



## **ADMINISTRATIVE SUSPENSION FAQs**

### *When can my license be administratively suspended?*

During the 2015 Legislative Session, Senate Bill 76 was passed and entered into law **effective July 1, 2015**. The law allows for licensing boards and programs to administratively suspend a license for the following:

- a. Noncompliance with requirements for continuing education (CE), certification, reporting requirements, or other qualifications necessary for continued licensure as established by an audit,
- b. Failure to respond to an audit for CE, certification, or other qualifications necessary for continued licensure,
- c. Non-sufficient funds (NSF) in an account used to pay for an administrative fee, board or program fee, or fine,
- d. Reasonable grounds exist to believe the licensee did not possess the qualifications for initial issuance of the license, or
- e. Failure to comply with any term of a final order imposed by a licensing board or program.

### *How can I keep my license from being administratively suspended?*

- a. Comply with all continued licensure requirements, such as CE, certification, insurance, and reporting requirements.
- b. Keep your address and contact information up-to-date with the board or program in order to receive important information regarding your license and potential issues or audits you are asked to address. See Mont. Code Ann. § 37-1-309(2). You must notify the board or program in writing of any change in your address within 30 days of the change. You will not meet this obligation by relying on a postal forwarding address notification.
- c. If notified by your banking institution or credit card company that your licensing fees or payment to the board or program has failed, contact the board or program immediately to address the deficiency.
- d. Submit a complete application with all supporting documentation from the source as confirmation.
- e. Comply with all terms of a final order within the prescribed period.

***I received a Notice of Deficiency Determination that my license will be administratively suspended if I do not cure a deficiency within 60 days from the date of the letter. How do I correct this?***

Once a Notice of Deficiency Determination is sent to your most recent address on file with the board or program, you will have 60 days to cure the deficiency as indicated in the letter. You should contact the unit identified in the letter that processed your deficiency determination (such as the Audit, Compliance, or Fiscal unit) and immediately begin steps to cure the deficiency. You must submit a copy of the Notice of Deficiency Determination letter with the evidence that you have cured the deficiency prior to the 61st day or your license will be administratively suspended until the cure is accepted. Simply contacting the unit and providing partially or unacceptable evidence of curing the deficiency will not extend the 60 days.

***How do I get my administratively suspended license reinstated?***

You must submit a copy of the Notice of Deficiency Determination letter sent to you with proof of curing the deficiency along with a reinstatement fee as provided by Department of Labor and Industry administrative rule. If your administrative suspension was related to a NSF payment, you must submit a cashier's check or money order for all fees. You may also be required to submit documents as evidence you have cured other types of deficiencies. If you satisfactorily cure the deficiency, your administratively suspended license will be transferred to the status prior to the administrative suspension, as long as you timely renew your license and are not otherwise subject to a restricted license status.

***How long will my license be on administrative suspension?***

After the 60-day opportunity to cure the deficiency, your license will be administratively suspended until you cure the deficiency and the license is current. If you fail to renew your administratively suspended license, the license will expire and eventually terminate. If you continue to renew your license, the license will remain administratively suspended until you cure the deficiency and comply with any additional qualifications for continued licensure.

***What is a non-sufficient funds (NSF) payment?***

A NSF payment is described as any of the following:

- a. overdraft,
- b. closed account,
- c. stopped payment,
- d. invalid credit card number or expiration date, or
- e. payment not authorized by customer.

***If I have a NSF payment, can I pay the amounts owed with a credit card or personal check?***

If you are curing a payment issue with the Business Standards Division (BSD) for a check or credit card used to pay a fee or fine and the payment was sent back as NSF, you will be required to pay both the original amount due and a \$30 NSF fee with a money order or cashier's check. If you are paying only the reinstatement fee and no other fees or fine, you may use a personal check.

### *Will I have to renew my license while it is administratively suspended?*

You may renew your license for 50% of the license renewal fee to keep your license from expiring and eventually terminating. If you do not renew your license, the license will terminate two years after the license expiration date regardless of an administrative suspension in effect. If your license terminates, you may not reinstate the license. You must make a new original application based on current licensing qualifications. This may require you to meet additional education, examination, experience, or other requirements.

If you cure a deficiency related to an administratively suspended license after the license has expired, you will be required to submit proof of continuing education, certification, or other qualifications for continued licensure. See Mont. Code Ann. § 37-1-131.

### *Can I appeal the decision to administratively suspend my license?*

Yes. You must send a written request to the board or program so it can be placed on the next board meeting agenda or addressed by program staff. Along with your written request, you may provide any information you want the board or program to review. If you are not satisfied with the board's or program's final order, you may seek judicial review in district court.

**IMPORTANT:** Due to the timing of board meetings, you may not be able to have the board review your appeal before the date your license is scheduled to be administratively suspended. The administrative suspension will automatically occur after the 60-day cure period, even if the board or program has not heard your appeal.

### *What happens to my license while I appeal the decision?*

Your license will continue to be administratively suspended until you cure the deficiency that led to the suspension or until your appeal is successful.

### *Will my administrative suspension be reported as disciplinary action or on Licensee Lookup?*

The license status of "administrative suspension" will appear on Licensee Lookup, or on any license verification issued by BSD, with a clear indication the matter is not connected to the delivery of services or based on competency of the licensee's practice and is considered to be a technical or administrative violation rather than a disciplinary action. Staff will report administrative suspensions under federal regulations implementing database or data bank reporting using the same disclaimer.