



MONTANA
ADMINISTRATIVE
REGISTER



**BOARD OF NURSING HOME ADMINISTRATORS
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-122.1

Summary

Implementation of House Bill 246 regarding substantial equivalency and House Bill 435 regarding professional license discipline and general revision of board rules

Hearing Date and Time

Tuesday, December 30, 2025, at 9:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/88574245231>

Meeting ID: 885 7424 5231; Password: 1246468266

Dial by Telephone: +1 646 558 8656

Meeting ID: 885 7424 5231; Password: 1246468266

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, January 2, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Tuesday, December 23, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

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

24.162.301 DEFINITIONS

- {1} "~~Clock hour~~" shall mean ~~60 minutes of formal instruction by an approved presenter.~~
- {2}{1} "Health care facility" shall mean licensed long-term facility, or licensed acute care facility, as defined by 50-5-301(2)(b)(i), MCA.

Authorizing statute(s): 37-9-203, MCA

Implementing statute(s): 37-9-203, 37-9-301, MCA

Reasonable Necessity Statement

There is reasonable necessity to strike the definition of "clock hour" because the term is used in its common understanding and because the phrase is not used in these rules.

24.162.415 GENERAL REQUIREMENTS

- (1) The license, together with evidence of current validation, shall be conspicuously displayed within the facility served by the licensee.
- ~~(2) Each licensee shall:~~
 - ~~(a) file the licensee's current mailing address with the board; and~~
 - ~~(b) notify the board office in writing or electronically of any and all changes which occur within ten days of the address change.~~

Authorizing statute(s): 37-9-203, MCA

Implementing statute(s): 37-9-203, MCA

Reasonable Necessity Statement

Section (2) is proposed to be stricken because it is unnecessary in light of statutory changes set forth in House (HB) 276 (2025) which requires all licensees to notify the board of address changes.

24.162.420 FEE SCHEDULE

- (1) Applicant and licensee fees are as follows:
 - (a) application by examination ~~\$225~~ 150
 - (b) application by examination and ~~temporary~~ provisional license ~~425~~ 150
 - (c) application by credential ~~500~~ 200
 - (d) jurisprudence reexamination (each retake) 75
 - (e) active renewal ~~235~~ 125
 - ~~(f) inactive renewal 100~~
- (2) Additional standardized fees are specified in ARM 24.101.403.
- (3) All fees are nonrefundable.
- (4) The NAB examination fee and reexamination fee is set by the examination administrator, and is paid by the applicant directly to the examination administrator.

Authorizing statute(s): 37-1-131, 37-1-134, 37-9-304, MCA

Implementing statute(s): 37-1-131, 37-1-134, 37-1-141, 37-9-304, MCA

Reasonable Necessity Statement

The fees set forth in this rule are proposed to be reduced. There is reasonable necessity to do so in keeping with the board's obligations to ensure it keeps no more than twice its annual appropriation in cash in hand. In addition, the reduction in fees is expected to benefit licensees who will have reduced costs associated with maintaining or obtaining licensure.

24.162.501 APPLICATION AND DOCUMENTATION FOR LICENSURE

- (1) ~~In addition to passing the examination referred to in ARM 24.162.504, an~~ An applicant must submit a completed application form documenting:
 - (a) education, training, experience, or a combination thereof totaling 1,200 points. The minimum accumulative point value shall be 1,200 points, as set forth below;
 - (b) passage of the national examination of the National Association of Long Term Care Administrator Boards; and
 - (c) a final score of at least 90% on the open book jurisprudence examination relating to the provisions of the Montana long-term care facilitating licensing law and regulation.
- (2) An application shall be filed and must be accompanied by the required fee, which shall not be refunded.
- (3) The application information furnished by each applicant shall be evaluated by the board and given point-value to determine whether the applicant has sufficient experience, education or training. The experience, education or training requirements are set out in (a) through (c) below.
 - (a) Experience will be accepted for categories set out in (i) through (iii) below. Designated points are given based upon 40 hours or more per week. Documented part-time employment will be prorated on a full-time employee (40 hours per week) status. An applicant seeking points for experience earned beyond the seven-year period preceding the application date will not be awarded points unless the application is accompanied with documentation of such experience. Adequate documentation consists of a supervisor's letter, Internal Revenue Service W-4 form, or employment evaluations signed by a supervisor or other official verification of employment.

- (i) management experience in health care, with or without supervision, from the administration, no more than 200 points/year;
 - (ii) direct services experience providing health care services with direct patient contact, no more than 100 points/year;
 - (iii) support services (indirect experience) experience in health care facility(ies) with indirect patient contact, no more than 50 points/year;
- (b) Credit for educational training will be given as set forth in (i) through (v) below. In the case where multiple degrees have been attained, credit shall be given for one degree only, according to the degree designated for credit by the license applicant.
 - (i) bachelor degree or higher in a health care or business field equals 1,200 points;
 - (ii) bachelor degree in any other field equals 800 points;
 - (iii) associate degree in a health care or business field equals 600 points;
 - (iv) associate degree in any other field equals 400 points;
 - (v) college/university course work in a health or business related course, (completed with a grade of not less than "C") equals 20 points/credit hour.
- (c) Training seminars/workshops/short courses in health care and business equals one point per approved clock hour;
- (d) Administrator-in-training (AIT) programs may be submitted for one point per clock hour credit for hours earned. Verification of clock hours must be documented and signed by the licensed active nursing home administrator.
- (4) The applicant must submit a copy of all documents including transcript and diploma or degree, if applicable, to provide a sufficient basis for the board to evaluate the points earned by the applicant.

Authorizing statute(s): 37-1-131, 37-9-203, MCA

Implementing statute(s): 37-1-131, 37-9-203, 37-9-301, 37-9-304, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend (1) to include the testing provisions of ARM 24.162.504, which is proposed to be repealed. This permits all application requirements to be set forth in a single rule.

24.162.506 ~~TEMPORARY PERMIT~~ PROVISIONAL LICENSE

- (1) An application for a ~~temporary permit~~ provisional license must be accompanied by the required fee, which will not be refunded.
- (2) The ~~temporary permit~~ provisional license is valid until the applicant either fails the first national examination ~~for which the applicant is eligible~~ taken or passes the examination and is granted a license, but may not exceed six months.
- (3) Only one ~~temporary permit~~ provisional license will be issued per applicant.

Authorizing statute(s): ~~37-1-319~~ [HB 414, Section 1], MCA

Implementing statute(s): ~~37-1-305~~ [HB 414, Section 1], MCA

Reasonable Necessity Statement

Terminology in this rule is proposed to be changed due to legislation. HB 414 (2025) standardized terminology for provisional licensing while continuing to provide boards the authority to set parameters for it. The rule is additionally proposed to be modified to recognize that examinations can be taken at any time. As a result, the provisional license is time limited to six months, which provides sufficient time for a licensee to take the examination, while not allowing an unlimited period for provisional licensing.

24.162.2301 UNPROFESSIONAL CONDUCT

- ~~(1)~~ The board may suspend, revoke or take any other action in relation to the disciplining of the individual as the board in its discretion considers proper after an appropriate hearing or personal waiver of hearing rights.
- ~~(2)~~(1) The following acts may subject the licensee to disciplinary action is unprofessional conduct:
 - ~~(a)~~ willful and/or repeated violation of any board statutes or rule or the statutes or rules of any federal, state, county or city agency having licensing and regulation of nursing homes or administrators;
 - ~~(b)~~ conviction of a felony related to the practice of the profession by a court of competent jurisdiction, unless exempt by 37-1-203, MCA;
 - ~~(c)~~ use of fraud, deceit or misrepresentation in the securing of a nursing home administrators license;

- ~~(d)~~ being mentally and/or physically incompetent to engage in or act in the professional status as a nursing home administrator;
- ~~(e)~~ use of alcoholic beverages or addictive drugs to the extent that it impairs the ability to practice the profession safely;
- ~~(f)~~ diversion or appropriation of drugs or medications prescribed for residents in the nursing home;
- ~~(g)~~(a) failure to take appropriate action on an employee who diverts drugs or medications prescribed for residents;
- ~~(h)~~(b) acceptance of valuable consideration for the solicitation or procurement, either directly or indirectly, of nursing home usage;
- ~~(i)~~ use of fraudulent, misleading or deceptive advertising;
- ~~(j)~~ knowingly allowing an individual to falsely impersonate another licensee;
- ~~(k)~~(c) knowingly failing to exercise true regard for the safety, health, and welfare of the resident;
- ~~(l)~~ willfully permitting unauthorized disclosure of information relative to the residents' records;
- ~~(m)~~ disclosure or use of confidential information in the course of duties as a nursing home administrator which would further his/her own economic interests;
- ~~(n)~~(d) continuous failure, or allowing the continuous failure, of employees to comply with standards for the operation of the nursing home for which the administrator is responsible;
- ~~(o)~~(e) willful failure to correct deficiencies or failure to maintain corrective measures in the nursing home as cited by any agency of government which has nursing home administration responsibility;
- ~~(p)~~(f) failing to maintain or provide accounting of or for residents' property or assets during their stay in the nursing home. However, the administrator shall be responsible only for that property with which he has been specifically entrusted by the resident, or that property over which the administrator has reasonable means of exercising security; and
- ~~(q)~~(g) allowing harassment or abuse of residents by employees;
- ~~(r)~~ failing to cooperate with an authorized investigation of a complaint; and
- ~~(s)~~ violating orders of the board.

Authorizing statute(s): 37-1-131, 37-9-201, 37-9-203, ~~37-9-311~~, MCA

Implementing statute(s): 37-9-203, ~~37-9-311~~, MCA

Reasonable Necessity Statement

There is reasonable necessity to amend this rule because it is substantially duplicative of statute, particularly as amended by HB 435 (2025). Section (1) merely restates the board's obligation to consider matters before it. Subsections (1)(a) and (b) are duplicative of 37-1-316(1)(v), MCA. Subsection (1)(c) is duplicative of 37-1-316(1)(e), MCA. Subsection (1)(d) is duplicative of 37-1-316(1)(m), MCA. Subsection (1)(e) is duplicative of 37-1-316(1)(l), MCA. Subsection (1)(f) is duplicative of 37-1-316(1)(v), MCA. Subsection (1)(i) is duplicative of 37-1-316(1)(g), MCA. Subsection (1)(k) is duplicative of 37-1-316(1)(d), MCA. Subsections (1)(l) and (m) are duplicative of 37-1-316(1)(k), MCA. Subsection (1)(r) is duplicative of 37-1-316(1)(p), MCA. Subsection (1)(s) is duplicative of 37-1-316(1)(j), MCA. Section 37-9-311, MCA, is proposed to be stricken from authorizing and implementing citations because the statute has been repealed.

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 ADMINISTRATIVE SUSPENSION

- (1) The board authorizes the department to:
 - (a) administratively suspend licenses for deficiencies set forth in 37-1-321(1)(a) through (e), MCA; or
 - (b) file a complaint pertaining to the deficiencies in (1) that are based on repeated or egregious conduct, or that have co-occurring misconduct allegations that directly implicate public safety and may warrant formal disciplinary action.
- (2) An administrative suspension is not a negative, adverse, or disciplinary action under Title 37, MCA, and is not reportable under federal law and regulations implementing the Healthcare Practitioner Databank or the department's licensee lookup and license verification databank.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-321, MCA

Reasonable Necessity Statement

Section 37-1-321, MCA, permits the board to authorize the department to take certain non-disciplinary actions regarding licensees who are out of compliance with administrative licensure requirements such as not meeting continuing education requirements, failing to respond to continuing education audits, not paying required fees, not meeting initial licensing requirements, and noncompliance with board final orders. The board authorized the department to take these actions previously by motion. Reasonable necessity exists to adopt this rule to formally, publicly, and accessibly reiterate that authorization, so the public and licensees are aware of the authorization.

NEW RULE 2 SUBSTANTIAL EQUIVALENCY

- (1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the Board of Nursing Home Administrators publication. The publication is available on the board's website.
- (2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt this rule. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

REPEAL

The rules proposed to be repealed are as follows:

24.162.502 MILITARY TRAINING OR EXPERIENCE

Authorizing statute(s): 37-1-145, MCA

Implementing statute(s): 37-1-145, MCA

Reasonable Necessity Statement

Reasonable necessity exists to repeal this rule, effective October 1, 2023, at the earliest, due to HB 583 (2023). That legislation amends 37-1-145, MCA, and eliminates the requirement for adoption by the board of a specific military training rule, setting forth specific obligations for the board to accept military experience for granting licensure. As such, the need for this rule is obsolete.

24.162.504 EXAMINATIONS

Authorizing statute(s): 37-1-131, 37-1-134, 37-9-203, 37-9-304, MCA

Implementing statute(s): 37-1-131, 37-1-134, 37-9-203, 37-9-301, 37-9-304, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule because the substantive testing requirements are proposed to be incorporated into ARM 24.162.501. This modification favors clarity and brevity of administrative rules, and should make the rules easier for the public to use.

24.162.510 LICENSURE BY CREDENTIAL

Authorizing statute(s): 37-1-131, 37-9-203, MCA

Implementing statute(s): 37-1-131, 37-1-304, 37-9-203, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal this rule in light of the new substantial equivalency determinations proposed in this rulemaking. Specifically, the board is making determinations as to which states have substantially equivalent licensure; if they do, the applicant need not submit further documentation. The board will continue to consider nonroutine licensing applications from those licensed in non-substantially-equivalent states.

24.162.515 INACTIVE LICENSE

Authorizing statute(s): 37-1-134, 37-1-319, 37-9-203, MCA

Implementing statute(s): 37-1-134, 37-1-319, 37-9-203, MCA

Reasonable Necessity Statement

There is reasonable necessity to repeal the inactive license rule to eliminate the license status. There are presently 22 individuals in an inactive status.

Small Business Impact

There is not expected to be a significant and direct impact on small businesses. Those impacted are likely to be care facilities that employ licensed nursing home administrators.

The amendments to ARM 24.162.420 are expected to reduce total revenue from its current level of \$126,250 annually by \$71,685 to a new annual total of \$54,565. This is expected to impact 472 licensees.

Bill Sponsor Notification

The primary bill sponsors were contacted by email on October 22, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Carla Neiman, Chair, Board of Nursing Home Administrators