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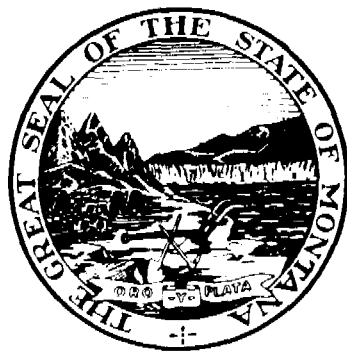
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MAR 3 1993

OF MONTANA

# **MONTANA ADMINISTRATIVE REGISTER**

1993 ISSUE NO. 4  
FEBRUARY 25, 1993  
PAGES 277-324



MONTANA ADMINISTRATIVE REGISTER

ISSUE NO. 4

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MAR 3 1993

THE MONTANA

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 The notice section contains state agencies' proposed new, amended or repealed rules, the rationale for the change, date and address of public hearing and where written comments may be submitted.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.

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NO PUBLIC HEARING CONTEMPLATED

1. On March 27, 1993, the Board of Horse Racing proposes to amend the above-stated rules.

2. The proposed amendments will read as follows: (new matter underlined, deleted matter interlined)

(2) through (6) will remain the same."

REASON: The proposed amendment will eliminate the potential conflict of interest which now exists by having a state official (the state veterinarian) hired directly by the track, yet charged with upholding Board statutes and rules. The Board will contract with or hire the state veterinarian directly, and assess a fee so the cost will continue to be borne by the tracks.

(2) through (29) will remain the same."

4-2/25/93

REASON: Existing workers' compensation laws in Montana already require employers to provide this coverage for employees. The proposed amendment merely deletes the duty previously imposed on the Board to collect fees for coverage, and demand evidence of compliance with the laws, which is not properly a Board function.

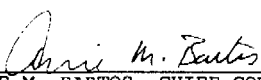
3. Interested persons may present their data, views or arguments concerning the proposed amendments in writing to the Board of Horse Racing, Lee Metcalf Building, Rm. 50, 1520 E. 6th, Helena, Montana 59620-0513, to be received no later than 5:00 p.m., March 25, 1993.

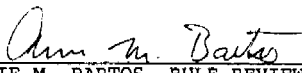
4. If a person who is directly affected by the proposed amendments wishes to present his data, views or arguments orally or in writing at a public hearing, he must make written request for a hearing and submit the request along with any comments he has to the Board of Horse Racing, Lee Metcalf Building, Rm. 50, 1520 E. 6th, Helena, Montana 59620-0513, to be received no later than 5:00 p.m., March 25, 1993.

5. If the Board receives requests for a public hearing on the proposed amendments from either 10 percent 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 not 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 280, based on the 2800 licensees in Montana.

BOARD OF HORSE RACING  
STEVE CHRISTIAN, CHAIRMAN

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, February 12, 1993.

BEFORE THE DEPARTMENT OF  
FAMILY SERVICES OF THE  
STATE OF MONTANA

In the matter of the amendment ) NOTICE OF PROPOSED AMENDMENT  
of Rule 11.14.605 pertaining ) OF RULE 11.14.605 PERTAINING  
to state payment for day care ) TO STATE PAYMENT FOR DAY  
services. ) CARE SERVICES.

NO PUBLIC HEARING CONTEMPLATED

TO: All Interested Persons

1. On April 15, 1993, the Department of Family Services proposes to amend Rule 11.14.605 pertaining to state payment for day care services.

2. The rule as proposed to be amended reads as follows:

11.14.605 INCOME ELIGIBILITY AND COPAYMENTS

Subsections (1) and (2) remain the same.

(3) ~~There will be no copayment charged if the monthly income is below the FPL for household size.~~ Parents eligible for benefits under this subchapter are required to make a monthly copayment. As income increases, the parent(s) will be charged a percentage of their income (from 0% to 40%). Income is increased by increments of \$100. Households with income at or below the lower percentage of SMI appearing in the chart for the applicable family size may receive priority over other households for available benefits. Households with income exceeding the higher percentage of SMI appearing in the chart are ineligible for benefits. The department may establish other priorities for benefits.

(4) The department hereby adopts and incorporates by reference the sliding fee scale chart, revised October 1, 1992, which appears as appendix b of the child care and development block grant plan of the state of Montana. The sliding fee scale chart is established pursuant to the requirements of 45 C.F.R. Section 98.16 (1991). The chart sets forth the copayments paid by parents receiving payment for day care services under this subchapter. A copy of the sliding fee scale chart may be obtained from the Department of Family Services, Protective Services Division, Research and Planning Bureau, P.O. Box 8005, Helena, Montana 59604. The sliding scale is as follows:

Family Size	Monthly Income	Copayment/ Month 1 child	Copayment/ Month 2 children	% of Monthly Income
2	\$ 0-740	\$ 0		
	741-840	17		2
34%SMI-\$623-	841-940	28		3
91FPL-\$740-	941-1040	42		4

	1041-1140	57	5
	1141-1240	74	6
	1241-1340	93	7
75%GMI=\$1374.	1341-1374	110	8
	1375+		
	ineligible		

3	\$ 0-928	\$ 0	\$ 0	
	929-1028	20	26	2
34%GMI=\$770.	1029-1128	34	44	3
91FPL=\$928.	1129-1228	49	64	4
	1229-1328	66	86	5
	1329-1428	86	113	6
	1429-1528	107	140	7
	1529-1628	130	170	8
	1629-1698	136	178	8
75%GMI=\$1698.	1700+			
	ineligible			

4	\$ 0-1117	\$ 0	\$ 0	
	1118-1217	24	31	2
34%GMI=\$916.	1218-1317	40	52	3
91FPL=\$1117.	1318-1417	57	75	4
	1418-1517	76	100	5
	1518-1617	97	127	6
	1618-1717	120	157	7
	1718-1817	145	190	8
	1818-1917	153	200	8
	1918-2017	182	238	9
75%GMI=\$2021.	2018+			
	ineligible			

5	\$ 0-1305	\$ 0	\$ 0	
	1306-1405	28	37	2
34%GMI=\$1063.	1406-1505	45	59	3
91FPL=\$1305.	1506-1605	64	84	4
	1606-1705	85	111	5
	1706-1805	108	141	6
	1806-1905	133	174	7
	1906-2005	160	210	8
	2006-2105	189	248	9
	2106-2205	198	259	9
	2206-2305	207	271	9
	2306-2344	234	306	10
75%GMI=\$2344.	2345+			
	ineligible			

Subsections (5) and (6) remain the same.

(7) The amount of the monthly copayment in the sliding fee scale ~~for going~~ chart is paid by the parent(s) to the provider regardless of the number of children in care or number of

days/hours child day care is provided.

Subsections (8) through (10) remain the same.

AUTH: Section 52-2-704, MCA. IMP: Sections 52-2-702; 52-2-704, MCA.

3. The first change eliminates the exemption from copayments previously provided to families whose incomes fell below the federal poverty level. Current sliding fee scale charts for other day care programs require copayments at every level. Eliminating the exemption allows for payment of block grant benefits according to the same sliding scale used in the other department programs. The current copayment for a family at or below the federal poverty level under the sliding fee scale chart is \$8.00 per month.

The second change involves deleting the text of the sliding fee scale chart in the rule and replacing the omitted material with a reference adopting the sliding fee scale chart as it appears in the block grant plan as of October 1, 1992. The sliding fee scale chart must be changed frequently to meet federal guidelines. Frequent amendments to the numbers comprising the chart make re-printing in the Administrative Rules of Montana following each amendment unduly cumbersome.

In addition to the required submittal of the chart to the United States Department of Health and Human Services, the chart is printed and distributed to district resource and referral offices around the state.


4. Interested persons may submit their data, views or arguments to the proposed amendment in writing to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than March 25, 1993.

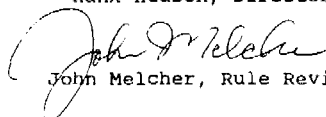
5. If a person who is directly affected by the proposed amendment wishes to express data, views and arguments orally or in writing at a public hearing, that person must make a written request for a public hearing and submit such request, along with any written comments, to the Office of Legal Affairs, Department of Family Services, 48 North Last Chance Gulch, P.O. Box 8005, Helena, Montana 59604, no later than March 25, 1993.

6. If the Department of Family Services 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 are directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register.



DEPARTMENT OF FAMILY SERVICES

  
Hank Hudson, Director

  
John Melcher, Rule Reviewer

Certified to the Secretary of State, February 12, 1993.

BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES  
OF THE STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING  
rule 16.16.803 dealing with ) FOR PROPOSED AMENDMENT  
subdivision review fees for RV ) OF A RULE  
parks and campgrounds )

(Subdivisions)

To: All Interested Persons

1. On March 26, 1993, at 9:00 a.m., the department will hold a public hearing in Room C209 of the Cogswell Building, 1400 Broadway, Helena, Montana, to consider the amendment of the above-captioned rule.

2. The proposed amendment would reduce the fee paid for RV parks and campgrounds to one-half that charged for residential subdivisions or trailer courts. Review fees are currently charged per building lot, trailer space or RV parking space with the result that the fees for large RV parks are excessive.

3. The rule, as proposed to be amended, appears as follows (new material is underlined; material to be deleted is interlined):

16.16.803 FEE SCHEDULES (1) The fees described below pertain only to review of subdivisions as mandated by Title 76, chapter 4, part 1, MCA. An additional fee may be requested pursuant to the Montana Environmental Policy Act (75-1-101, et seq., MCA) for the preparation of an environmental impact statement.

(a) The fees in Schedule I shall be charged:

(i) Per parcel when land is divided into one or more parcels.

(ii) Per trailer space where trailer courts are proposed.

(iii) Per vehicle parcel for recreational camping vehicles and tourist campgrounds where RV parks or campgrounds are proposed.

(ii)/(iv) Per condominium living unit except, where municipal or county district water and sewer are available, the fees shall be charged per sewer hookup to the municipal or county sewer, plus \$10 for each unit in excess of one which is included on a single service connection to the water and sewer main. For condominium living units with individual service connections to the water and sewer mains, fees in the full amount shown in Schedule I must be charged.

SCHEDULE I

Fee schedule for division of land into one or more parcels, condominiums, mobile home/trailer courts, recreational camping vehicle spaces and tourist campgrounds.

	Sewage disposal provided by individual, multiple family, or public systems which are not connected to municipal or county sewer district systems	Extension of municipal or county sewer district systems requiring department approval	Existing municipal or county sewer district sewers, previously approved (no extension required)
Water supply provided by individual, multiple family or public systems which are not connected to municipal or county water district systems	\$120	\$100	\$75
Extension of municipal or county water district supply systems requiring review and approval	\$100	\$ 80	\$55
Existing municipal or county water district system, previously approved (no extension required)	\$ 75	\$ 55	\$30

(b) The fee is \$10 per vehicle parcel for recreational camping vehicles and tourist campgrounds where no water or sewer hookups are provided.

(c) The fee is 50% of the above amount per vehicle parcel for recreational camping vehicles and tourist campgrounds where water or sewer hookups are provided.

(e)(d) Fee payment should be by check or money order made payable to Department of Health and Environmental Sciences.

AUTH: 76-4-105, MCA; IMP: 76-4-105, 76-4-128, MCA


4. The department is proposing this amendment to the rule because 76-4-105, MCA, prohibits the department from setting fees that exceed the actual cost of review, and the amendment is necessary to meet that mandate in regard to the fees for review of recreational camping vehicles and trailer courts.

5. Interested persons may submit their data, views, or arguments concerning the proposed amendment, either orally or in writing, at the hearing. Written data, views, or arguments may also be submitted to Claudia Massman, Department of Health and Environmental Sciences, Cogswell Building, Capitol Station, Helena, Montana 59620, no later than March 29, 1993.

  
ROBERT J. ROBINSON, Director

Certified to the Secretary of State February 12, 1993 .

Reviewed by:

  
Eleanor Parker, DHES Attorney

BEFORE THE DEPARTMENT  
OF PUBLIC SERVICE REGULATION  
OF THE STATE OF MONTANA

In the Matter of Proposed	)	NOTICE OF PROPOSED
Amendment of Rule 38.5.3345	)	AMENDMENT TO RULE
Regarding Deferring of	)	38.5.3345
Implementation Until September	)	
1, 1993.	)	
	)	NO PUBLIC HEARING
	)	CONTEMPLATED

TO: All Interested Persons

1. On March 27, 1993 the Department of Public Service Regulation proposes to amend Rule 38.5.3345 regarding deferring of implementation until September 1, 1993.

2. The rule proposed to be amended provides as follows.

38.5.3345 CHANGE IN CUSTOMER'S INTEREXCHANGE CARRIER

(1) A local exchange carrier shall not change a customer's choice of interexchange carrier to another carrier at a carrier's request unless the customer's written authorization has been obtained by the requesting carrier prior to the request.

(2) A written authorization must contain the following information:

- (a) name and address of customer.
- (b) phone number affected by the change.
- (c) all fees associated with the change.

(d) statement that the written authorization is for the purpose of changing the customer's choice of interexchange carrier.

(e) customer's signature.

(3) This rule becomes effective on September 1, 1993.  
AUTH: Secs. 69-3-103 and 69-3-822, MCA; IMP, Secs. 69-3-102 and 69-3-201, MCA

3. Rationale: On January 9, 1992 the Federal Communications Commission (FCC) approved certain guidelines affecting primary interexchange carrier selection procedures. In response to petitions filed by AT&T, MCI and US Sprint alleging that concurrent regulation is unnecessary, the Public Service Commission agreed to defer implementation of this rule until January 1, 1993 in order to fully evaluate the effectiveness of the FCC's new guidelines. The Commission believes that further time is needed to evaluate the effectiveness of these guidelines.

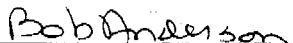
4. Interested parties may submit their data, views or arguments concerning the proposed amendment in writing to Tim Sweeney, Public Service Commission, 1701 Prospect Avenue, Helena, Montana 59620-2601 no later than March 26, 1993.

5. If a person who is directly affected by the proposed amendment wishes to express his data, views and arguments orally or in writing at a public hearing, he must make written re-

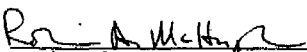
quest for a public hearing and submit this request along with any written comments he has to Tim Sweeney, Public Service Commission, 1701 Prospect Avenue, Helena, Montana 59620-2601, no later than March 26, 1993.

6. If the agency receives requests for a public hearing on the proposed amendment from either 10% or 25, whichever is less, of the persons who are directly affected by the proposed amendment; from the Administrative Code Committee of the legislature; from a governmental subdivision or agency; or from an association having not 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 one based upon the number of inter-exchange carriers serving Montana.

7. The Montana Consumer Counsel, 34 West Sixth Avenue, Helena, Montana, (406) 444-2771, is available and may be contacted to represent consumer interests in this matter.

  
BOB ANDERSON, Chairman

CERTIFIED TO THE SECRETARY OF STATE FEBRUARY 12, 1993.

  
Reviewed By

BEFORE THE BOARD OF DENTISTRY  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment )	NOTICE OF AMENDMENT OF
of a rule pertaining to renewal, )	8.17.702 RENEWAL -
and the adoption of new rules )	CONTINUING EDUCATION AND
pertaining to continuing educa- )	THE ADOPTION OF NEW RULES
tion )	PERTAINING TO CONTINUING
)	EDUCATION FOR THE PRACTICE
)	OF DENTISTRY, DENTAL
)	HYGIENE AND DENTURITRY

TO: All Interested Persons:

1. On October 15, 1992, the Board of Dentistry published a notice of public hearing at page 2236, 1992 Montana Administrative Register, issue number 19. The hearing was held on November 6, 1992, at 10:30 a.m., in the Park Plaza Hotel in Helena, Montana.

2. The Board has amended ARM 8.17.702 and adopted new rules I (8.16.1001), VI (8.17.704), IX (8.17.707) and X (8.17.708) exactly as proposed, and has adopted new rule II (8.16.1002), III (8.16.1003), IV (8.16.1004), V (8.16.1005), VII (8.17.705) and VIII (8.17.706) as proposed, but with the following changes: (the authority and implementing sections will remain the same as shown in the original proposal)

"8.16.1002 SUBJECT MATTER ACCEPTABLE FOR DENTIST AND DENTAL HYGIENIST CONTINUING EDUCATION (1) through (5)(a)(xiv) will remain the same.

(xv) endodontics; ~~and~~

(xvi) management of medical emergencies; AND

(xvii) PRACTICE MANAGEMENT.

(b) through (e) will remain the same as proposed."

"8.16.1003 REQUIREMENTS AND RESTRICTIONS (1) Each dentist and dental hygienist licensed ~~to practice in the state of~~ BY THE Montana BOARD OF DENTISTRY shall have completed ~~annually, WITHIN A THREE YEAR CYCLE.~~ the following minimum number of continuing education credits of instruction in approved courses of continued education:

(a) Dentist - ~~20 per year~~ 60 PER THREE YEAR CYCLE, WITH SUCH REQUIREMENTS COMMENCING ON MARCH 1, 1993. Dentists who have general anesthesia or conscious sedation permits must acquire these ~~20~~ 60 continuing education credits in addition to those required for maintenance of those permits.

(b) Dental hygienist - ~~12 per year~~ 36 PER THREE YEAR CYCLE, WITH SUCH REQUIREMENTS COMMENCING ON MARCH 1, 1993.

(2) through (3)(c) will remain the same as proposed.

(d) A maximum each THREE year CYCLE of ~~8~~ 24 credits for dentists, and ~~4~~ 12 credits for dental hygienists is allowed for group study.

(e) through (e)(ii) will remain the same as proposed.

~~(f) (iii) A maximum each THREE year CYCLE of ten 30~~  
credits for dentists and ~~4~~ 18 credits for dental hygienists will be allowed in this manner.

(f) A MAXIMUM EACH THREE-YEAR CYCLE OF SIX CREDITS FOR PRACTICE MANAGEMENT.

(4) through (4)(d) will remain the same.

~~(e) Administrative issues (i.e., dental economics, group practice and incorporation, solo practice and partnerships, advertising);~~

(f) will remain the same but will be renumbered (e).

~~(g) (f) Advanced cardiac life support; AND~~

~~(h) (g) Home study (i.e. videotapes, journals, etc.); and~~

~~(i) Practice management."~~

"8.16.1004 REPORTING PROCEDURES (1) Continuing education credits may not be carried over from one licensing period THREE YEAR CYCLE to another. Continuing education credits are to be submitted with the dentist and dental hygiene ANNUAL license renewal, on the 'Montana state board of dentistry continuing education report form'. The individual licensee is responsible for maintaining official "proof of attendance" documents. Examples of acceptable proof of attendance documents include:

(1)(a) through (2) will remain the same as proposed."

"8.16.1005 EXEMPTIONS AND EXCEPTIONS (1) will remain the same as proposed.

(2) ~~New dentist and dental hygiene graduates~~ LICENSEES shall be exempt from continuing education requirements for one ~~renewal period~~ UNTIL MARCH 1ST OF THE YEAR following their initial licensure in Montana, however, they are encouraged to participate actively in continuing education programs.

~~(3) Licensees who hold an inactive status license are not required to submit a continuing education report form unless applying to convert to an active license. Licensees must comply with ARM 8.16.406 or 8.16.607 regarding conversion of an inactive status license to an active status license."~~

"8.17.705 SUBJECT MATTER ACCEPTABLE FOR DENTURIST CONTINUING EDUCATION (1) will remain the same.

(2) - UPON APPROVAL OF A SPONSOR, AN ORGANIZATION SHALL BE EXEMPT FROM THE REQUIREMENT OF APPLYING FOR APPROVAL OF PROGRAMS. THE BOARD, AT ANY TIME, MAY RE-EVALUATE AND REVOKE THE STATUS OF AN APPROVED SPONSOR. A LIST OF ORGANIZATIONS OR GROUPS WHICH ARE APPROVED AS SPONSORS WILL BE MAINTAINED IN THE OFFICE OF THE BOARD.

(3) ORGANIZATIONS WHO WISH TO BE COURSE SPONSORS, ARE URGED TO APPLY FOR APPROVAL PRIOR TO COURSE PRESENTATION. APPLICATION MUST BE MADE TO THE BOARD OFFICE A MINIMUM OF 60 DAYS PRIOR TO THE COURSE DATE. A PRIMARY CONSIDERATION IN THE EVALUATION OF APPLICATIONS, SHALL BE THE PREVIOUS EXPERIENCE OF THE ORGANIZATION IN SPONSORING AND PRESENTING CONTINUING DENTURITRY EDUCATION ACTIVITIES.

(2) will remain the same as proposed but will be renumbered (4)."

"8.17.706 REQUIREMENTS AND RESTRICTIONS (1) and (2) will remain the same as proposed.

(3) Correspondence HOME STUDY courses or television programs, i.e. VIDEOTAPES, JOURNALS, ETC. are not acceptable for continuing education credit."

3. The Board has thoroughly considered all comments and testimony received. Those comments and the Board's responses thereto are as follows:

New Rule II (8.16.1002) and new rule IV (8.16.1004)

COMMENT: Various commenters stated that the requirement in new rules II(1) (8.16.1002) and new rule IV(1) (8.16.1004) that courses not preapproved be submitted at least 60 days prior to the course date should also require the board to respond to the licensees in a timely manner. At least one commenter suggested that the licensee should receive a response within 20 days of the date of the request.

RESPONSE: The Board stated that shortening the length of time for reviewing courses is unreasonable and unworkable. Reducing the amount of time allowed for review would not provide the Board sufficient time to consider the requests. Every effort will be made to accommodate the needs of applicants.

COMMENT: Don Pratt, a representative of the Denturist Association of Montana, commented that the rule should set forth the guidelines used by the Board to approve courses.

RESPONSE: The Board believes that it would be premature to promulgate by rule what must be used to approve courses and sponsors. At this point in time, the Board is not familiar with all courses available and therefore wishes to reserve the latitude and flexibility of reviewing any and all courses submitted. The Board may, if it feels it appropriate in the future, adopt specific guidelines for approving courses and sponsors. The Board, however, decided to include in new rule VII (8.17.705) language similar to that used in new rule II (8.16.1002) pertaining to dentists and hygienists and approval of courses.

COMMENT: The Montana Dental Hygiene Association and several dental practitioners requested a new (xvii) that would permit "practice management" courses under subsection (5)(a).

RESPONSE: The Board concurred and a new subsection (5)(a)(xvii) has been added as shown above.

New Rule III (8.16.1003)

COMMENT: John Jost, D.M.D., and Stephen Black, D.D.S., voiced opposition to mandatory continuing education. Dr. Jost said continuing education represents additional intrusion of government control on Montana dentists. Dr. Black stated that continuing education has never proven to increase the quality of care.

RESPONSE: The Board noted that continuing education was not intended to be a burden. Rather, the Board is implementing continuing education rules as the Legislature



gave it the authority to promulgate such rules. The Board also noted that the 1991 Legislature provided funding for the Board to consider continuing education. A majority of respondents stated their support for continuing education.

COMMENT: Julie Rattler, a registered dental hygienist, also opposed the notion of mandatory continuing education because the majority who conscientiously participate in seminars should not be required to attend a minimum number of hours because some licensees currently obtain no continuing education.

RESPONSE: The Board noted that a majority of respondents favored mandatory continuing education with some fine tuning.

COMMENT: Ms. Rattler and other requested that certain alternatives to live seminars, such as home study courses, videos and self-help courses be permitted.

RESPONSE: The Board denied the idea of allowing self-help, or home video courses. It decided that since continuing education need only be reported once every three years, rather than every year, as initially proposed, all licensees should be able to attain the required number of credits in a 36-month cycle.

COMMENT: The Board received comments stating that the number of credits to be received in any given year was excessive. One dentist stated that requiring 20 credits per year for dentists was excessive and suggested that the requirement be halved so that each dentist would have to report only 20 credits every other year.

RESPONSE: The Board believes there are enough pertinent continuing education courses offered in any three-year cycle so that the number of credits required by the Board may be met. In addition, the Board felt that requiring only an average of 10 credits per year was not sufficient to provide for constant continuing education of practitioners.

COMMENT: Several commenters stated that continuing education would be more efficiently obtained and administered if continuing education reports were not required annually.

RESPONSE: The Board agreed to revise its proposal, which had required reports be filed annually, to adopt a rule providing that continuing education reports need to be filed once every three years. Because of this change from a one-year to a three-year reporting cycle, other credit requirements were multiplied by a factor of three.

#### New Rule IV (8.16.1004)

COMMENT: Many of those providing comments suggested that the Board permit excess credits to be carried over from one year to the next year.

RESPONSE: The Board believes that revision to a three-year cycle should minimize the need for carry-over credits and voted not to allow for carry-over credits.

COMMENT: Several commenters went on record as supporting practice management for continuing education.

RESPONSE: The Board voted to delete practice management from the list of courses unacceptable for continuing education and to permit as many as six credits per three-year cycle in practice management.

New Rule V (8.16.1005)

COMMENT: Representatives of the Montana Dental Hygiene Association suggested that clarification was needed in paragraph (2) to amend both dentist and dental hygiene to adjective forms.

RESPONSE: The Board amended the proposed rule to speak only of new licensees and to avoid the need for further identifying them.

COMMENT: Representatives of Montana Dental Hygiene Association commented that subsection (3) was redundant to new rule III (ARM 8.16.1003) and thus unnecessary.

RESPONSE: Because new rule III(1) (ARM 8.16.1001(1)) has been amended to require all individuals licensed by the Board of Dentistry acquire continuing education, the Board concluded subsection (3) was redundant and voted to strike it.

New Rules III (8.16.1003), V (8.16.1005), and X (8.17.703)

COMMENT: Comments were received from Ron Olson, a denturist, and from a representative of the Montana Dental Hygiene Association, that proposed new rules III and V, relating to dentists and hygienists, were inconsistent with new rule X, relating to denturists, because only new rule X required out-of-state licensees to engage in continuing education.

RESPONSE: The Board amended new rule III to require all dentists and hygienists licensed by the Montana Board of Dentistry to acquire continuing education credits and removed the exemption for inactive licensees that had been contained in proposed new rule V. The Board believes these changes made new rules III and V consistent with new rule X.

New Rule VI (8.17.704)

COMMENT: Comments were received from the Montana Denturist Association voicing opposition to proposed new rules VI through IX because they appear to violate the legislative intent of amendments passed in 1991. The Association believes the Legislature intended that requirements for continuing education on denturists be no more restrictive or stringent than those placed on dentists or hygienists. The Denturist Association claimed the proposed rules appear to be in direct contradiction to legislation passed in 1991 that required any course put on by a recognized association, college or university or other organization recognized as a provider of continuing education should receive blanket approval. Mr. Pratt, lobbyist for the Denturist Association, further echoed

the concerns of the dental hygiene representatives as to why only denturists would be required to present proof of attendance at continuing education seminars.

RESPONSE: The Board feels the rule as proposed and adopted (some with amendments) are consistent with the statutory framework set forth in section 37-29-306, MCA. The Board may not supersede the statute.

New Rule VII (8.17.705)

COMMENT: Ron Olson, licensed denturist, asked the Board to list the National Denturist Association, the Canadian Denturist Association, the American Dental Association, and Canadian and Oregon Denturist College or other schools of dentistry or dental hygiene as approved sponsors for denturists' continuing education.

RESPONSE: The Board voted not to adopt this list of approved sponsors at this time. The Board determined that it needed more information from the proposed sponsors, which information would include what types of courses the sponsors offer that are relevant to the practice of dentistry.

New Rule III (8.16.1003) and VIII (8.17.706)

COMMENT: Representatives of the Montana Dental Hygienists Association (MDHA), commented that the Association would like to see a limited number of home study courses accepted.

RESPONSE: The Board decided not to adopt the comment because it felt that moving to a three-year cycle decreased the need for video tapes, home study, or credit by compiling journals.

BOARD OF DENTISTRY  
ROBERT W. RECTOR, D.D.S.  
CHAIRMAN

BY:

Annie M. Bartos  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

Annie M. Bartos  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, February 12, 1993.

BEFORE THE BOARD OF PHARMACY  
DEPARTMENT OF COMMERCE  
STATE OF MONTANA

In the matter of the amendment	)	NOTICE OF AMENDMENT OF
of a rule pertaining to defini-	)	8.40.401 DEFINITIONS AND
tions and adoption of new rules	)	ADOPTION OF NEW RULES
pertaining to patient records,	)	PERTAINING TO PATIENT
prospective drug review and	)	RECORDS, PROSPECTIVE DRUG
patient counseling	)	REVIEW AND PATIENT
	)	COUNSELING

TO: All Interested Persons:

1. On November 12, 1992, the Board of Pharmacy published a notice of proposed amendment and adoption at page 2439, 1992 Montana Administrative Register, issue number 21.

2. The Board has amended 8.40.401 and adopted new rule II (8.40.1502) exactly as proposed. The Board has adopted new rules I (8.40.1501) and III (8.40.1503) as proposed, but with the following changes:

"8.40.1501. PATIENT RECORDS (1) A patient record system shall be maintained by all pharmacies for patients for whom prescription drug orders are dispensed. The patient record system shall provide for the immediate retrieval of information necessary for the dispensing pharmacist to identify previously dispensed drugs at the time a prescription drug order is presented for dispensing. The pharmacist OR PHARMACY TECHNICIAN UNDER A BOARD-APPROVED UTILIZATION PLAN shall make a reasonable effort to obtain, record, and maintain the following information:

(a) through (e) will remain the same as proposed.

(2) The pharmacist OR PHARMACY TECHNICIAN UNDER A BOARD-APPROVED UTILIZATION PLAN shall make a reasonable effort to obtain from the patient or the patient's agent and shall record any known allergies, drug reactions, idiosyncrasies, and chronic conditions or disease status of the patient and the identity of any other drugs, including over-the-counter drugs, or devices currently being used by the patient which may relate to prospective drug review.

(3) will remain the same as proposed."

Auth: Sec. 37-7-201, MCA; IMP, Sec. 37-7-406, MCA

"8.40.1503. PATIENT COUNSELING (1) Upon receipt of a NEW prescription drug order OR REFILL PRESCRIPTION DRUG ORDER IF DEEMED NECESSARY BY THE PHARMACIST, and following a review of the patient's record, a pharmacist shall personally offer to discuss matters which will enhance or optimize drug therapy with each patient or caregiver of such patient. Such discussion shall be in person, whenever practicable, or by telephone and shall include appropriate elements of patient counseling. Such elements may include the following:

(a) through (2) will remain the same as proposed.

(3) Patient counseling, as described above and defined in this Act shall not be required for inpatients of a hospital or institution where other licensed health care professionals

are authorized to administer the drugs(s). ANY PHARMACIST DISPENSING MEDICATION TO BE SELF-ADMINISTERED OUTSIDE AN INSTITUTION SHALL COMPLY WITH ALL PATIENT COUNSELING STATUTES AND RULES.

(4) A pharmacist shall not be required to counsel a patient or caregiver when the patient or caregiver refuses such consultation. A RECORD OF THE REFUSAL SHALL BE MAINTAINED BY THE PHARMACIST."

Auth: Sec. 37-7-201, MCA; IMP, Sec. 37-7-406, MCA

3. The Board has thoroughly considered all comments and testimony received. Those comments and the Board's responses thereto are as follows:

#### Rule I (8.40.1501) PATIENT RECORDS

COMMENT NO. 1: The proposed rule definition does not clarify whether ancillary personnel may be used to collect, record and obtain patient information as permitted by the Health Care Financing Administration Guidelines (HCFA).

RESPONSE: The Board concurs with the comment, and will amend the rule to address use of board-approved pharmacy technicians.

COMMENT NO. 2: The proposed rule does not define the term "reasonable effort." The HCFA states it is the responsibility of the state to define the term, and the proposed rule should include this definition.

RESPONSE: Association and professional organizations have determined there is no proper definition for "reasonable," as it is a subjective term. The Board feels that "reasonable effort" is a proper phrase.

#### Rule II (8.40.1502) PROSPECTIVE DRUG REVIEW

COMMENT NO. 3: The proposed rule language on drug-disease contraindications is incomplete, and should add language such as "as indicated on the prescription by the physician," or "when indicated on the prescription," as pharmacists cannot be held liable for the patient diagnosis.

RESPONSE: The list of information to be obtained is from OBRA '90 requirements. No comments are offered by the Federal guidelines in this area. Rule I required a "reasonable effort" to obtain information, so a pharmacist could properly identify and review all informational areas listed under the present language.

COMMENT NO. 4: The proposed rule does not reflect the use of the pharmacist's professional judgment in reviewing the areas listed under prospective drug review, and this phrase should be added to the rule language.

RESPONSE: The rule requires a pharmacist to perform this review of patient records personally anyway, so "professionalism" will always be a part of the review, as well as "professional judgment." Use of the specific phrase would be redundant.

Rule III (8.40.1503) PATIENT COUNSELING

COMMENT NO. 5: The proposed rule does not specify if counseling is to be performed for all prescriptions, or just new ones. The rule could include the language, "Upon receipt of a new or refill prescription ...."

RESPONSE: The Board concurs with the comment and will amend the rule as shown above.

COMMENT NO. 6: Three comments were received stating the requirement that the pharmacist must "personally" extend the offer to counsel is overly restrictive. The rule should allow the use of ancillary personnel, or agents of the pharmacist to make the offer to counsel. The language should then stress it is the responsibility of the pharmacist to personally conduct the counseling if the offer is accepted.

RESPONSE: The requirement that a pharmacist him- or herself must offer to counsel is stated in Montana law at section 37-7-406(2), MCA, and the Board has no authority to exceed the statutory requirements.

COMMENT NO. 7: The proposed rule at (3) should be clarified to specifically exempt medical assistance facilities (MAF) as an institution where licensed professionals are authorized to administer drugs.

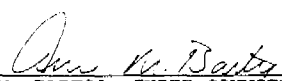
RESPONSE: MAFs already fit under the definition of "institutions" where "other licensed health care professionals are authorized to administer drugs" and it is not therefore necessary to specifically mention MAFs in the rule.

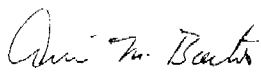
COMMENT NO. 8: Two comments were received stating the proposed rule at (4) does not set forth a requirement that documentation be kept by a pharmacy of refusals of an offer to counsel. The HCFA guidelines allow the rules to require written documentation be maintained by the pharmacist when a patient refuses to counsel.

RESPONSE: The Board concurs with the comment and will amend the rule as shown above.

BOARD OF PHARMACY  
ROBERT KELLEY, R.Ph., CHAIRMAN

BY:

  
ANNIE M. BARTOS, CHIEF COUNSEL  
DEPARTMENT OF COMMERCE

  
ANNIE M. BARTOS, RULE REVIEWER

Certified to the Secretary of State, February 12, 1993.

BEFORE THE SUPERINTENDENT OF PUBLIC INSTRUCTION  
OF THE STATE OF MONTANA

In the matter of the amend-	)	NOTICE OF AMENDMENT AND
ment and repeal of rules re-	)	REPEAL OF RULES RELATING
lating to vo-ed general rules	)	TO VO-ED GENERAL RULES
	)	

To: All Interested Persons

1. On August 27, 1992, the Superintendent of Public Instruction published notice of proposed amendment and repeal of the rules referenced above at page 1795 of the 1992 Montana Administrative Register, issue number 16.

2. No public hearing was held nor was one requested. The Superintendent has received no written or oral comments concerning these rules.

3. Based on the foregoing, the Superintendent of Public Instruction hereby amends and repeals the rules as proposed.

OPI COMMENTS:

The existing rules had incorrect MCA cites that were not changed in the notice published above and also cites where the statutes were renumbered. The correct cites to these rules follow:

10.41.112 RECRUITMENT, SELECTION, EMPLOYMENT AND ADVANCEMENT OF PERSONNEL (IS HEREBY REPEALED)  
(AUTH: 20-7-301, MCA; IMP: 20-16-104, MCA)

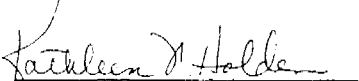
10.41.118 LOCAL ADVISORY COUNCILS  
(AUTH: 20-7-301, MCA; IMP: 20-7-301, MCA)

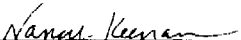
10.41.119 PROGRAM ADVISORY COMMITTEES  
(AUTH: 20-7-301, MCA; IMP: 20-16-104, MCA)

10.41.121 OCCUPATIONAL INFORMATION, GUIDANCE AND PLACEMENT SERVICES IN POSTSECONDARY INSTITUTIONS (IS HEREBY REPEALED)  
(AUTH: 20-7-301, MCA; IMP: 20-16-104, MCA)

10.41.122 COOPERATION IN PLANNING (IS HEREBY REPEALED)  
(AUTH: 20-7-301, MCA; IMP: 20-16-104, MCA)

Further, 10.41.102 was inadvertently published as a repealed rule. This rule will be amended as proposed.

  
Kathleen F. Holden  
Rule Reviewer  
Office of Public Instruction

  
Nancy Keenan  
Superintendent  
Office of Public Instruction

Certified to the Secretary of State February 12, 1993.

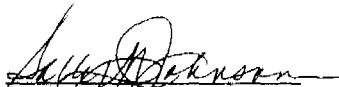
BEFORE THE BOARD OF PARDONS  
OF THE STATE OF MONTANA

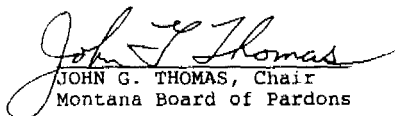
In the matter of the	)	NOTICE OF ADOPTION OF
revision of the Rules	)	REVISION OF RULES (ARM
of the Board of Pardons	)	Title 20, Chapter 25)


TO: ALL INTERESTED PERSONS

1. On December 10, 1992, the Board of Pardons published a Notice of Proposed revision to its rules now published at pages 20-251 through 20-266 of the Administrative Rules of Montana, at page 2639 1992 MAR issue No. 23.

2. The Board of Pardons has adopted the revision of its rules with minor editorial changes but substantially as proposed.

  
SALLY M. JOHNSON  
Deputy Director  
Department of Corrections  
and Human Services

  
JOHN G. THOMAS, Chair  
Montana Board of Pardons

  
JAMES B. OBIE  
Rule Reviewer

Certified to the Secretary of State February 12<sup>th</sup>, 1993.



BEFORE THE HUMAN RIGHTS COMMISSION  
OF THE STATE OF MONTANA

In the matter of the amendment )  
of Rule 24.9.314, Document format, )  
filing and service; and Rule ) NOTICE OF AMENDMENT  
24.9.329, Exceptions to proposed )  
orders )  
)  
)  
)

TO: All Interested Persons

1. On December 24, 1992, at page 2695 of the 1992 Montana Administrative Register, Issue No. 24, the human rights commission published notice of the proposed amendment of ARM 24.9.314 and 24.9.329.

2. The commission amended the rules listed above as proposed with the following changes:

24.9.314. DOCUMENT FORMAT, FILING AND SERVICE

(1)-(6) Amended as proposed.

(7) Filing of a facsimile copy of a document of no more than 20 pages, which is an exact duplicate of the original, shall meet the filing requirements of these rules only if the facsimile copy is followed within 5 days by filing of the original or original copy of the document and required copies.

24.9.329. EXCEPTIONS TO PROPOSED ORDER

(1)-(4) Amended as proposed.

(4)-(6) Amended as proposed but renumbered (5)-(7).

3. The authority of the commission to amend these rules is based upon Sections 49-2-204 and 49-3-106, MCA.

4. The rules implement Sections 49-2-505 and 49-3-308, MCA.

5. The commission did not receive any public comments regarding the proposed amendments.

Reviewed by:

MONTANA HUMAN RIGHTS COMMISSION  
JOHN B. KUHR, CHAIRPERSON

*David A. Scott*  
David A. Scott, Administrator  
Legal Services Division  
Dept. of Labor and Industry

By:

*Anne L. MacIntyre*  
ANNE L. MacINTYRE  
ADMINISTRATOR  
HUMAN RIGHTS COMMISSION STAFF

Certified to the Secretary of State February 12, 1993.

NOTICE OF FUNCTIONS OF ADMINISTRATIVE CODE COMMITTEE

The Administrative Code Committee reviews all proposals for adoption of new rules, amendment or repeal of existing rules filed with the Secretary of State, except rules proposed by the Department of Revenue. Proposals of the Department of Revenue are reviewed by the Revenue Oversight Committee.

The Administrative Code 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      | 1. Consult ARM topical index.                 |
| Subject    | Update the rule by checking the accumulative  |
| Matter     | table and the table of contents in the last   |
|            | Montana Administrative Register issued.       |
| Statute    | 2. Go to cross reference table at end of each |
| Number and | title which lists MCA section numbers and     |
| Department | 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 Administrative Procedure Act for inclusion in the ARM. The ARM is updated through December 31, 1992. This table includes those rules adopted during the period January 1, 1993 through March 31, 1993 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, 1992, 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 1992 and 1993 Montana Administrative Registers.

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#### BOARD APPOINTEES AND VACANCIES

House Bill 424, passed by the 1991 Legislature, directed that all appointing authorities of all appointive boards, commissions, committees and councils of state government take positive action to attain gender balance and proportional representation of minority residents to the greatest extent possible.

One directive of HB 424 was that the Secretary of State publish monthly in the *Montana Administrative Register* a list of appointees and upcoming or current vacancies on those boards and councils.

In this issue, appointments made in January, 1993, are published. Vacancies scheduled to appear from March 1, 1993, through May 31, 1993, are also listed, as are current recent vacancies due to resignations or other reasons.

Individuals interested in serving on a new board should refer to the bill that created the board for details about the number of members to be appointed and qualifications necessary.

Each month, the previous month's appointees are printed, and current and upcoming vacancies for the next three months are published.

#### IMPORTANT

Membership on boards and commissions changes constantly. The following lists are current as of February 4, 1993.

For the most up-to-date information of the status of membership, or for more detailed information on the qualifications and requirements to serve on a board, contact the appointing authority.

BOARD AND COUNCIL APPOINTEES: JANUARY, 1993

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Commissioner of Political Practices			
Mr. Ed Argenbright	Governor	Colburg	1/1/1993
Helena			1/1/1999
Qualifications (if required):	none specified		
Director, Department of Administration (Administration)			
Ms. Lois A. Menzies	Governor	Marks	1/4/1993
Helena			0/0/0
Qualifications (if required):	none specified		
Director, Department of Agriculture (Agriculture)			
Mr. Leo Giacometto	Governor	Snortland	1/4/1993
Helena			0/0/0
Qualifications (if required):	none specified		
Director, Department of Corrections and Human Services (Corrections and Human Services)			
Mr. Rick Day	Governor	Chisholm	1/4/1993
Helena			0/0/0
Qualifications (if required):	none specified		
Director, Department of Family Services (Family Services)			
Mr. Henry Hudson	Governor	Olsen	1/4/1993
Clancy			0/0/0
Qualifications (if required):	none specified		
Director, Department of Fish, Wildlife and Parks (Fish, Wildlife and Parks)			
Mr. Pat Graham	Governor	Cool	1/4/1993
Helena			0/0/0
Qualifications (if required):	none specified		

BOARD AND COUNCIL APPOINTEES: JANUARY, 1993

<u>Appointee</u>	<u>Appointed by</u>	<u>Succeeds</u>	<u>Appointment/End Date</u>
Director, Department of Health and Environmental Sciences (Health and Environmental Sciences)			
Mr. Bob Robinson	Governor	Iverson	1/4/1993
Helena			0/0/0
Qualifications (if required): none specified			
Director, Department of Labor and Industry (Labor and Industry)			
Ms. Laurie Ekanger	Governor	Micone	1/4/1993
Clancy			0/0/0
Qualifications (if required): none specified			
Director, Department of Military Affairs (Military Affairs)			
Maj. Gen. John E. Prendergast	Governor	Blair	1/4/1993
Helena			0/0/0
Qualifications (if required): none specified			
Director, Department of Natural Resources and Conservation (Natural Resources and Conservation)			
Mr. Mark Anthony Simonich	Governor	Barclay	1/4/1993
Woodbridge			0/0/0
Qualifications (if required): none specified			
Director, Department of Revenue (Revenue)			
Mr. Michael (Nick) J. Robinson	Governor	Adams	1/4/1993
Helena			0/0/0
Qualifications (if required): none specified			
Director, Department of Social and Rehabilitation Services (Social and Rehabilitation Services)			
Mr. Peter Blouke	Governor	Robinson	1/4/1993
Helena			0/0/0
Qualifications (if required): none specified			

BOARD AND COUNCIL APPOINTEES: JANUARY, 1993

Appointee	Appointed by	Succeeds	Appointment/End Date
Director, Department of State Lands (State Lands)			
Mr. Arthur R. Clinch	Governor	Casey	1/4/1993
Columbia Falls			0/0/0
Qualifications (if required): none specified			
Director, Department of Transportation			
Mr. Marvin Dye	Governor	Rothwell	1/4/1993
Helena			0/0/0
Qualifications (if required): none specified			
Judicial Nomination Commission (Judicial)			
Mr. C. David Bliss	Governor	reappointed	1/1/1993
Conrad			1/1/1997
Qualifications (if required): lay member			
Northwest Power Planning Council (Governor)			
Mr. John N. Etchart	Governor	not listed	1/4/1993
Fort Worth			0/0/0
Qualifications (if required): none specified			
Mr. Stan Grace	Governor	reappointed	1/4/1993
Helena			0/0/0
Qualifications (if required): none specified			
Passenger Tramway Advisory Council (Commerce)			
Mrs. Helen Nelson	Governor	reappointed	1/1/1993
Kalispell			1/1/1996
Qualifications (if required): represents skiing public			
Mr. Kevin Taylor	Governor	reappointed	1/1/1993
Marysville			1/1/1996
Qualifications (if required): ski area operator			



VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Architects (Commerce)</b> Mr. Keith Eugene Rupert, Billings Qualifications (if required):	Governor	3/27/1993
<b>Board of County Printing (Commerce)</b> Mr. Ronald Dale Fossen, Scobey Qualifications (if required): county commissioner	Governor	4/1/1993
Ms. Jane Lopp, Kalispell Qualifications (if required): public member	Governor	4/1/1993
Ms. Mona L. Nutting, Red Lodge Qualifications (if required): county commissioner	Governor	4/1/1993
Mr. Verle L. Rademacher, White Sulphur Springs Qualifications (if required): printing industry representative	Governor	4/1/1993
Mr. Bruce Smith, Bozeman Qualifications (if required): member of printing industry	Governor	4/1/1993
<b>Board of Dentistry (Commerce)</b> Mr. John T. Noonan, Great Falls Qualifications (if required): licensed dentist	Governor	3/29/1993
<b>Board of Hall Insurance (Agriculture)</b> Mr. Grant Zerbe, Frazer Qualifications (if required): member	Governor	4/18/1993

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<b>Board of Livestock</b> (Livestock) Mr. Leonard Grove, Judith Gap Qualifications (if required): sheep producer	Governor	3/1/1993
Mr. Donald L. Herzog, Rapelje Qualifications (if required): representative of hog producers	Governor	3/1/1993
Mr. Jerry E. Leep, Amsterdam Qualifications (if required): dairy producer	Governor	3/1/1993
<b>Board of Nursing Home Administrators</b> (Commerce) Mr. Ronald Borgman, Columbus Qualifications (if required): nursing home administrator	Governor	5/28/1993
<b>Board of Optometrists</b> (Commerce) Dr. Kenneth R. Zuroff, Glendive Qualifications (if required): none specified	Governor	4/3/1993
<b>Board of Professional Engineers and Land Surveyors</b> (Commerce) Mr. Dennis F. Carver, Kalispell Qualifications (if required): professional engineer	Governor	4/23/1993
<b>Board of Real Estate Appraisers</b> (Commerce) Mr. Patrick Asay, Cardwell Qualifications (if required): appraiser represent Internat'l Right-of-Way Association	Governor	5/1/1993
<b>Board of Realty Regulation</b> (Commerce) Ms. B. Helen Garrick, Missoula Qualifications (if required): affiliated with Republican Party	Governor	5/9/1993
<b>Board of Veterans Affairs</b> (Military Affairs) Ms. Bernadette A. Opp, Missoula Qualifications (if required): none specified	Governor	5/18/1993

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Clark Fork Rehabilitation Advisory Council (Governor)	Governor	5/23/1993
Mr. Vic Andersen, Helena Qualifications (if required): none specified	Governor	5/23/1993
Sen. Thomas Beck, Deer Lodge Qualifications (if required): none specified	Governor	5/23/1993
Mr. Frank Bennett, Anaconda Qualifications (if required): none specified	Governor	5/23/1993
Mr. Cal Christian, Anaconda Qualifications (if required): none specified	Governor	5/23/1993
Mr. Bob Fox, Helena Qualifications (if required): none specified	Governor	5/23/1993
Mr. Pat Graham, Helena Qualifications (if required): none specified	Governor	5/23/1993
Mr. Glen Green, Deer Lodge Qualifications (if required): none specified	Governor	5/23/1993
Mr. Frank Munshower, Bozeman Qualifications (if required): none specified	Governor	5/23/1993
Mr. Peter Nielson, Missoula Qualifications (if required): none specified	Governor	5/23/1993
Mr. Steve Pilcher, Helena Qualifications (if required): none specified	Governor	5/23/1993
Ms. Sandy Stash, Anaconda Qualifications (if required): none specified	Governor	5/23/1993

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

Board/current position holder	Appointed by	Term end
Clark Fork Rehabilitation Advisory Council (Governor) cont.		
Mr. Tim Sullivan, Butte	Governor	5/23/1993
Qualifications (if required): none specified		
Mr. Ray Tilman, Butte	Governor	5/23/1993
Qualifications (if required): none specified		
Education Advisory Council (Governor)		
Sen. Robert Brown, Whitefish	Governor	5/1/1993
Qualifications (if required): legislator and teacher		
Dr. Peter Carparelli, Billings	Governor	5/1/1993
Qualifications (if required): regional superintendent		
Mr. John Dallum, Cascade	Governor	5/1/1993
Qualifications (if required): parent of elementary student		
Mr. Bob Deming, Great Falls	Governor	5/1/1993
Qualifications (if required): serves on Board of Higher Education		
Mr. LeRoy Ensign, Bozeman	Governor	5/1/1993
Qualifications (if required): represents private schools		
Education Advisory Council (Governor)		
Ms. Martha H. Parrish, Rexford	Governor	5/1/1993
Qualifications (if required): elementary school librarian		
Mr. Sidney Sutherland, Fairfield	Governor	5/1/1993
Qualifications (if required): guidance counselor		
Ms. Linda Vaughey, Havre	Governor	5/1/1993
Qualifications (if required): school board member		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Executive Bd of MT College of Mineral Science & Technology (Education) Mr. Haley Beaudry, Butte Qualifications (if required): resides in county where unit is located	Governor	4/19/1993
Executive Board of Eastern Montana College (Education) Mr. Dale Rasching, Billings Qualifications (if required): resides in county where unit is located	Governor	4/19/1993
Executive Board of Montana State University (Education) Ms. Cindy Shewey, Bozeman Qualifications (if required): resides in county where unit is located	Governor	4/19/1993
Executive Board of Northern Montana College (Education) Mr. Robert D. Morrison, Havre Qualifications (if required): public member	Governor	4/16/1993
Executive Board of University of Montana (Education) Mr. Bob Grell, Missoula Qualifications (if required): resides in county where unit is located	Governor	4/19/1993
Executive Board of Western Montana College (Education) Ms. Agnes Helle, Dillon Qualifications (if required): resides in county where unit is located	Governor	4/19/1993
Independent Living Advisory Council (Social and Rehabilitation Services) Ms. Ellen Alweis, Billings Qualifications (if required): none specified	director	4/1/1993
Mr. Paul Braut, Miles City Qualifications (if required): none specified	director	4/1/1993
Ms. Kathy Collins, Helena Qualifications (if required): none specified	director	4/1/1993

## VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
<u>Independent Living Advisory Council</u> (Social and Rehabilitation Services) cont.		
Ms. June Hermanson, Polson	director	4/1/1993
Qualifications (if required): none specified		
Ms. Jan LaValley-Miller, Great Falls	director	4/1/1993
Qualifications (if required): none specified		
Ms. Annette Lyman, Helena	director	4/1/1993
Qualifications (if required): none specified		
Mr. Terry Salinas, Billings	director	4/1/1993
Qualifications (if required): none specified		
Ms. Zana Smith, Helena	director	4/1/1993
Qualifications (if required): none specified		
Mr. Merle I. Weldele, Four Buttes	director	4/1/1993
Qualifications (if required): none specified		
Ms. Lynn Winslow, Helena	director	4/1/1993
Qualifications (if required): none specified		
<u>Library Services Advisory Council</u> (Education)		
Ms. Esther Dean, Forsyth	director	5/1/1993
Qualifications (if required): rep. user public library service in Sagebrush Library Fed		
<u>Medal of Valor Advisory Council</u> (Governor)		
Mr. Rick Bartos, Helena	Governor	4/30/1993
Qualifications (if required): not specified		
<u>Major General Gary Blair, Helena</u>	Governor	4/30/1993
Qualifications (if required): not specified		

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Medal of Valor Advisory Council (Governor) cont. Rep. Jan Brown, Helena Qualifications (if required): not specified	Governor	4/30/1993
Ms. Kay Foster, Billings Qualifications (if required): not specified	Governor	4/30/1993
Ms. Jo Gmazel-Bartley, Hamilton Qualifications (if required): not specified	Governor	4/30/1993
Ms. Deola M. Shryock, Polson Qualifications (if required): not specified	Governor	4/30/1993
Mr. Mike Voeller, Helena Qualifications (if required): not specified	Governor	4/30/1993
Public Employees' Retirement Board (Administration) Ms. Mona Jamison, Helena Qualifications (if required): at large member	Governor	4/1/1993
Mr. Troy W. McGee, Helena Qualifications (if required): retired public employee	Governor	4/1/1993
State Compensation Mutual Insurance Fund (Administration) Mr. James T. Harrison, Helena Qualifications (if required): member at large	Governor	4/28/1993
Mr. Robert S Short, Great Falls Qualifications (if required): rep. state policy holder in private for-profit enterprise	Governor	4/28/1993
Mr. Clyde B. Smith, Kalispell Qualifications (if required): rep. state policy holder in private for-profit enterprise	Governor	4/28/1993

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
State Library Commission (Education) Ms. Anne Hauptman, Billings Qualifications (if required): public member	Governor	5/22/1993
Mr. Lloyd Wallin, Deer Lodge Qualifications (if required): public member	Governor	5/22/1993
State Tax Appeal Board (Administration) Mr. Patrick E. McKelvey, Helena Qualifications (if required): public member	Governor	3/1/1993
Visual Services Advisory Council (Social and Rehabilitation Services) Mr. Mike Bullock, Helena Qualifications (if required): none specified	director	4/1/1993
Mr. George Gloege, Billings Qualifications (if required): none specified	director	4/1/1993
Mr. Richard James, Bozeman Qualifications (if required): none specified	director	4/1/1993
Ms. Sandra Jarvie, Helena Qualifications (if required): none specified	director	4/1/1993
Ms. June Miller, Helena Qualifications (if required): none specified	director	4/1/1993
Ms. Anita Nelson, Missoula Qualifications (if required): none specified	director	4/1/1993
Ms. Lucy Nottingham, Billings Qualifications (if required): none specified	director	4/1/1993



VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

Board/current position holder	Appointed by	Term end
Visual Services Advisory Council (Social and Rehabilitation Services) cont. Ms. Virginia Sutich, Sand Coulee Qualifications (if required): none specified	director	4/1/1993
Vocational Education Advisory Council (Governor) Mr. Fred "Rocky" Clark, Butte Qualifications (if required): none specified	Governor	5/1/1993
Mr. Jeff Dietz, Billings Qualifications (if required): none specified	Governor	5/1/1993
Ms. Ann Haagenstad, Clancy Qualifications (if required): none specified	Governor	5/1/1993
Dr. Jon Jourdonnais, Great Falls Qualifications (if required): none specified	Governor	5/1/1993
Dr. August "Gus" Korb, Havre Qualifications (if required): none specified	Governor	5/1/1993
Dr. Dennis Lerum, Missoula Qualifications (if required): none specified	Governor	5/1/1993
Mr. Jesse O'Hara, Great Falls Qualifications (if required): none specified	Governor	5/1/1993
Dr. Robert Schaal, Kalispell Qualifications (if required): none specified	Governor	5/1/1993
Mr. James Schultz, Lewistown Qualifications (if required): none specified	Governor	5/1/1993

VACANCIES ON BOARDS AND COUNCILS -- March 1, 1993 through May 31, 1993

<u>Board/current position holder</u>	<u>Appointed by</u>	<u>Term end</u>
Vocational Education Advisory Council (Governor) cont. Colonel Gordon Simmons, Missoula Qualifications (if required): none specified	Governor	5/1/1993
Rep. Charles "Chuck" Swysgood, Dillon Qualifications (if required): none specified	Governor	5/1/1993
Ms. Avis Ann "Sanny" Tobin, Helena Qualifications (if required): none specified	Governor	5/1/1993
Mr. Howard Williams, Helena Qualifications (if required): none specified	Governor	5/1/1993

**DOES NOT  
CIRCULATE**