures Under the Water Quality Act, p. 2679, 314
- 16.20.603 and other rules - Surface Water Quality Standards - Classification of Surface Waters in the State, p. 651, 1191, 2221
- 16.32.110 Certificate of Need - Criteria for Granting Certificates of Need for Health Care Facilities and Services, p. 2030, 2484
- 16.44.202 and other rules - Hazardous Wastes - Definitions - Requirements for Samples Collected for Treatability Studies - Requirements for Recyclable Materials - Reclassification to a

Material Other than a Waste - Reclassification as a Boiler - Regulation of Certain Recycling Activities - Applicability of Interim Status Requirements - Information Statement for Chapter 44, Subchapter 10 Regarding the Availability of Information, p. 2153, 2485

HIGHWAYS, Department of, Title 18

- I-XXVI and other rules - Standards and Procedures for Implementation of the Montana Environmental Policy Act, p. 1606, 2692
- 18.6.251 Maintenance of Outdoor Advertising Signs, p. 1646, 2035
- 18.8.511A Circumstances Under Which Flag Vehicles are Required, p. 1962, 321
- 18.8.514 and other rule - Special Permits for Length, p. 1964, 2487

JUSTICE, Department of, Title 23

- 23.3.502 and other rules - Licensing of Commercial Motor Vehicle Endorsements, p. 2680

LABOR AND INDUSTRY, Department of, Title 24

- 24.11.101 and other rules - Unemployment Insurance, p. 2162, 2723
- 24.16.9001 and other rules - Prevailing Wage Rates, p. 1127, 1966, 2378
- 24.16.9003 Establishing the Standard Prevailing Rate of Wages, p. 375
(Human Rights Commission)
- 24.9.202 and other rules - Definitions - Investigation - Procedure on Finding of No Cause - Certification - Right to Sue Letters - Issuance of Right to Sue Letter, p. 2539
- 24.9.249 and other rules - Procedures for Hearings of Petitions for Declaratory Rulings, p. 1117, 2308
(Workers' Compensation Division)
- 24.29.3801 Attorney Fees in Workers' Compensation Claims, p. 1312, 2390

STATE LANDS, Department of, Title 26

- I-V Department of State Lands' Responsibility to Maintain State Land Ownership Records, p. 2546
- I-XXVI and other rules - Standards and Procedures for Implementation of the Montana Environmental Policy Act, p. 1606, 28
- 26.4.301 and other rules - Regulation of Strip and Underground Coal and Uranium Mining, p. 1317, 30, 399

LIEUTENANT GOVERNOR, Title 30

(Statehood Centennial Office)
I and other rule - Grants to the Counties or
Organization of Counties - Application Review
Procedure, p. 2360, 2743

LIVESTOCK, Department of, Title 32

32.3.136 Disease Control Involving Pseudorabies Negative
Herds and Definitions, p. 1648, 2394
32.6.712 State Meat and Poultry Inspection Program, p. 186

MILITARY AFFAIRS, Department of, Title 34

34.5.101 and other rules - Montana State Veterans
Cemetery, p. 1967

NATURAL RESOURCES AND CONSERVATION, Department of, Title 36

I-XXVI and other rules - Standards and Procedures for
Implementation of the Montana Environmental
Policy Act, p. 1606, 2692, 228
I-XLV Safety of Dams Program, p. 1137, 2489
(Board of Natural Resources and Conservation)
I-IX Establishing New Appropriation Verification
Procedures, p. 1651, 2222
36.16.101 and other rules - Policy and Purpose of Rules -
Definitions - Forms - Applications - General -
Application Content - Analysis of Need -
Determination of Amount - Management Plans -
Processing Applications and Monitoring
Reservations - Department Responsibilities -
Action on Applications and Monitoring
Reservations - Board Responsibilities - Action on
Applications - Board Decision Criteria -
Individual Users - Fees and Costs - Applications
in Missouri River Basin, p. 787, 2396
(Board of Water Well Contractors)
I-IX Monitoring Well Construction Standards, p. 1868,
2503
36.21.650 and other rules - Casing Perforations -
Intermixing of Aquifers - Sealing of Casing -
General, p. 2475, 229
(Board of Oil and Gas)
36.22.1306 Reentry of Plugged Oil and Gas Wells, p. 1657,
1980

PUBLIC SERVICE REGULATION, Department of, Title 38

I-IX Pipeline Safety, p. 2207, 2569
I-XXVIII and other rule - Establishing Certain Minimum
Standards for the Adequacy of Telecommunications

Services, p. 377

- 38.5.2405 Permissible Utility Charges for the Purpose of Accommodating House and Other Structure Moves, p. 1658, 2036

REVENUE, Department of, Title 42

- I and other rules - Centrally Assessed Property - Market Value of Pollution Control Equipment, p. 316
- I Proceeds of Drug Tax, p. 1971, 2416
- I Apportionment Formula Exclusions, p. 1879, 2409
- I Income Tax - Part-Year Resident Child Care Deduction, p. 2362
- I Income Tax Returns - Original Return Defined, p. 2364, 2745
- I Income Taxes - Passive Loss, p. 2366, 2745
- I Coal Severance Tax Rates, p. 1249, 1990
- I "Point of Benefication" Mines Net Proceeds, p. 949, 1983
- I-II Metalliferous Mines - Market Value - Taxable Quantity, p. 1786, 2224, 2506
- I-II and other rule - Sales Factor Computations, p. 1178, 1992
- I-II Installment Gains - Corporations, p. 963, 1544, 2227
- 42.2.501 Application of Partial Payments, p. 1969, 2403
- 42.15.116 Income Taxes - Special Montana Net Operating Loss Computations, p. 2368, 2745
- 42.17.105 Computation of Withholding Income Tax, p. 2552, 230
- 42.17.133 Withholding Rates for Supplemental Wages, p. 1877, 2404
- 42.19.402 and other rules - Trending and Depreciating Schedules for Property, p. 188
- 42.22.1311 Industrial Machinery and Equipment Trend Factors, p. 2549, 231
- 42.22.1311 Industrial Machinery and Equipment Trend Factors, p. 1170, 1660, 1981
- 42.23.403 Treatment of Foreign Taxes, p. 1168, 2037
- 42.23.404 Depreciation Rules, Corporation Taxes, p. 1241, 1982
- 42.25.501 Coal Sales Revenue, p. 2211
- 42.25.501 Coal Sales Revenue, p. 1881
- 42.25.511 Coal Gross Proceeds on Processing, Refining, Royalties for Contract Sales Price, p. 943, 1782, 2405
- 42.25.515 and other rules - Coal Gross Proceeds - Imputed Valuation for Refined Coal, p. 1165, 1661, 2406
- 42.25.1021 and other rules - New Production of Net Proceeds, p. 1781, 2226
- 42.25.1101 and other rule - Scoria and Travertine for RITT and Net Proceeds, p. 955, 1893

- 42.25.1112 Machinery Expense Deduction for Mines Net Proceeds, p. 953, 1986
- 42.25.1115 Deduction for New Reduction Equipment Related to Mines Net Proceeds, p. 945, 1894
- 42.25.1116 Mines Net Proceeds - Transportation Expenses, p. 959, 1519, 1988
- 42.25.1117 and other rules - Mines Net Proceeds - Computation of Gross Value - Marketing, Administrative, and Other Operational Costs - Labor Costs, p. 1973, 2507
- 42.32.103 Valuation of Minerals for RITT Purposes, p. 1783, 2411

SECRETARY OF STATE, Title 44

- 1.2.419 Filing, Compiling, Printer Pickup and Publication for the Montana Administrative Register, p. 2272, 2746, 264, 400
- 44.6.104 and other rules - Fees for Filing Federal Tax Liens, Fees for Filing Documents, Fees for Filing Notice of Agricultural Lien, p. 3

SOCIAL AND REHABILITATION SERVICES, Department of, Title 46

- I-VII and other rule - Reporting and Handling of Incidents Relating to Recipients of Developmental Disability Services, p. 39, 381, 1895
- I-X AFDC Work Supplementation Program, p. 5
- 46.11.131 Food Stamp Employment Program, p. 2477, 123
- 46.12.204 and other rules - Co-payments and Fees for Optometric Services, p. 2274, 272
- 46.12.501 and other rules - Medicaid Reimbursement for Non-Hospital Laboratory and Radiology Services, p. 1885, 2228
- 46.12.503 and other rule - Inpatient Hospital Services, p. 2295, 2570
- 46.12.504 Requirements for Inpatient Hospital Services, p. 2688, 281
- 46.12.511 Swing-bed Hospitals, p. 2556
- 46.12.602 and other rule - Dental Services, Requirements - Reimbursements, p. 1662, 1995
- 46.12.802 and other rule - Oxygen Services Reimbursement, p. 2690, 282
- 46.12.1205 Emergency Amendment, Repeal and Adoption - Preadmission Screening for Persons Entering Long Term Care Services, p. 283
- 46.12.1205 and other rules - Preadmission Screening for Persons Entering Long Term Care Services, p. 209
- 46.12.3601 Non-Institutionalized SSI-Related Individuals and Couples, p. 1883, 2231
- 46.12.3803 Medically Needy Income Standards, p. 2554, 232
- 46.13.301 and other rules - Montana Low Income Energy Assistance Program, (LIEAP), p. 1788, 2041