

BEFORE THE BOARD OF OCCUPATIONAL THERAPY PRACTICE
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the amendment of ARM)	NOTICE OF AMENDMENT,
24.165.302 definitions, 24.165.401)	ADOPTION, AND REPEAL
fees, 24.165.406 military training or)	
experience, 24.165.407 examinations,)	
24.165.501 supervision, 24.165.505)	
deep modality endorsement,)	
24.165.506 recognized educational)	
programs, 24.165.507 standards of)	
practice, 24.165.509 approved modality)	
instruction, 24.165.510 approved)	
training, 24.165.514 endorsement to)	
apply topical medications, 24.165.516)	
use of topical medications, 24.165.517)	
protocols for use of topical medications,)	
24.165.518 debriding agents protocols,)	
24.165.519 anesthetic agents protocols,)	
24.165.520 nonsteroidal anti-)	
inflammatory agents protocols,)	
24.165.521 antispasmodic agents)	
protocols, 24.165.522 adrenocortico-)	
steroid agent protocols, 24.165.524)	
protocol for use of an approved)	
medication as a neuropathic pain agent,)	
24.165.601 temporary practice permit,)	
24.165.604 inactive status, 24.165.2101)	
continuing education, 24.165.2102)	
continuing education – exemption,)	
24.165.2301 unprofessional conduct,)	
the adoption of New Rule I bactericidal)	
agents protocols, and the repeal of)	
24.165.404 applications for licensure,)	
24.165.410 pass-fail criteria,)	
24.165.502 supervision – methods,)	
24.165.511 documentation of)	
instruction and training, 24.165.513)	
approval to use sound and electrical)	
physical agent modalities endorsement,)	
24.165.525 documenting education and)	
competence to perform sound and)	
electrical physical agent modalities –)	
out-of-state practitioners)	

TO: All Concerned Persons

1. On May 10, 2019, the Board of Occupational Therapy Practice (board) published MAR Notice No. 24-165-24 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 509 of the 2019 Montana Administrative Register, Issue No. 9.

2. On June 13, 2019, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules in Helena. Two comments were received by the June 13, 2019 deadline.

3. The board has thoroughly considered the comments received. A summary of the comments and the board responses are as follows:

COMMENT 1: One commenter asked if functional dry needling was part of the proposed rules changes.

RESPONSE 1: The board notes this rule project does not specifically address functional dry needling.

COMMENT 2: One commenter suggested license renewal every 2 to 3 years.

RESPONSE 2: The board notes that the commenter seeks to amend ARM 24.101.413, the department rule that provides all renewal dates for the licensing boards. The suggested change is beyond the scope of the proposed rule amendments and cannot be done in a final rule notice.

4. The board has amended ARM 24.165.302, 24.165.401, 24.165.406, 24.165.407, 24.165.501, 24.165.505, 24.165.506, 24.165.507, 24.165.509, 24.165.510, 24.165.514, 24.165.516, 24.165.517, 24.165.518, 24.165.519, 24.165.520, 24.165.521, 24.165.522, 24.165.524, 24.165.601, 24.165.604, 24.165.2101, 24.165.2102, and 24.165.2301 exactly as proposed.

5. The board has adopted New Rule I (24.165.523) exactly as proposed.

6. The board has repealed ARM 24.165.404, 24.165.410, 24.165.502, 24.165.511, 24.165.513, and 24.165.525 exactly as proposed.

BOARD OF OCCUPATIONAL THERAPY
PRACTICE

BRENDA TONER, OT
PRESIDING OFFICER

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

/s/ GALEN HOLLENBAUGH
Galen Hollenbaugh, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State September 24, 2019.