

BEFORE THE BOARD OF MEDICAL EXAMINERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF AMENDMENT,  
ARM 24.156.401, 24.156.403, ) ADOPTION, AND REPEAL  
24.156.405, 24.156.409, 24.156.450, )  
24.156.612, 24.156.613, 24.156.615, )  
24.156.617, 24.156.2711, and )  
24.156.2751, the adoption of New )  
Rule I, and the repeal of ARM )  
24.156.415, 24.156.604, 24.156.608, )  
24.156.609, 24.156.616, 24.156.628, )  
24.156.801, and 24.156.2715 )  
pertaining to the Board of Medical )  
Examiners general revisions )

TO: All Concerned Persons

1. On August 25, 2023, the Board of Medical Examiners (agency) published MAR Notice No. 24-156-95 regarding the public hearing on the proposed changes to the above-stated rules, at page 819 of the 2023 Montana Administrative Register, Issue No. 16.

2. On September 15, 2023, a public hearing was held on the proposed changes to the above-stated rules via the videoconference and telephonic platform. Comments were received by the deadline.

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

COMMENT 1: Numerous commenters objected to striking recognition of AEMT-99 in ARM 24.156.2751(1)(c)(ii). The objections are primarily based on access to care in rural parts of the state.

RESPONSE 1: The comments are acknowledged. NREMT notified the public that it would cease issuing the I99 certification in 2011. The organization gave three renewal cycles—until 2018—for I99 holders to become paramedics or to cease I99 practice. Montana currently has 32 licensees with I99 endorsement. Because the endorsement is no longer issued, it is impossible for this number to increase. As retirements occur, the number will continue to reduce. As a result, maintenance of I99 endorsement is not a feasible or viable long-term solution for access to care in rural Montana or elsewhere. Nonetheless, the board will not, at the present time, remove recognition of the I99 endorsement. The amendment to the proposal is set forth below.

COMMENT 2: One commenter objected to the proposed amendment to ARM 24.156.405(2)(n). The commenter suggested involuntary loss of privileges may not warrant discipline as unprofessional conduct. The commenter suggested that only an involuntary loss of privileges exceeding 30 days be defined as unprofessional conduct. The commenter further objected to the reasonable necessity statement.

RESPONSE 2: The comment is acknowledged, and the board agrees. The rule is amended as set forth below.

COMMENT 3: One commenter suggested that physician assistant statutes had been omitted from authorizing and implementing citations throughout the rules package and should be reviewed.

RESPONSE 3: The board agrees. The omission is an administrative oversight and can be corrected here. Applicable amendments are set forth below.

4. The agency has amended ARM 24.156.401, 24.156.409, 24.156.612, 24.156.613, 24.156.615, 24.156.617, and 24.156.2711 as proposed.

5. The agency has adopted New Rule I (24.156.406) as proposed.

6. The agency has repealed ARM 24.156.415, 24.156.604, 24.156.608, 24.156.609, 24.156.616, 24.156.628, 24.156.801, and 24.156.2715 as proposed.

7. The agency has amended ARM 24.156.403, 24.156.405, 24.156.450, and 24.156.2751 with the following changes from the original proposal, stricken matter interlined, new matter underlined:

24.156.403 DEFINITIONS AND ABBREVIATIONS (1) and (2) remain as proposed.

AUTH: 37-1-131, 37-3-203, 37-3-301, 37-3-802, 37-20-202, 37-25-201, 50-6-203, MCA

IMP: 37-1-131, 37-3-102, 37-3-201, 37-3-203, 37-3-301, 37-3-305, 37-3-307, 37-3-325, 37-3-326, 37-3-802, 37-3-804, 37-20-203, 37-25-201, 37-25-302, 50-6-101, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-301, 50-6-302, MCA

24.156.405 UNPROFESSIONAL CONDUCT (1) through (2)(m) remain as proposed.

(n) for physicians and physician assistants, involuntary loss of or failure to report to the board any involuntary loss of privileges, which exceeds 30 days, within 30 days.

AUTH: 37-1-131, 37-1-319, 37-3-202, 37-6-106, 37, 20-202, 37-25-201, 50-6-203, MCA

IMP: 37-1-131, 37-1-316, 37-1-319, 37-3-323, 37-3-401, 37-3-405, 37-6-311, 37-20-202, 37-20-403, 37-20-404, 37-25-201, 50-6-203, MCA

24.156.450 MANAGEMENT OF INFECTIOUS WASTES (1) and (2) remain as proposed.

AUTH: 37-1-131, 37-3-203, 37-6-106, 37-20-202, 37-25-201, 50-6-203 75-10-1006, MCA

IMP: 37-1-131, 50-6-203, 75-10-1006, MCA

24.156.2751 LEVELS OF ECP LICENSURE INCLUDING ENDORSEMENTS

(1) through (1)(c)(i) remain as proposed.

(ii) AEMT-99;

(ii) and (iii) remain as proposed but are renumbered (iii) and (iv).

(d) remains as proposed.

AUTH: 37-3-203, 50-6-203, MCA

IMP: 37-3-102, 37-3-203, 50-6-101, 50-6-105, 50-6-201, 50-6-202, 50-6-203, 50-6-301, 50-6-302, MCA

BOARD OF MEDICAL EXAMINERS  
JAMES GUYER, M.D., PRESIDENT

/s/ QUINLAN L. O'CONNOR

Quinlan L. O'Connor  
Rule Reviewer

/s/ SARAH SWANSON

Sarah Swanson, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State October 10, 2023.