

BEFORE THE DEPARTMENT OF LABOR AND INDUSTRY
AND THE BOARD OF ATHLETIC TRAINERS
STATE OF MONTANA

In the matter of the proposed amendment) NOTICE OF PUBLIC HEARING
of ARM 24.101.413 renewal dates and) ON PROPOSED AMENDMENT
requirements and adoption of NEW) AND ADOPTION
RULE I fees)

TO: All Concerned Persons

1. On July 2, 2008, at 10:00 a.m., a public hearing will be held in room 439, 301 South Park Avenue, Helena, Montana to consider the proposed amendment and adoption of the above-stated rules.

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 Board of Athletic Trainers (board) no later than 5:00 p.m., on June 27, 2008, to advise us of the nature of the accommodation that you need. Please contact Marilyn Kelly-Clark, Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2380; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdatr@mt.gov.

3. The department is proposing to amend the following rule. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

24.101.413 RENEWAL DATES AND REQUIREMENTS (1) through (5)(c) remain the same.

	BOARD OR PROGRAM JURISDICTION	LICENSE CATEGORY	FREQUENCY	RENEWAL DATE
(d)	Athlete Agents	Athlete Agents	Biennially	Anniversary date of certificate
(d)	<u>Athletic Trainers</u>	<u>Athletic Trainers</u>	<u>Triennially</u>	<u>August 31</u>

(e) through (7) remain the same.

AUTH: 37-1-101, 37-1-141, MCA
IMP: 37-1-101, 37-1-141, MCA

REASON: The 2007 Montana Legislature enacted Chapter 388, Laws of 2007 (House Bill 665), creating the Board of Athletic Trainers and setting forth

requirements for licensure. The bill was signed by the Governor on March 16, 2007, and became effective on October 1, 2007. The 2007 Montana Legislature enacted Chapter 11, Laws of 2007 (Senate Bill 54), repealing the Uniform Athlete Agents Act. The bill was signed by the Governor on March 16, 2007, and became effective on July 1, 2007. The department determined it is reasonable and necessary to amend this rule and provide for licensure renewal of athletic trainers while deleting athlete agent renewal information to efficiently comply with the statutory changes.

4. The proposed new rule provides as follows:

NEW RULE I FEE SCHEDULE (1) Fees for original examination and license, and original endorsement and license are based on a calendar year beginning with calendar year 2008, are effective for three years, and must be renewed by the date specified in ARM 24.101.413. The following is the fee schedule for licensed athletic trainers:

- | | |
|---|-------|
| (a) Original examination application and license fee | \$750 |
| (b) Original endorsement application and license fee | 750 |
| (2) Additional standardized fees are specified in ARM 24.101.403. | |
| (3) All fees are nonrefundable and may not be prorated. | |

AUTH: 37-1-134, 37-36-102, MCA

IMP: 37-1-134, 37-36-201, MCA

REASON: The board determined it is reasonably necessary to adopt this new rule and set licensure fees to implement the 2007 legislation. The board is statutorily required to set fees at a level commensurate with associated costs per 37-1-134, MCA. The legislation requires the board to license and regulate athletic trainers and the proposed fees will enable the board to meet this mandate. The board is setting a fee of \$750 to cover the statutory three year licensing period. It is estimated that the new fees will affect approximately 160 individuals and result in \$120,000 of board revenue for next three years, or \$40,000 in annual revenue.

5. 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 Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdatr@mt.gov, and must be received no later than 5:00 p.m., July 10, 2008.

6. An electronic copy of this Notice of Public Hearing is available through the department and board's site on the World Wide Web at www.athletictrainer.mt.gov. The department strives to make the electronic copy of this Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or

technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The Board of Athletic Trainers maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. 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 the person wishes to receive notices regarding all Board of Athletic Trainers 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 the Board of Athletic Trainers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdatr@mt.gov, or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was notified on May 1, 2008, by regular mail.

9. Marilyn Kelly-Clark, Unit Supervisor, has been designated to preside over and conduct this hearing.

BOARD OF ATHLETIC TRAINERS
CHRIS HEARD, CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 2, 2008