



MONTANA
ADMINISTRATIVE
REGISTER



**BOARD OF OPTOMETRY
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-316.1

Summary

Implementation of House Bill 246 pertaining to substantial equivalency and standardizing fees and application rules

Hearing Date and Time

Thursday, June 11, 2026, 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/87459638961>

Meeting ID: 874 5963 8961; Password: 3560693675

Dial by Telephone: +1 646 558 8656

Meeting ID: 874 5963 8961; Password: 3560693675

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, June 19, 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 Thursday, June 4, 2026, at 5:00 p.m.

Contact

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

General Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill (HB) 246 which was signed by the Governor April 3, 2025, and became 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 NEW RULE 1. 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 website. The board will analyze other states' licensing standards annually, and update the published list as needed.

The board is further taking the opportunity to standardize its fee rule and its application rule after department staff made suggestions.

Rulemaking Actions

AMEND

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

24.168.401 FEE SCHEDULE

- (1) Application fee \$175
- (2) Annual renewal 175
- ~~(3)~~ Endorsement fee ~~125~~
- ~~(4)~~(3) TPA Therapeutic pharmaceutical agents or laser surgical certificate application fee 75
- ~~(5)~~(4) Additional standardized fees are specified in ARM 24.101.403.

Authorizing statute(s): 37-1-131, 37-1-134, 37-10-202, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-1-304, 37-10-302, MCA

Reasonable Necessity Statement

An overall fee reduction is necessary to address excess cash balance. In (3), out-of-state applicants are being assessed a higher fee for licensure by endorsement than applicants applying by examination and the board is equalizing the fee for fairness. The new rate in (1) will be the application fee for all applicants. Section (4) is being updated with the full name of the endorsement initialism for clarity.

24.168.402 LICENSURE REQUIREMENTS

- (1) All applicants for licensure shall submit:
 - ~~(a)~~ a completed application;
 - ~~(b)~~ the application fee; and
 - ~~(c)~~ verification of the educational and examination requirements in (2).
- (2) ~~The application material must include the following~~ Applicants must meet the following requirements:

- (a) ~~verification of~~ successful passage of all parts of the national optometry examination administered by the NBEO with scores sent directly from the examination agency;
 - (b) ~~verification of~~ passage of the TMOD examination; and
 - (c) ~~verification of~~ graduation with a transcript sent directly from the college, university, or institution approved by the ACOE, and recognized by ARBO, in which the practice and science of optometry is taught;
 - (d) ~~license verifications from all states where a licensee has held or holds a license;~~
 - (e) ~~a copy of a self query of the National Practitioner Data Bank;~~
 - (f) ~~the appropriate fee; and~~
 - (g) ~~any other information the board may require.~~
- (3) ~~Applicants actively licensed in another state, but not meeting the qualifications of (2)(a), (b), or (c), must pay an endorsement fee and shall be reviewed by the board on a case-by-case basis.~~ Applicants licensed in another jurisdiction must provide an official verification directly from each jurisdiction where a license is held.
- (4) Applicants shall read and understand the statutes and rules of the board for compliance with their profession.
- (5) Proof of an applicant's familiarity with the board statutes and rules is evidenced by attestation on the application.

Authorizing statute(s): 37-1-131, 37-10-202, 37-10-302, MCA

Implementing statute(s): 37-1-131, 37-1-304, 37-10-301, 37-10-302, 37-10-304, MCA

Reasonable Necessity Statement

The board is amending this rule as it adopts NEW RULE 1. In adopting substantially equivalent jurisdictions, the board is providing notice to applicants as to whether an applicant licensed in that jurisdiction may be considered routine for purposes of processing by department staff. Applications from jurisdictions which are not substantially equivalent will still be reviewed by the board, as will applications which are non-routine for other reasons.

The board is amending this rule to remove the case-by-case basis evaluation of the board, and standardizing the rule to align with department processes for processing applications, whether they are new applicants or applicants from other jurisdictions.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The board adopts and incorporates by reference the 2026 substantial equivalency list for the Board of Optometry 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

See the General Reasonable Necessity Statement.

Small Business Impact

It is expected that this rulemaking will impact applicants for licensure in Montana who hold licenses in other states, in the form of a fee reduction and standardization of licensing fees for all applicants. The board expects the substantial equivalency rule to allow for more efficient licensing, but has not identified a significant and direct impact on Montana small businesses. Changes to the application rule have no significant and direct impact on Montana small businesses, as the changes are for readability purposes and make no changes to the requirements for licensure.

Bill Sponsor Notification

The primary bill sponsor was notified by email on August 7, 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

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner

Approval

Joseph Vincent, OD, Presiding Officer, Board of Optometry