

BEFORE THE BOARD OF VETERINARY MEDICINE  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

|  |   |                             |
|--|---|-----------------------------|
| In the matter of the amendment of      | ) | NOTICE OF PUBLIC HEARING ON |
| ARM 24.225.301 definitions,            | ) | PROPOSED AMENDMENT,         |
| 24.225.425 nonroutine applications,    | ) | TRANSFER, AND REPEAL        |
| 24.225.501 temporary permits,          | ) |                             |
| 24.225.503 veterinarian licenses,      | ) |                             |
| 24.225.504 veterinarian                | ) |                             |
| examinations, 24.225.507 licensure of  | ) |                             |
| out-of-state veterinarians, 24.225.511 | ) |                             |
| continuing education, and 24.225.513   | ) |                             |
| continuing education instructors; the  | ) |                             |
| transfer of 24.225.410 (24.225.514)    | ) |                             |
| record-keeping standards,              | ) |                             |
| 24.225.415 (24.225.520)                | ) |                             |
| management of infectious wastes,       | ) |                             |
| and 24.225.420 (24.225.521)            | ) |                             |
| inspection and sanitation; and the     | ) |                             |
| repeal of 24.225.502 occasional case   | ) |                             |
| exemption                              | ) |                             |

TO: All Concerned Persons

1. On May 22, 2018, at 9:30 a.m., a public hearing will be held in the Small Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment, transfer, and repeal 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 Veterinary Medicine (board) no later than 5:00 p.m., on May 15, 2018, to advise us of the nature of the accommodation that you need. Please contact Lucy Richards, Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdrvvet@mt.gov (board's e-mail).

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

24.225.301 DEFINITIONS (1) and (2) remain the same.

(3) "Occasional case" ~~shall mean no more than two cases per year~~ means a veterinarian actively licensed and in good standing in another state or jurisdiction who practices veterinary medicine in this state no more than three days in any calendar year who is supervised by a veterinarian licensed in this state. As per 37-

18-104, MCA, veterinarians meeting this definition are exempt from licensing requirements.

(4) remains the same.

(5) A ~~"veterinarian~~ "Veterinarian/client/patient relationship" exists when all of the following conditions have been met:

(a) remains the same.

(b) the veterinarian has sufficient knowledge of the animal(s) to initiate at least a general or preliminary diagnosis of the medical condition of the animal(s). This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal(s) by:

(i) virtue of an examination of the animal(s); or by

(ii) medically appropriate and timely visits to the premises where the animal(s) are kept; and

(c) and (6) remain the same.

AUTH: ~~37-1-131~~, 37-18-202, MCA

IMP: 37-18-102, 37-18-104, MCA

REASON: The board is amending (3) to address numerous questions to staff by more accurately providing the board's intent as to what constitutes "occasional case." The board concluded that the definition should be based on the number of days of practice in a calendar year for which the veterinarian is exempt from licensure. Additionally, the board is relocating the language concerning supervision by a Montana licensed veterinarian to this definition from its previous location in ARM 24.225.502, which is being repealed.

Additional amendments provide consistency, simplicity, better organization, and ease of use for the reader. Authority citations are being amended to accurately reflect the statutory sources of the board's rulemaking authority.

24.225.425 NONROUTINE APPLICATIONS ~~(1) The board will review as nonroutine all applications for licensure containing a "yes" response to any question regarding applicant conduct.~~

(1) Applications for licensure that disclose any of the following circumstances are nonroutine and must be reviewed and approved by the board before the license may be issued:

(a) the applicant has ever been convicted of a felony;

(b) the applicant has pled guilty or no contest to or been convicted of two or more misdemeanors, other than minor traffic violations, within the past five years, regardless of whether an appeal is pending and regardless of whether the sentence was suspended or deferred;

(c) any of the applicant's occupational or professional licenses have been disciplined or an application for a license was denied in any state or jurisdiction;

(d) a pending or completed legal or disciplinary action involving licensure in this state, another state, territory, or jurisdiction; or

(e) any substantive irregularity deemed by department staff to warrant board review and approval prior to issuance of the license.

AUTH: 37-1-131, 37-18-202, MCA  
IMP: 37-1-101, 37-1-131, 37-18-301, MCA

REASON: It is reasonably necessary to amend this rule to further implement 37-1-101, MCA, which provides for department processing of routine license applications on behalf of professional health and occupational licensing boards. Following an internal review of the application procedure, and subsequent advice from staff, the board has concluded that classifying all "yes" responses to application conduct questions as nonroutine is overly restrictive. The board determined that the new standards will adequately protect the public while ensuring the board reviews those applications where the board would have the authority to deny or issue a probationary license to an applicant.

24.225.501 TEMPORARY PERMITS ~~(1) An applicant requesting a temporary permit must submit an application for a temporary permit to the board and must have on file with the board a completed licensing application, the proper fee, and any information as the board may require pursuant to ARM 24.225.503 or 24.225.507.~~

~~(2) An applicant for licensure may be issued a temporary permit if the applicant is working under the supervision of a veterinarian licensed in and practicing in Montana.~~

~~(3) The responsibility for the standard of care provided by a temporary licensee remains with the supervising veterinarian.~~

(1) An applicant for licensure as a veterinarian by examination may apply for a temporary permit if the applicant has met all the requirements in ARM 24.225.503 with the exception of passage of the national licensing examination.

(2) Applicants must:

(a) submit a completed application on forms provided by the department. Completed applications include appropriate fees and required documentation;

(b) provide verification the applicant is scheduled to take the national examination described in ARM 24.225.504; and

(c) be supervised by a veterinarian licensed in Montana. The supervising veterinarian is responsible for the standard of care provided by the temporary licensee.

(3) Any temporary permit holder who fails the national examination must notify the board immediately. Failure of the examination automatically voids the temporary practice permit. The applicant may retake the examination, but another temporary permit will not be issued.

(4) remains the same.

AUTH: 37-1-319, ~~37-18-202~~, MCA  
IMP: 37-1-305, 37-1-319, MCA

REASON: The board determined it is reasonably necessary to amend this rule to ensure the standards for issuing temporary permits are aligned with the statutory authority granted to the board. Section 37-1-305, MCA, as implemented by this rule, allows the board to grant a temporary permit to applicants who meet all licensure

requirements other than passage of the licensing examination. While reviewing board rules and licensing processes, staff discovered that temporary permits were being issued to applicants in situations other than those allowed by 37-1-305, MCA. The board is amending this rule to accurately and clearly set forth the provisions for temporary permits.

Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

#### 24.225.503 EXAMINATION APPLICATION REQUIREMENTS

VETERINARIAN LICENSES (1) Applicants for licensure by examination in the state of Montana shall submit a completed application with the proper fee and supporting documents to the board office not currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department electronically or by paper. Completed applications include appropriate fees and required documentation.

(2) ~~Supporting documents for the Montana state licensure application must include~~ Applicants must meet the following education requirements:

(a) ~~a certified transcript from~~ have graduated from a school of veterinary medicine accredited or approved by the American Veterinary Medical Association (AVMA) Council on Education showing evidence of graduation in and receiving a degree. A transcript evidencing graduation must be certified and sent directly from the school or the American Association of Veterinary State Boards (AAVSB); or

(b) if graduated from a foreign veterinary school not accredited by the AVMA Council on Education, proof of completion of either of the following certification programs which must be sent directly from the source:

(i) the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECFVG); or

(ii) the AAVSB Program for the Assessment of Veterinary Education Equivalence (PAVE).

(3) In addition to the requirements in (1) and (2), the applicant must:

(a) have passed the national exam as described in ARM 24.225.504 within 62 months of the application date. Test results must be sent directly to the board from the testing agency or AAVSB;

(b) pass the state jurisprudence exam as described in ARM 24.225.504; and

(c) provide verification of any professional license(s) the applicant has ever held in any state or jurisdiction.

(4) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.

~~(i) senior veterinary students who have not yet graduated, when submitting the application, shall submit a letter from the dean of the school of veterinary medicine attended, stating that the applicant is a senior student and the expected date to receive the degree of doctor of veterinary medicine or its equivalent. No license shall be issued, however, until such time as the board office receives a certified copy of the transcript.~~

~~(b) North American Veterinary Licensing Examination (NAVLE) score~~

~~received directly from the official score reporting agency. NAVLE candidates shall submit the NAVLE application and fee directly to the National Board of Veterinary Medical Examiners (NBVME);~~

~~(c) photograph approximately 2" x 2" taken within one year of the date of application;~~

~~(d) if applicable, official written verification of licensure in any profession from any state of licensure past or present;~~

~~(e) the candidate's work history of all concurrent and consecutive employment, starting at the date of application and working back to graduation; and~~

~~(f) good moral character attestations from three veterinarians.~~

~~(3) All applicants must:~~

~~(a) pass the NAVLE at or above the designated passing standard established by the national examination entity as approved by the board within 62 months of the application date; and~~

~~(b) pass the board's jurisprudence exam with a score of 90 percent or greater. If the candidate fails the jurisprudence exam twice, the candidate must appear before the board prior to taking it a third time.~~

~~(4) Foreign veterinary school graduates from a school not accredited by the AVMA Council on Education shall either have completed the requirements of the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECFVG), as evidenced by a copy of the ECFVG certificate, or must have completed the requirements of the Program for the Assessment of Veterinary Education Equivalence (PAVE), as evidenced by a copy of the PAVE certificate, before an application will be accepted.~~

~~(a) For specific information on the requirements of the ECFVG, contact the American Veterinary Medical Association, ECFVG, 1931 North Meacham Road, Suite 100, Schaumburg, IL 60173. For specific information on the requirements of the PAVE, contact the American Association of Veterinary State Boards at 380 West 22nd Street, Suite 101, Kansas City, MO 64108.~~

~~(5) An application for examination shall expire 18 months from the date of the application. An applicant who, for any reason, fails or neglects to complete the licensing process within 18 months shall be required to file another application and submit another application fee.~~

AUTH: 37-1-131, 37-18-202, MCA

IMP: 37-1-131, 37-18-302, MCA

REASON: The board determined it is reasonably necessary to amend this rule to eliminate outdated, redundant, and unnecessary provisions, and provide consistency, simplicity, better organization, and ease of use for the reader. To this end, the board is relocating all specific examination provisions to ARM 24.225.504, the examination rule.

The board is amending (2) and (3) to accept official examination results and transcripts provided by the American Association of Veterinary State Boards (AAVSB). Following development and a soft rollout of the AAVSB's veterinary application for uniform licensure transfer (VAULT) system in 2016, the board's executive officer attended a presentation on the system at the 2017 AAVSB annual

meeting. Based on the executive officer's positive recommendation, the board concluded that this amendment is reasonably necessary to provide an additional option for applicants to utilize in submitting these documents.

The board is eliminating the option for senior veterinary students to submit a letter from the dean as an obsolete and unnecessary practice. Since a license is never issued until a final transcript is received, a letter from the dean does nothing to facilitate the licensing process under current licensing procedures. The requirement for an applicant photograph is being stricken as a photograph provides no relevant licensing information. The board is eliminating the requirement for work history following a determination that the board lacks the statutory authority to require applicant work history.

The board determined it is reasonably necessary to amend this rule to no longer require attestations regarding good moral character. The board concluded that such attestation is an outdated and unnecessary requirement, and that adequate information to demonstrate moral character is obtained through the application's disciplinary/criminal history questions.

The board is amending the application expiration date in (4) to a one-year period to align with standardized department licensure procedures for license application processing.

24.225.504 VETERINARIAN EXAMINATIONS FOR LICENSURE ~~(1) After 2000, the examination for licensure as a veterinarian shall consist of:~~

~~(a) the NAVLE pursuant to the requirements set forth in ARM 24.225.503, which must have been passed at or above the designated passing standard established by the national examination entity as approved by the board. The scores must be received by the board from the official score reporting agency; and~~

(1) Veterinarian applicants must pass the national North American Veterinary Licensing Examination (NAVLE) or its successor unless (2) applies.

(a) An applicant may not take the NAVLE or its successor more than five times unless approved by the board.

(b) An applicant may not take the NAVLE or its successor more than five years after the initial attempt date unless approved by the board.

(c) Each of the final two attempts must be at least one year after the previous attempt.

(d) Any attempt(s) to pass the exam prior to fall 2007 will not count toward the five-attempt limit.

(2) Veterinarian applicants who took the national exam prior to 2000 must have passed one of the following:

(a) the National Board Examination and the Clinical Competency Test with a converted score of 70 or greater as received by the board from the official score reporting agency; or

(b) the National Board Examination with a converted score of 70 or greater and have been licensed on the basis of a competency (not jurisprudence) examination by a veterinary board under the laws of another state of the United States or a Canadian province.

(b) (3) In addition to passing the applicable examination as described in (1) or (2), all applicants must pass a jurisprudence examination as composed by the

~~board, which measures the competence of the applicant regarding the statutes and rules governing the practice of veterinary medicine in Montana. The jurisprudence examination must be passed with a score of 90 percent or greater prescribed by the board covering the statutes and rules governing the practice of veterinary medicine in Montana.~~

~~(a) Applicants must pass the jurisprudence examination with a score of 90 percent or greater.~~

~~(b) Any applicant who fails the jurisprudence examination may retake the examination.~~

~~(2) A candidate may not sit for the NAVLE more than five times and may not sit for the examination at a date that is later than five years after a candidate's initial attempt, unless approved by the board. Each of the final two attempts must be at least one year from the previous attempt. Any previous attempts by a candidate to pass the NAVLE, prior to the fall 2007 administration of the examination, will not count towards the five-attempt limit.~~

~~(3) Any applicant who has failed the jurisprudence examination may apply to be reexamined at a subsequent examination.~~

AUTH: 37-1-131, 37-18-202, MCA

IMP: 37-1-131, 37-18-302, MCA

REASON: The board determined it is reasonably necessary to amend this rule to relocate specific examination standards and procedures in a single location, thus eliminating unnecessary duplication in multiple rules. The board is further amending this rule for simplicity, better organization, and ease of use for the reader.

The board is further amending this rule to allow applicants to take the jurisprudence exam until passing it without having to apply to retake the exam. The purpose of the jurisprudence exam is to ensure licensees understand the board laws and rules prior to licensure. The board concluded it is not a reasonable or prudent use of the board's resources to limit the number of attempts, nor does it increase the public's protection.

#### 24.225.507 LICENSURE ENDORSEMENT OF OUT-OF-STATE

APPLICANTS VETERINARIANS (1) Applicants for licensure currently licensed in another state or jurisdiction must submit a completed application on forms provided by the department, electronically or by paper. Completed applications include appropriate fees and required documentation.

~~(1) (2) A license to practice veterinary medicine in the state of Montana may be issued at the discretion of the board provided the applicant meets all of the following requirements Applicants must:~~

~~(a) hold a current, active license in good standing to practice veterinary medicine in another state or jurisdiction; and~~

~~(b) meet all the licensing requirements described in ARM 24.225.503, with the exception that the national examination does not have to have been passed within 62 months prior to the date of application.~~

(3) Incomplete applications will automatically expire one year from the date the fee was received. If an application expires, the applicant must reapply and pay all appropriate fees.

~~(a) The candidate has graduated from and holds a degree from a school of veterinary medicine accredited or approved by the American Veterinary Medical Association Council on Education as evidenced by a certified copy of the transcript sent directly from the veterinary school. Graduates of foreign veterinary schools not approved by the AVMA Council on Education shall have completed the requirements of the American Veterinary Medical Association's Education Commission for Foreign Veterinary Graduates (ECFVG) or the Program for the Assessment of Veterinary Education Equivalence (PAVE).~~

~~(b) The candidate has passed:~~

~~(i) the NAVLE at or above the designated passing standard established by the national examination entity as approved by the board;~~

~~(ii) the National Board Examination and the Clinical Competency Test with a converted score of 70 or greater as received by the board from the official score reporting agency; or~~

~~(iii) the National Board Examination with a converted score of 70 or greater and has been licensed on the basis of a competency (not jurisprudence) examination by a veterinary board under the laws of another state of the United States or a Canadian province.~~

~~(c) The candidate holds a valid and unrestricted license to practice veterinary medicine in another state or jurisdiction, and has been actively in practice for three of the five years immediately preceding the date of application to Montana. Official written verification of such licensure status must be received by the board directly from the other states or jurisdictions.~~

~~(d) The candidate provides a work history of all employment, concurrent as well as consecutive, starting at the date of application and working back to graduation.~~

~~(e) The candidate provides three good moral character attestations from veterinarians.~~

~~(f) The candidate has completed and filed with the board an application for licensure and the required application fee.~~

~~(g) The candidate has passed a jurisprudence examination prepared to measure the competence of the applicant regarding the statutes and rules governing the practice of veterinary medicine in Montana with a score of 90 percent or greater. If the candidate fails the jurisprudence examination twice, the candidate must appear before the board prior to taking it a third time.~~

~~(2) An application for endorsement shall expire 18 months from the date of receipt of the application.~~

AUTH: 37-1-131, 37-18-202, MCA

IMP: 37-1-304, 37-18-302, MCA

REASON: The majority of licensing requirements for out-of-state applicants are identical to those for applicants who are not currently licensed in other states or



jurisdictions. To avoid unnecessary duplication of such licensing standards, the board is amending this rule to appropriately and simply reference ARM 24.225.503.

The board is also clarifying in (2)(b) that applicants with out-of-state licenses are not required to have passed the national exam within the last 62 months. The board notes that this is merely a clarification and not a change from existing licensure requirements.

The board determined it is reasonably necessary to amend this rule to eliminate outdated, redundant, and unnecessary provisions, and provide consistency, simplicity, better organization, and ease of use for the reader. To this end, the board is relocating all specific examination provisions to ARM 24.225.504, the examination rule.

24.225.511 CONTINUING EDUCATION (1) Veterinarians are required to obtain a total of 20 continuing education (CE) hours prior to renewal on November 1 of even-numbered years. The 20 hours must be obtained during the 24-month period prior to renewal in even-numbered years.

(a) No more than ten of the 20 hours may be obtained through online courses.

(b) Practice management CE hours may not exceed 25 percent of the total hours required.

(2) Continuing education requirements will not apply until the licensees' first full year of licensure. Licensees licensed less than two years but more than one year are required to have ten CE hours prior to renewal.

(3) Licensees are responsible for selecting quality programs that focus on protecting the health, safety, and welfare of the public and contribute to veterinarians' professional knowledge and competence. Acceptable CE activities:

(a) directly relate to the scope of practice of veterinary medicine as defined in board statutes and rules;

(b) review existing concepts and techniques;

(c) convey information beyond the basic professional education;

(d) update knowledge on the practice and advances in veterinary medicine;

and/or

(e) reinforce professional conduct or ethical obligations of the licensee.

(4) All licensees shall affirm an understanding of their recurring duty to comply with CE requirements as a part of annual license renewal.

(5) The board may randomly audit up to 50 percent of renewed licensees' CE hours.

(6) All CE must be documented to show proof of completion. The licensee is responsible for maintaining these records for one year following the renewal cycle reporting period and for making those records available upon board request.

Documentation must include the following information:

(a) licensee name;

(b) course title and description of content;

(c) presenter or sponsor;

(d) course date(s); and

(e) number of CE hours earned.

(7) Licensees found to be in noncompliance with CE requirements may be

subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(8) Any CE hours required by disciplinary order do not apply toward the 20 hours that are required annually under this rule.

(9) A licensee may request a hardship exemption from CE requirements due to certified illness or undue hardship. Requests will be considered by the board.

~~(1) Each veterinarian licensed shall be required to obtain every two years a minimum of 20 credit hours of continuing education approved by the board. The credit hours must be obtained within the 24 months prior to renewal, on the date set by ARM 24.101.413 of the even-numbered years. Licensees licensed less than two full calendar years, but more than one full calendar year on their first continuing education reporting date, shall be required to submit ten hours of continuing education.~~

~~(a) It is the responsibility of the veterinarian to maintain proof of the veterinarian's continuing education attendance and to certify compliance on the renewal application in the even-numbered years only. During the renewal process in the odd-numbered years, no continuing education is to be certified.~~

~~(i) Proof of continuing education attendance must be in the form of a certificate of completion accompanied by a list of programs attended. The continuing education documentation must include:~~

- ~~(A) name of licensee;~~
- ~~(B) name of presenter;~~
- ~~(C) title of presentation;~~
- ~~(D) date of presentation;~~
- ~~(E) number of hours; and~~
- ~~(F) presentation format.~~

~~(b) A veterinarian may be granted a grace period of three months after the deadline set by ARM 24.101.413 in which to fulfill the continuing education requirements. This grace period shall be granted only upon written request to the board, payment of the renewal fee, and payment of the late penalty fee. A license to practice veterinary medicine valid for the duration of the grace period will be issued to those persons granted a grace period. At the conclusion of the grace period, the veterinarian shall submit proof of CE compliance to the board, prior to the issuance of a full license.~~

~~(c) Continuing education programs attended during a grace period cannot be used for the next reporting period.~~

~~(2) Credit hours shall be earned by a one-hour credit for each hour of attendance at or participation in meetings and programs approved by the board. Board-approved programs include, but are not limited to, those sponsored by the American Veterinary Medical Association, American Animal Hospital Association, Western States Veterinary Conference, veterinary college conferences, state association meetings, Registry of Approved Continuing Education (RACE)-approved programs, and any other affiliated association, society, etc., related to veterinary medicine that have specific topics for veterinarians. Programs shall be of a professional veterinary nature to qualify, with the number of practice management hours reported not to exceed 25 percent of the total required continuing education hours.~~

~~(3) Continuing education courses offered and completed on the Internet or via other similar electronic means may be accepted, if all criteria listed in (1) and (2) are met, for a maximum of ten credits.~~

~~(4) The board will randomly audit two percent of the licensees and all licensees requesting a grace period each continuing education year. Certificates of completion and a list of agenda sessions attended must be submitted upon request of the board.~~

~~(5) New licensees who are applying for their first license renewal are not required to report continuing education.~~

~~(6) If a licensee is unable to acquire sufficient continuing education credits, the licensee may request a hardship exemption. All requests for exemptions will be evaluated by the board on an individual basis.~~

AUTH: 37-1-131, 37-1-319, ~~37-18-202~~, MCA

IMP: 37-1-131, ~~37-1-441~~, 37-1-306, 37-1-319, 37-1-321, MCA

REASON: The board is amending this rule to align with and further facilitate the department's standardized application, renewal, and audit procedures, and streamline the rule for better organization and ease of use for the reader. As a part of the standardization, the board concluded that it is reasonably necessary to place the responsibility on veterinarian licensees to select quality continuing education (CE) programs that contribute to their knowledge and competence. Following amendment, the board will no longer approve sponsors or courses as the licensees must choose CE that meets the professional education objectives listed in this rule.

The board is further amending (5) to allow flexibility in conducting random CE audits. Currently, the board randomly audits two percent of all renewed licensees for each reporting period. This amendment will allow the board to respond to staffing and budget issues by adjusting the number of licensees audited, while remaining consistent with the statutory maximum of 50 percent in 37-1-306, MCA.

The board is clarifying in (7) that licensees not in compliance with CE may be subject to administrative suspension per 37-1-321, MCA, and in accordance with standardized department audit processes. To address licensee and staff questions, (8) is intended to clarify that any CE required pursuant to a licensee's disciplinary action is independent of regular CE requirements.

The board is eliminating the provisions for licensees to request CE grace periods to align CE and renewal requirements with standardized department procedures. Under the standardized audit processes, licensees are provided with adequate time to cure any audit deficiencies and the grace period is no longer necessary.

Additional amendments will eliminate outdated, redundant, and unnecessary provisions, and provide consistency, simplicity, better organization, and ease of use for the reader. Authority and implementation citations are being amended to accurately reflect all statutes implemented through the rule and provide the complete sources of the board's rulemaking authority.

#### 24.225.513 CONTINUING EDUCATION PROVIDERS INSTRUCTORS

~~(1) A veterinarian licensed in another jurisdiction, a faculty member of a school of veterinary medicine, or the holder of a doctor of philosophy in a field of science applicable in any manner to the practice of veterinary medicine who presents a continuing education course approved by the board in Montana, is not considered to be practicing veterinary medicine within the meaning of 37-18-102(d) or (g), MCA.~~

(1) "Instructs" as used in 37-18-102, MCA, does not apply to individuals who present continuing education courses, in the state of Montana, which meet board requirements for approved continuing education.

AUTH: 37-1-319, 37-18-202, MCA

IMP: ~~37-1-134~~, 37-1-306, 37-18-102, MCA

REASON: The board determined it is reasonably necessary to amend this rule to clarify that "instructs" as used in 37-18-102, MCA, does not apply to CE instructors. The board's original intent under this rule is not changing, but the amendment will more accurately represent the board's statutory authority under 37-18-102, MCA.

Implementation citations are being amended to accurately reflect all statutes implemented through the rule.

4. The rules proposed to be transferred are as follows:

24.225.410 (24.225.514) RECORD-KEEPING STANDARDS

AUTH: 37-1-131, 37-1-319, 37-18-202, MCA

IMP: 37-1-131, 37-1-316, 37-1-319, MCA

REASON: The board is transferring ARM 24.225.410, 24.225.415, and 24.225.420 from subchapter 4 to subchapter 5 to provide consistency, simplicity, better organization, and ease of use for the reader. Subchapter 4 contains general provisions which apply across all license types, while subchapter 5 applies specifically to veterinarians. The rules being transferred are specific to veterinarians and are therefore better located in subchapter 5.

24.225.415 (24.225.520) MANAGEMENT OF INFECTIOUS WASTES

AUTH: 37-1-131, 37-18-202, 75-10-1006, MCA

IMP: 75-10-1006, MCA

24.225.420 (24.225.521) INSPECTION AND SANITATION

AUTH: 37-1-131, 37-18-202, MCA

IMP: 37-1-131, 37-18-102, MCA

5. The board proposes to repeal the following rule:

24.225.502 OCCASIONAL CASE EXEMPTION

AUTH: 37-1-131, 37-18-202, MCA  
IMP: 37-18-104, MCA

REASON: Section 37-18-104, MCA, provides the board the authority to define an occasional case, not to grant a permit or license to those that meet that definition. The board has defined occasional case in ARM 24.225.301 and is further amending the definition in this notice. Because veterinarians who meet the definition are exempt from licensing and do not need to "apply" for an exemption, the board determined it is reasonably necessary to repeal this rule which outlined an "application" process for the exemption.

6. 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 Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdrv@mt.gov](mailto:dlibsdrv@mt.gov), and must be received no later than 5:00 p.m., May 25, 2018.

7. An electronic copy of this notice of public hearing is available at <http://boards.bsd.dli.mt.gov/vet> (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites 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.

8. The board 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 that the person wishes to receive notices regarding all board 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 Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdrv@mt.gov](mailto:dlibsdrv@mt.gov); or made by completing a request form at any rules hearing held by the agency.

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

10. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.225.301, 24.225.425, 24.225.501, 24.225.503, 24.225.504, 24.225.507, 24.225.511, and 24.225.513 will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the transfer of ARM 24.225.410 (24.225.514), 24.225.415 (24.225.520), and 24.225.420 (24.225.521) will not significantly and directly impact small businesses.

Regarding the requirements of 2-4-111, MCA, the board has determined that the repeal of ARM 24.225.502 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Veterinary Medicine, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2394; facsimile (406) 841-2305; or to [dlibsdrv@mt.gov](mailto:dlibsdrv@mt.gov).

11. Lucy Richards, Executive Officer, has been designated to preside over and conduct this hearing.

BOARD OF VETERINARY MEDICINE  
REBECCA MATTIX, DVM, PRESIDENT

/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 April 17, 2018.