

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY  
OF THE STATE OF MONTANA

In the matter of the amendment of )  
ARM 24.101.417 registration for out- )  
of-state volunteer professionals )  
NOTICE OF PUBLIC HEARING ON  
PROPOSED AMENDMENT

TO: All Concerned Persons

1. On June 19, 2020, at 10:00 a.m., a public hearing will be held via remote conferencing to consider the proposed amendment of the above-stated rule. Because there currently exists a state of emergency in Montana due to the public health crisis caused by the coronavirus, there will be no in-person hearing. Interested parties may access the remote conferencing platform by dialing 406-444-4647 (local) or 1-833-681-5958 (toll free) and entering meeting ID 5434783 when directed to do so.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the department no later than 5:00 p.m., on June 12, 2020, to advise us of the nature of the accommodation that you need. Please contact Debra Morrell, Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; telephone (406) 841-2367; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2313; or dmorrell@mt.gov.

3. The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.101.417 REGISTRATION FOR OUT-OF-STATE VOLUNTEER PROFESSIONALS (1) remains the same.

(2) A volunteer professional ~~shall not~~ may accept remuneration for services provided during a state of emergency or disaster as a volunteer professional.

(3) remains the same.

(4) An applicant for registration shall submit a completed, signed department registration application form, to include the following:

(a) through (e) remain the same.

(f) ~~occupation(s) for which the applicant holds a current~~ title and type of each professional license currently held;

(g) state or states in which the applicant holds ~~or has ever held~~ a professional license;

(h) through (6) remain the same.

(7) A volunteer professional is exempt from continuing education requirements for the state of Montana.

AUTH: 10-3-120, MCA

IMP: 10-3-118, 10-3-119, MCA

REASON: Following the March 12, 2020, COVID-19 emergency declaration by Governor Steve Bullock, the department reviewed this rule and its application in facilitating volunteer assistance of professionals in the state while ensuring the public's protection. Noting that the definition of "volunteer professional" at 10-3-103, MCA, neither mandates nor prohibits volunteers from receiving remuneration for services provided, the department determined it is reasonably necessary to amend (2) to allow volunteer professionals to receive remuneration while providing volunteer services in a declared emergency. Further, the department notes that the Montana Department of Public Health and Human Services (DPHHS) administers an emergency system for the advance registration of volunteer health professionals in Montana, known as the Montana Healthcare Mutual Aid System or MHMAS. The MHMAS website, <https://dphhs.mt.gov/publichealth/phep/mhmas> provides a secure, web-based online registration system to register, verify, and credential volunteer healthcare professionals before a major disaster or public health emergency. Because DPHHS has always implemented this registry with the understanding from facilities that volunteers are paid when they move and provide professional services at different facilities, the department determined it is reasonably necessary to allow licensed volunteers to receive remuneration and further align with the MHMAS registry.

The department is further amending this rule to streamline and align the application and registration requirements with standardized department licensure processes. Due to the temporary nature of the volunteer registrations, volunteer applicants need only provide out-of-state licenses currently held, and is amending (4)(g) accordingly.

The department is adding (7) to clarify that volunteer professionals are not held to the same continuing education requirements for renewing licensure. Volunteer registration is limited to the duration of a declared emergency and may not be renewed.

4. Concerned 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 Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514, by facsimile to (406) 841-2313, or e-mail to [damoe@mt.gov](mailto:damoe@mt.gov), and must be received no later than 5:00 p.m., June 26, 2020.

5. An electronic copy of this notice of public hearing is available at <http://bsd.dli.mt.gov> (department's web site). Although the department strives to keep its web site accessible at all times, concerned persons should be aware that web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions. Persons who wish to have their name added to the

list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding Business Standards Division administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to Debra Morrell, Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; faxed to the office at (406) 841-2313; e-mailed to dmorrell@mt.gov; or made by completing a request form at any rules hearing held by the agency.

7. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

8. Regarding the requirements of 2-4-111, MCA, the department has determined that the amendment of ARM 24.101.417 will not significantly and directly impact small businesses.

Documentation of the department's above-stated determination is available upon request to the Business Standards Division, Department of Labor and Industry, 301 South Park Avenue, P.O. Box 200514, Helena, Montana 59620-0514; telephone (406) 841-2327; facsimile (406) 841-2313; or to damoe@mt.gov.

9. Darcee Moe, Legal Counsel, has been designated to preside over and conduct this hearing.

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ BRENDA NORDLUND  
Brenda Nordlund, Acting Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State May 19, 2020.