

**NURSING HOME ADMINISTRATORS  
BOARD LAWS  
AS OF THE 2019 LEGISLATIVE SESSION**

**TITLE 37, CHAPTER 9  
NURSING HOME ADMINISTRATORS**

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## CHAPTER 9 NURSING HOME ADMINISTRATORS

### Chapter Cross-References

- Medical services and boarding homes for the aged, Title 7, ch. 34.
- Hospitals and related facilities, Title 50, ch. 5.
- Duty of nursing home administrator to report violation of Montana Elder and Persons With Developmental Disabilities Abuse Prevention Act, 52-3-811.
- Community-based nursing homes — Montana Mental Health Nursing Care Center, Title 53, ch. 21, part 4.

### Chapter Administrative Rules

- Title 24, chapter 162, ARM Board of Nursing Home Administrators.

### Chapter Law Review Articles

- First Things First: Evaluating a Nursing Home Case, Levin & Brinton, 88 Ill. B.J. 349 (2000).
  - Skilled Nursing Homes: Replacing Patient Restraints With Patient Rights, Brooks, 45 S.D.L. Rev. 606 (2000).
  - Neglect in Nursing Homes, Marks, 32 Trial 60 (1996).
  - Elders and Nursing Home Expenses: Preserving Client Assets, Gilfix & Gilfix, 29 Trial 37 (1993).
  - Medicare and Medicaid: Are They Just Health Care Systems?, Mehlman & Visocan, 29 Hous. L. Rev. 835 (1992).
  - Long Term Care: Nursing Home Reform Issues, 12 Whittier L. Rev. 21 (1991).
  - Promoting the Quality of Life in Nursing Homes: Can Regulation Succeed?, Nyman & Geyer, 14 J. Health Pol., Pol'y & L. 797 (1989).
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## Part 1 General

**37-9-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

- (1) "Board" means the board of nursing home administrators provided for in 2-15-1735.
- (2) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
- (3) "Long-term care facility" means a skilled nursing facility, nursing home, or intermediate care facility as defined for licensing purposes under state law or the rules for long-term care facilities of the department of public health and human services, whether proprietary or nonprofit, including facilities owned or administered by the state or a political subdivision.
- (4) "Nursing home administrator" means a person who administers, manages, supervises, or is in general administrative charge of a long-term care facility, whether the individual has an ownership interest in the facility and whether the individual's functions and duties are shared with one or more other individuals.

**History:** En. Sec. 1, Ch. 363, L. 1969; amd. Sec. 1, Ch. 483, L. 1973; amd. Sec. 305, Ch. 350, L. 1974; R.C.M. 1947, 66-3101; amd. Sec. 3, Ch. 274, L. 1981; amd. Sec. 60, Ch. 418, L. 1995; amd. Sec. 43, Ch. 429, L. 1995; amd. Sec. 89, Ch. 546, L. 1995; amd. Sec. 118, Ch. 483, L. 2001.

### Compiler's Comments

*2001 Amendment:* Chapter 483 in definition of department substituted reference to department of labor and industry for reference to department of commerce and substituted "part 17" for "part 18". Amendment effective July 1, 2001.

*1995 Amendments:* Chapter 418 in definition of long-term care facility substituted "department of public health" for "department of health and environmental sciences"; and made minor changes in style. Amendment effective July 1, 1995.

Chapter 429 deleted definition of inactive nursing home administrator that read: "'Inactive nursing home administrator" means an individual who has been licensed in this state as a nursing home administrator and whose license has not been revoked or suspended but who is not actively engaged in nursing home administration"; and made minor changes in style.

Chapter 546 in definition of long-term care facility substituted "department of public health and human services" for "department of health and environmental sciences"; and made minor changes in style. Amendment effective July 1, 1995.

*Transition:* Section 499, Ch. 418, L. 1995, provided: "The provisions of 2-15-131 through 2-15-137 apply to [this act]."

*Saving Clauses:* Section 503, Ch. 418, L. 1995, was a saving clause.

Section 132, Ch. 429, L. 1995, was a saving clause.

Section 571, Ch. 546, L. 1995, was a saving clause.

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

*1981 Amendment:* Substituted "department of commerce" for "department of professional and occupational licensing" in (2); changed internal references to the department and the board.

**37-9-102. Legislative findings — purpose.** The legislature finds that the profession of nursing home administration affects the lives of an often frail and vulnerable population that includes older and disabled Montanans who are unable to live independently. The purpose of this chapter is to regulate and control the profession to protect the public health, welfare, and safety by ensuring the ethical, qualified, and professional practice of nursing home administration.

**History:** En. Sec. 1, Ch. 107, L. 2007.

### Compiler's Comments

*Effective Date:* This section is effective October 1, 2007.

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## Part 2 Board of Nursing Home Administrators

### Part Cross-References

Adoption and publication of rules, Title 2, ch. 4, part 3.

Allocation of boards for administrative purposes, 2-15-121.

Quasi-judicial boards, 2-15-124.

Board established, 2-15-1735.

Duties of Department, Director, and boards, Title 37, ch. 1, part 1.

### Part Administrative Rules

Title 24, chapter 162, subchapter 1, ARM Organizational rule.

Title 24, chapter 162, subchapter 2, ARM Procedural rules.

### Part Law Review Articles

Driving Improvement in Long-Term Care: Enforcement and Quality Initiatives, Nedza, 26 J. Legal Med. 61 (2005).

**37-9-201. Organization and compensation of board.** (1) The board shall elect from its membership a presiding officer, vice presiding officer, and secretary-treasurer and shall adopt rules to govern its proceedings.

(2) Each board member must receive compensation and travel expenses as provided for in 37-1-133.

**History:** En. Sec. 7, Ch. 363, L. 1969; amd. Sec. 45, Ch. 439, L. 1975; R.C.M. 1947, 66-3107; amd. Sec. 14, Ch. 474, L. 1981; amd. Sec. 1370, Ch. 56, L. 2009.

### **Compiler's Comments**

*2009 Amendment:* Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

*1981 Amendment:* Substituted (2) which refers to compensation and travel expenses for "(2) As compensation for his services each member shall receive \$25 a day, in addition to expenses, for each day of actual service in the performance of his duties. All members shall be allowed travel expenses as provided for in 2-18-501 through 2-18-503 and living expenses as may be approved by the board".

*Board Compensation and Travel Expenses — Preamble:* The preamble of SB 463 (Ch. 474, L. 1981), which provided for uniform compensation and travel expenses for Board members, is located in the compiler's comments under 37-1-133.

**37-9-202. Exclusive jurisdiction of board.** The board shall have exclusive authority to determine the qualifications, skill, and fitness of any person to serve as an administrator of a nursing home under the provisions of this chapter, and the holder of a license under the provisions of this chapter shall be deemed qualified to serve as the administrator of a nursing home for all purposes.

**History:** En. Sec. 8, Ch. 363, L. 1969; R.C.M. 1947, 66-3108.

### **Administrative Rules**

ARM 24.162.301 Definitions.

**37-9-203. Duties of board.** The board shall:

(1) develop, impose, and enforce standards that must be met by individuals in order to receive a license as a nursing home administrator, designed to ensure that nursing home administrators are individuals of good character and otherwise suitable and, by education, training, or experience in the field of institutional administration, are qualified to serve as nursing home administrators;

(2) develop and apply appropriate techniques, including examination and investigation, for determining whether individuals meet the standards;

(3) authorize the department to issue licenses to individuals determined to meet the standards;

(4) establish and implement procedures designed to ensure that individuals licensed as nursing home administrators will, during the period that they serve, comply with the requirements of the standards; and

(5) conduct a continuing study and investigation of nursing home administrators within the state with a view to the improvement of the standards imposed for the licensing of administrators and of procedures and methods for the enforcement of the standards with respect to nursing home administrators.

**History:** En. Sec. 9, Ch. 363, L. 1969; amd. Sec. 6, Ch. 483, L. 1973; amd. Sec. 310, Ch. 350, L. 1974; R.C.M. 1947, 66-3109(part); amd. Sec. 44, Ch. 429, L. 1995; amd. Sec. 23, Ch. 109, L. 2009.

### **Compiler's Comments**

*2009 Amendment:* Chapter 109 in (1) near beginning after "order to" deleted "register and" and near middle before "training" inserted "education"; in (3) after "department to" deleted "register and" and after "individuals" deleted "after application of the techniques"; in (4) near middle after "individuals" deleted "registered and"; and made minor changes in style. Amendment effective October 1, 2009.

*Saving Clause:* Section 53, Ch. 109, L. 2009, was a saving clause.

*Severability:* Section 54, Ch. 109, L. 2009, was a severability clause.

*1995 Amendment:* Chapter 429 deleted (6) and (7) that read: "(6) conduct or cause to be conducted one or more courses of instruction and training sufficient to meet the requirements of this chapter and make provisions for the conduct of these courses and their accessibility to residents of this state, unless it finds that there are a sufficient number of courses conducted by others within this state to meet the needs of the state; instead, the board may approve courses conducted within and outside of this state sufficient to meet the education and training requirements of this chapter;

(7) prescribe or approve continuing education courses"; and made minor changes in style.

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

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## Part 3 Licensing

### Part Cross-References

Contested case as including licensing, 2-4-102.  
Contested case procedure, Title 2, ch. 4, part 6.  
Licensing to follow contested case procedure, 2-4-631.  
Duty of Department to administer and grade examinations, 37-1-101.  
Duty of Board to adopt and enforce licensing and certification rules, 37-1-131.  
Licensing boards to establish fees commensurate with costs, 37-1-134.  
Licensing investigation and review — record access, 37-1-135.  
Grounds for disciplinary action as grounds for license denial — conditions to new licenses, 37-1-137.  
Licensure of criminal offenders, Title 37, ch. 1, part 2.  
Nondiscrimination in licensing, 49-3-204.

### Part Administrative Rules

Title 24, chapter 162, subchapter 5, ARM Licensing.

**37-9-301. Qualifications for licensure — examination.** (1) A person may not be granted a nursing home administrator license unless the person:

(a) is of good moral character, as determined by the board, and has received a high school diploma or its equivalent; and

(b) (i) has satisfactorily completed a course of instruction and training prescribed by the board, which must be designed and administered to present sufficient knowledge of the needs properly served by long-term care facilities, laws governing the operation of long-term care facilities and the protection of the interests of patients, and the elements of good nursing home administration; or

(ii) has presented evidence satisfactory to the board of sufficient education, training, or experience, or a combination of education, training, and experience, in the fields referred to in subsection (1)(b)(i) to administer, supervise, and manage a long-term care facility; and

(c) has passed an examination designed to test for competence in the subject matters referred to in subsection (1)(b)(i).

(2) The minimum standards for qualification must comply with the requirements, if any, set forth in 42 U.S.C. 1396g.

**History:** En. Sec. 3, Ch. 363, L. 1969; amd. Sec. 10, Ch. 168, L. 1971; amd. Sec. 3, Ch. 483, L. 1973; amd. Sec. 307, Ch. 350, L. 1974; R.C.M. 1947, 66-3103; amd. Sec. 1, Ch. 464, L. 1989; amd. Sec. 1371, Ch. 56, L. 2009; amd. Sec. 24, Ch. 109, L. 2009.

### Compiler's Comments

*2009 Amendments — Composite Section:* Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

Chapter 109 in (1) substituted "A person may not be granted a nursing home administrator license" for "The department shall register and issue licenses to qualified persons as nursing home administrators, and the board shall establish qualification criteria for nursing home administrators. No registration or license shall be issued to a person as a nursing home administrator"; in (1)(a) substituted "good moral character as determined by the board" for "good character, of sound physical and mental health"; in (2) at end substituted "42 U.S.C. 1396g" for "Title XIX of the Social Security Act, Public Law 90-248, as amended"; and made minor changes in style. Amendment effective October 1, 2009.

*Saving Clause:* Section 53, Ch. 109, L. 2009, was a saving clause.

*Severability:* Section 54, Ch. 109, L. 2009, was a severability clause.

*1989 Amendment:* In (1)(b)(ii), after "or experience", inserted "or a combination of education, training, and experience"; corrected internal reference; and made minor changes in phraseology and punctuation.

*1989 Statement of Intent:* The statement of intent attached to Ch. 464, L. 1989, provided: "A statement of intent is required for this bill to clarify the extension of existing authority to make rules on the subject of the provisions of this act.

It is the intent of this legislature that the board of nursing home administrators adopt rules governing the qualifications for licensure as a nursing home administrator, which qualifications are reasonably related to the performance of the functions normally carried out by those serving as nursing home administrators.

Any course of instruction, training, or education prescribed by the board should be related to the performance of the functions normally carried out by those employed as nursing home administrators and the protection of patients cared for in nursing homes.

It is also the intent of the legislature that the board not require a baccalaureate degree unless the federal government mandates such a degree for purposes of the state receiving federal financial participation for medicare.

The intent of the legislature is not to exclude qualified individuals because they do not meet an arbitrary standard that does not bear a strong relationship to expected job performance, but to exclude only those who are truly unqualified in the judgment of the board. The legislature intends that the written examination provided for in subsection (1)(c) of [the act] [37-9-301(1)(c)] provides additional protection to the public in screening out unqualified candidates."

*Grandfather Clause — Education Requirements Waived for License Renewals:* Section 2, Ch. 464, L. 1989, provided: "A person licensed as a nursing home administrator on [the effective date of this act] does not have to present evidence satisfactory to the board of sufficient education as required by 37-9-301(1)(b)(ii) in order to renew his license as a nursing home administrator." Effective October 1, 1989.

*Federal Statute:* The qualifications referred to in 37-9-301(2) are codified at 42 U.S.C. 1396g.

**37-9-302. Department to license pursuant to board rules — nontransferability.** (1) The department shall license nursing home administrators under the rules adopted by the board.

(2) A nursing home administrator's license is not transferable.

*History:* En. Sec. 4, Ch. 363, L. 1969; amd. Sec. 4, Ch. 483, L. 1973; amd. Sec. 308, Ch. 350, L. 1974; R.C.M. 1947, 66-3104(part); amd. Sec. 45, Ch. 429, L. 1995; amd. Sec. 25, Ch. 109, L. 2009.

### **Compiler's Comments**

*2009 Amendment:* Chapter 109 in (1) after "department shall" deleted "register and"; in (2) after "administrator's" deleted "registration and" and after "transferable" deleted "and is valid until surrendered for cancellation, suspended, or revoked for violation of this chapter or any other laws or rules relating to the proper administration and management of a long-term care facility". Amendment effective October 1, 2009.

*Saving Clause:* Section 53, Ch. 109, L. 2009, was a saving clause.

*Severability:* Section 54, Ch. 109, L. 2009, was a severability clause.

*1995 Amendment:* Chapter 429 deleted (3) that read: "(3) If the board determines that preliminary qualifications set forth in 37-9-301 will have been met before the next examination, it may authorize the department to issue a temporary permit for a period of 180 days or until the scores of the next examination are announced. No temporary permit may be issued to an applicant after the date of the first examination for which he is eligible."

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

**37-9-303. Repealed.** Sec. 128, Ch. 429, L. 1995.

*History:* En. Sec. 11, Ch. 363, L. 1969; amd. Sec. 311, Ch. 350, L. 1974; R.C.M. 1947, 66-3111.

**37-9-304. Fees.** (1) Each person who applies for licensure shall pay a fee prescribed by the board at the time of application.

(2) Each person licensed as a nursing home administrator shall pay a license fee in an amount fixed by the board.

**History:** En. Sec. 5, Ch. 363, L. 1969; amd. Sec. 5, Ch. 483, L. 1973; R.C.M. 1947, 66-3105; amd. Sec. 22, Ch. 345, L. 1981; amd. Sec. 2, Ch. 390, L. 1983; amd. Sec. 46, Ch. 429, L. 1995; amd. Sec. 15, Ch. 492, L. 1997; amd. Sec. 45, Ch. 467, L. 2005.

### **Compiler's Comments**

*2005 Amendment:* Chapter 467 in (1) after "licensure" deleted "whether by waiver, examination, or reciprocation"; in (2) deleted former second sentence that read: "A license expires on a date set by department rule and must be renewed upon timely payment of the license fee"; deleted former (3) that read: "(3) The fee for issuing a duplicate license must be fixed by the board"; and made minor changes in style. Amendment effective July 1, 2005.

*1997 Amendment:* Chapter 492 in (2), in second sentence after "A license expires", deleted "each year" and after "and must be" substituted "renewed" for "renewable annually". Amendment effective July 1, 1997.

*Preamble:* The preamble attached to Ch. 492, L. 1997, provided: "WHEREAS, the Legislature finds that delays in licensing board responses to complaints of misconduct by licensees and unlicensed practice that result in frustration on behalf of the public, licensees, and boards is caused by a lack of personnel to assist with compliance issues; and

WHEREAS, licensing boards collect and accumulate sufficient funds from the fees charged to licensees to meet the cost of compliance and enforcement personnel, but these same boards often lack the authority to expend the funds that they collect; and

WHEREAS, the delayed processing and the accumulating complaint backlog have a deleterious effect on the productivity and reputation of the licensees; and

WHEREAS, the Legislature finds that certain licensing boards need to be granted temporary spending authority to address the delayed processing and accumulated complaint backlog; and

WHEREAS, a uniformly flexible approach to license renewal scheduling would also reduce frustration on the part of licensees and the public that they serve; and

WHEREAS, inflexible examination dates for license applicants in the plumbing and electrical fields have caused undue hardship with no discernable [sic] public benefit; and

WHEREAS, the Committee on Business and Labor desires to alleviate these and other related problems by appropriating funds for certain professional and occupational boards that need additional compliance specialists, by allowing the Department of Commerce [now Department of Labor and Industry] to establish license renewal dates by rule, and by allowing electrical and plumbing apprentices to take the examination required for licensure before the apprenticeships expire."

*1995 Amendment:* Chapter 429 deleted former (3) that read: "(3) Each person registered as an inactive nursing home administrator shall be required to pay a registration fee in the amount fixed by the board. An inactive registration shall expire each year on a date established by rule of the department and shall be renewable annually upon timely payment of the inactive registration fee"; and made minor changes in style.

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

*1983 Amendment:* In (2) and (3), after "shall expire" substituted "each year on a date set by rule of the department" for "on December 31 in the year for which it is issued"; and made minor changes in grammar and tense throughout.

*1981 Amendment:* Substituted "shall be required to pay a fee prescribed by the board" for "shall be required to pay a fee of \$25" in (1); deleted ", not to exceed \$100" after "an amount to be fixed by the board" at the end of the first sentence of (2); substituted "a registration fee in the amount fixed by the board" for "a registration fee in the amount of not more than \$25" at the end of the first sentence of (3); and substituted "The fee for issuing a duplicate license shall be fixed by the board" for "The fee for issuing a duplicate license shall be \$10" in (4).

*Fees Prescribed by Board — Statement of Intent and Preamble:* Chapter 345, L. 1981 (SB 412), which amended this section relating to the Board prescribing fees, contained a statement of intent and a preamble. For the texts see compiler's comments at 37-1-134.

### **Administrative Rules**

ARM 24.162.420 Fee schedule.

**37-9-305. License — grounds for discipline.** A license must be granted if the applicant meets the qualifications pursuant to 37-9-301 and, if the applicant holds another professional, temporary, or restricted license, there is no finding of unprofessional conduct. If an applicant for a license is denied, the applicant is entitled to notice and a hearing as provided in Title 2, chapter 4, part 6.

**History:** En. Sec. 10, Ch. 363, L. 1969; amd. Sec. 7, Ch. 483, L. 1973; R.C.M. 1947, 66-3110; amd. Sec. 3, Ch. 390, L. 1983; amd. Sec. 47, Ch. 429, L. 1995; amd. Sec. 16, Ch. 492, L. 1997; amd. Sec. 15, Ch. 271, L. 2003; amd. Sec. 46, Ch. 467, L. 2005; amd. Sec. 26, Ch. 109, L. 2009.

### **Compiler's Comments**

*2009 Amendment:* Chapter 109 near beginning after "granted" substituted "if the applicant meets the qualifications pursuant to 37-9-301 and, if the applicant holds another professional, temporary, or restricted license, there is no finding of unprofessional conduct" for "as a matter of course" and substituted second sentence regarding notice and hearing if a license applicant is denied for former second sentence that read: "However, if the board finds, after notice and hearing, that the applicant has acted or failed to act in accordance with this chapter, the board may find grounds for discipline". Amendment effective October 1, 2009.

*Saving Clause:* Section 53, Ch. 109, L. 2009, was a saving clause.

*Severability:* Section 54, Ch. 109, L. 2009, was a severability clause.

*2005 Amendment:* Chapter 467 at beginning of first sentence substituted "A license" for "Each holder of a nursing home administrator's registration and license shall renew it by payment of the required fee for the next subsequent period prior to the expiration date of the currently valid registration and license, except as may be otherwise provided in 37-1-138. Renewals of registrations or licenses" and at end of second sentence after "act in" substituted "accordance with this chapter, the board may find grounds for discipline" for "a manner or under circumstances that would constitute grounds for discipline, it may not issue the renewal". Amendment effective July 1, 2005.

*2003 Amendment:* Chapter 271 at end of first sentence inserted "except as may be otherwise provided in 37-1-138"; and made minor changes in style. Amendment effective April 9, 2003.

*Retroactive Applicability:* Section 63, Ch. 271, L. 2003, provided: "[This act] applies retroactively, within the meaning of 1-2-109, to occurrences after December 31, 2002."

*1997 Amendment:* Chapter 492 in first sentence, after "shall renew it", deleted "annually" and after "the next subsequent" substituted "period" for "year"; and made minor changes in style. Amendment effective July 1, 1997.

*Preamble:* The preamble attached to Ch. 492, L. 1997, provided: "WHEREAS, the Legislature finds that delays in licensing board responses to complaints of misconduct by licensees and unlicensed practice that result in frustration on behalf of the public, licensees, and boards is caused by a lack of personnel to assist with compliance issues; and

WHEREAS, licensing boards collect and accumulate sufficient funds from the fees charged to licensees to meet the cost of compliance and enforcement personnel, but these same boards often lack the authority to expend the funds that they collect; and

WHEREAS, the delayed processing and the accumulating complaint backlog have a deleterious effect on the productivity and reputation of the licensees; and

WHEREAS, the Legislature finds that certain licensing boards need to be granted temporary spending authority to address the delayed processing and accumulated complaint backlog; and

WHEREAS, a uniformly flexible approach to license renewal scheduling would also reduce frustration on the part of licensees and the public that they serve; and

WHEREAS, inflexible examination dates for license applicants in the plumbing and electrical fields have caused undue hardship with no discernable [sic] public benefit; and

WHEREAS, the Committee on Business and Labor desires to alleviate these and other related problems by appropriating funds for certain professional and occupational boards that need additional compliance specialists, by allowing the Department of Commerce [now Department of Labor and



Industry] to establish license renewal dates by rule, and by allowing electrical and plumbing apprentices to take the examination required for licensure before the apprenticeships expire."

*1995 Amendment:* Chapter 429 at end of second sentence, after "course", deleted "providing the holder has completed a continuing education course prescribed or approved by the board" and at end of third sentence, after "for", substituted "discipline" for "suspension or revocation of a registration and license"; and made minor changes in style.

*Severability:* Section 131, Ch. 429, L. 1995, was a severability clause.

*Saving Clause:* Section 132, Ch. 429, L. 1995, was a saving clause.

*Applicability:* Section 133, Ch. 429, L. 1995, provided: "[This act] applies to licenses applied for, complaints submitted, and proceedings begun after [the effective date of this section]." Effective October 1, 1995.

*1983 Amendment:* Changed renewal from prior to December 31 to prior to expiration date.

## **Administrative Rules**

ARM 24.162.2301 Unprofessional conduct.

**37-9-306. Deposit of fees.** Fees collected by the department under this chapter shall be deposited in the state special revenue fund for the use of the board, subject to 37-1-101(6). This fund may be used to pay the compensation and expenses of members of the board and other expenses necessary to administer this chapter.

*History:* En. Sec. 6, Ch. 363, L. 1969; amd. Sec. 309, Ch. 350, L. 1974; R.C.M. 1947, 66-3106; amd. Sec. 1, Ch. 277, L. 1983.

## **Compiler's Comments**

*1983 Amendment:* Substituted reference to state special revenue fund for reference to earmarked revenue fund.

## **37-9-307 through 37-9-310 reserved.**

**37-9-311. Repealed.** Sec. 128, Ch. 429, L. 1995.

*History:* (1), (2)En. Sec. 9, Ch. 363, L. 1969; amd. Sec. 6, Ch. 483, L. 1973; amd. Sec. 310, Ch. 350, L. 1974; Sec. 66-3109, R.C.M. 1947; (3)En. Sec. 4, Ch. 363, L. 1969; amd. Sec. 4, Ch. 483, L. 1973; amd. Sec. 308, Ch. 350, L. 1974; Sec. 66-3104, R.C.M. 1947; R.C.M. 1947, 66-3104(part), 66-3109(part).

**37-9-312. Violation.** It is unlawful for any person to act or serve in the capacity of a nursing home administrator unless the person is the holder of a license as a nursing home administrator, issued in accordance with the provisions of this chapter. A person who violates the provisions of this chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$500, imprisonment for not more than 6 months, or both.

*History:* En. Sec. 12, Ch. 363, L. 1969; amd. Sec. 8, Ch. 483, L. 1973; R.C.M. 1947, 66-3112; amd. Sec. 1372, Ch. 56, L. 2009; amd. Sec. 27, Ch. 109, L. 2009.

## **Compiler's Comments**

*2009 Amendments — Composite Section:* Chapter 56 made section gender neutral; and made minor changes in style. Amendment effective October 1, 2009.

Chapter 109 near middle of first sentence after "holder of a" deleted "registration and"; and made minor changes in style. Amendment effective October 1, 2009.

*Saving Clause:* Section 53, Ch. 109, L. 2009, was a saving clause.

*Severability:* Section 54, Ch. 109, L. 2009, was a severability clause.