BOARD OF CLINICAL LABORATORY SCIENCE
PRACTITIONERS RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 129

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24.129.101 BOARD ORGANIZATION (1) The Board of Clinical Laboratory Science Practitioners hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-34-201, MCA; IMP, 2-4-201, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; TRANS, from Commerce, 2002 MAR p. 1485.)
24.129.201 PROCEDURAL RULES (1) The Board of Clinical Laboratory Science Practitioners hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-34-201, MCA; IMP, 2-4-201, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; TRANS, from Commerce, 2002 MAR p. 1485.)

24.129.202 PUBLIC PARTICIPATION RULES (1) The Board of Clinical Laboratory Science Practitioners hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of this title. (History: 37-34-201, MCA; IMP, 2-3-103, MCA; NEW, 1993 MAR p. 2766, Eff. 11/25/93; TRANS, from Commerce, 2002 MAR p. 1485.)

Subchapter 3 reserved
24.129.401 FEES  (1) Fees shall be paid to the Board of Clinical Laboratory Science Practitioners. The board assumes no responsibility for loss in transit of such remittances. Applicants not submitting the proper fees will be notified by the department. Fees are nonrefundable.

(2) The fees are as follows:

(a) original application fee:
   (i) clinical laboratory scientist $100
   (ii) clinical laboratory specialist 100
   (iii) clinical laboratory technician 100

(b) temporary license fee 25

(c) active renewal fee 100

(d) inactive renewal fee 50

(e) license by endorsement fee 100

(f) reactivation of license fee – difference between active and inactive fee

(g) Additional standardized fees are specified in ARM 24.101.403. (History:
37-1-131, 37-1-134, 37-34-201, MCA; IMP, 37-1-134, 37-1-141, 37-34-305, MCA;
AMD, 1999 MAR p. 1293, Eff. 6/18/99; AMD, 2000 MAR p. 727, Eff. 3/17/00;
6/13/03; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2008 MAR p. 1482, Eff.

24.129.402 SUPERVISION  (1) The degree of supervision required of the clinical laboratory technician by the clinical laboratory scientist or specialist shall be determined by the supervisor after an evaluation of appropriate factors including but not limited to the following:

(a) the complexity of the test to be performed;
(b) the training and capability of the technician to whom the laboratory test is delegated; and
(c) the demonstrated competence of the technician in the procedure being performed.

(2) The supervisor shall make written documentation after an evaluation has occurred and a copy of the evaluation shall be made available to the technician.

(3) The supervisor must keep written documentation of the evaluation in accessible written or electronic format.
(4) Depending on the evaluation made pursuant to (1), the supervisor shall make a determination of how critical it is for the supervisor to be immediately available to provide guidance and supervision to the technician. The supervisor shall make a determination based on all relevant factors whether to be accessible via onsite, telephonic, or electronic consultation and shall identify the level of supervision, or different levels of supervision for different tests, on the written evaluation of the technician.

(a) Onsite supervision means that the supervisor is physically present on the premises and immediately available for direction and supervision of the technician at all times.

(5) The supervisor shall promptly provide copies of the evaluations of technicians to the board or board’s representative upon request. (History: 37-34-201, MCA; IMP, 37-34-103, 37-34-201, MCA; NEW, 2002 MAR p. 1486, Eff. 5/17/02; AMD, 2008 MAR p. 629, Eff. 4/11/08; AMD, 2017 MAR p. 299, Eff. 3/11/17.)

Rules 24.129.403 and 24.129.404 reserved

24.129.405 INSPECTIONS (1) The board may perform, or have performed on its behalf, inspections of clinical laboratory science licenses at clinical laboratory facilities. (History: 37-1-131, 37-34-201, MCA; IMP, 37-34-102, 37-34-301, 37-34-307, MCA; NEW, 2008 MAR p. 629, Eff. 4/11/08.)

Subchapter 5 reserved
Subchapter 6

Licensing


24.129.603 MINIMUM STANDARDS FOR LICENSURE (1) In addition to the requirements of 37-34-303, MCA, applicants for licensure shall meet the following additional qualifications:

(a) Applicants for a license as a clinical laboratory scientist must have graduated from an accredited college or university with a baccalaureate degree with at least 36 semester or 54 quarter hours in the physical and biological sciences. The applicant must also have passed a generalists examination offered by a national certifying body for clinical laboratory scientists.

(b) Applicants for a license as a clinical laboratory specialist must have graduated from an accredited college or university with a baccalaureate degree with at least 36 semester or 54 quarter hours in the physical and biological sciences. The applicant must also have passed a specialist examination offered by a national certifying body for clinical laboratory specialists. The following are areas of clinical laboratory science for which the board will grant a specialist's license:

   (i) clinical chemistry;
   (ii) hematology;
   (iii) microbiology;
   (iv) cytology;
   (v) immunohematology;
   (vi) cytogenetics; and
   (vii) molecular biology.

(c) Applicants for a license as a clinical laboratory technician must have graduated with an associate degree or possess 60 semester or 90 quarter hours in a science-related discipline, or completed a military medical laboratory training program of at least 12 months in duration. The applicant must also have passed a technician examination offered by a national certifying body for clinical laboratory science technicians.
(2) Examinations administered by the following national certification agencies are approved by the board:
   (a) American Association of Clinical Chemists (AACC);
   (b) American Medical Technologist (AMT);
   (c) American Society for Clinical Pathology (ASCP);
   (d) American Society for Microbiology (ASM);
   (e) International Society for Clinical Laboratory Technology (ISCLT);
   (f) American Board of Medical Genetics (ABMG);
   (g) National Certification Agency (NCA); or
   (h) American Association of Bioanalysts (AAB).

(3) Applicants holding valid licensure to practice in another state or jurisdiction shall submit verifications from all states where the applicant has held or holds a license.

(4) Foreign-trained applicants shall be required to use an evaluation of educational background performed by the World Education Services (WES) or another evaluating entity approved by the board.

Rule 24.129.604 reserved

24.129.605 MILITARY TRAINING OR EXPERIENCE

(1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a clinical laboratory scientist, clinical laboratory specialist, or clinical laboratory technician.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:
   (a) United States Armed Forces;
   (b) United States Reserves;
   (c) state national guard; or
   (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a clinical laboratory scientist, clinical laboratory specialist, or clinical laboratory technician. Satisfactory evidence includes:
   (a) a copy of the applicant’s military discharge document (DD 214 or other discharge documentation);
   (b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and
   (c) any other documentation as required by the board.
(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1258, Eff. 6/13/14; AMD, 2017 MAR p. 299, Eff. 3/11/17.)

24.129.606 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2017 MAR p. 299, Eff. 3/11/17; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

Rule 24.129.607 reserved


Rule 24.129.609 reserved
24.129.610 INACTIVE STATUS  (1) A licensee may place the licensee’s license on inactive status by:
   (a) submitting a written request for inactive status; and
   (b) paying the required fee in accordance with 37-1-134, MCA, and ARM 24.129.401.

   (2) A licensee on inactive status has sole responsibility for providing the board information regarding changes in residency or mailing address.

   (3) With annual renewal, and payment of the required fee in accordance with ARM 24.129.401, a licensee may remain on inactive status.


24.129.611 REACTIVATION OF INACTIVE LICENSE  (1) For a licensee to reactivate an inactive license, the licensee must:
   (a) file a reactivation of inactive status application form, as provided by the board, and pay the required fee in accordance with ARM 24.129.401; and
   (b) submit proof of obtaining the required continuing education in accordance with ARM 24.129.2101, for the two-year period immediately preceding the submission of a reactivation application.  (History:  37-1-131, 37-1-319, 37-34-201, MCA; IMP, 37-1-131, 37-1-319, 37-34-201, MCA; NEW, 1998 MAR p. 2860, Eff. 10/23/98; TRANS, from Commerce, 2002 MAR p. 1485; AMD, 2002 MAR p. 1486, Eff. 5/17/02.)
TEMPORARY PRACTICE PERMITS

(1) An applicant for a temporary practice permit must:
   (a) make application to the board on approved application forms;
   (b) provide original college transcripts;
   (c) pay the appropriate fee;
   (d) be approved to take the first available examination; and
   (e) identify the licensed individual(s) who shall be responsible for providing direct, onsite supervision.

(2) A temporary practice permit expires after 120 days from the day of issuance.

(3) Only one temporary practice permit will be issued per applicant.

(4) An applicant who fails the exam must notify the board office immediately. Failure of the examination automatically voids the temporary practice permit.


Subchapters 7 through 20 reserved
Continuing Education

24.129.2101 CONTINUING EDUCATION REQUIREMENTS  (1) Licensees shall affirm an understanding of their recurring duty to comply with continuing education (CE) requirements as a part of license renewal. The CE requirements do not apply until the licensee's first full year of licensure.
(2) Licensees shall obtain 14 hours of CE annually.
(3) The board/staff will not preapprove CE programs or sponsors; however, a suggested list of courses/providers can be found on the board's web site. It is the responsibility of the licensee to select quality programs that:
   (a) contribute to the licensee's knowledge and professional competence;
   (b) contain significant intellectual or practical content; and
   (c) are germane to the profession of a clinical laboratory science practitioner.
(4) The licensee is responsible for maintaining:
   (a) proof of attendance/certificate of completion;
   (b) title/subject of course;
   (c) duration of course;
   (d) date credits were earned; and
   (e) course provider and/or speaker.
(5) College course work, which meets the criteria in (3), is subject to the following limitations:
   (a) the licensee must pass the course;
   (b) one semester credit shall equal 15 hours of CE;
   (c) one quarter credit shall equal 10 hours of CE.
(6) CE credits can be earned by teaching courses that are germane to the profession. Credit units may be applied in this category based on a report by the licensee. For a one-hour presentation, the presenter will be awarded two hours of CE. The following limitations shall apply to requests for credit under this section:
   (a) documentation must be submitted showing the licensee as the instructor of the course;
   (b) the course must be addressed to health professionals in order to qualify for credit;
   (c) instruction of any course may be submitted for CE only once;
   (d) individuals employed by universities and colleges may not claim credit units in this section for conducting courses that are a part of the regular course offering of those institutions, even if those courses are offered in the evening or summer.
(7) The board may randomly audit up to 50 percent of renewed licensees' CE hours.


Subchapter 22 reserved
Subchapter 23

Unprofessional Conduct

24.129.2301 UNPROFESSIONAL CONDUCT (1) For the purpose of implementing the provisions of 37-1-307, MCA, and in addition to the provisions of 37-1-316, MCA, the board defines "unprofessional conduct" as follows:

(a) failure to report to the board facts known to the licensed individual regarding the unlicensed or otherwise illegal practice of clinical laboratory science in the state of Montana;

(b) practice beyond the scope of practice encompassed by the license;

(c) failure by a licensed supervisor of a clinical laboratory technician to be accessible at all times that testing is being performed by the technician in order to provide on-site, telephonic or electronic consultation;

(d) assault or abuse of a patient;

(e) inaccurately recording, falsifying, or otherwise altering any laboratory test;

(f) failure to provide proof of current licensure upon inspection of clinical laboratory science licenses by the board or its designated or contracted representative;

(g) failure to comply with other state or federal statutes or rules regulating the practice of clinical laboratory science;

(h) failure to adequately supervise or evaluate a clinical laboratory technician in accordance with Title 37, chapter 34, MCA, or board administrative rules; or
