

Department of Labor and Industry Legislative Bills for 2019 Legislative Session

1) DLI Audit Bill - DLI bill responding to Legislative Audit Recommendations on the following:

- **Unemployment Insurance:** Remove 39-51-2207(3)(b), MCA, because voluntary income tax withholding amounts are now specified by federal law.
- **Industrial Accident Rehabilitation Account:** Remove 39-71-1003 and 39-71-1004, MCA, because the account is no longer used. These sections apply to injuries on or before June 30, 1997. The purpose of these sections was to provide vocational rehabilitation expenses that were paid for from a fund. The fund was created from an assessment to employers in the state. Vocational rehabilitation expenses are now paid by the insurer and no payments have been made from the fund for many years.
- **MT Coal Mining Code Map Requirement:** Remove 50-73-205 through 207, MCA, because DLI no longer needs to keep copies of maps and surveys of coal mines. For all mine inspections, DLI reviews the most current map set on site.
- **Board of Athletics:** Deregulate program, including Boxing program. Repeal Title 23, chapter 3, sections -301, -402, -404, -405, -501, -503, and -603, MCA, because program is not financially sustainable per audit finding.
- **Board of Realty Regulation:** Amend 37-51-302(4)(a)(iv), MCA, to move the Rookie Course requirement for new real estate salespersons from post-licensing to pre-licensing, and bring the pre-licensing requirements in line with other states.

2) DLI Fingerprinting Bill to address language required by the USDOJ-FBI:

- **Board of Psychologists:** Amend 37-17-403, MCA, to include federally required language to legally obtain FBI fingerprint background criminal history.
- **Board of Physical Therapy:** Amend 37-11-312, MCA, to include federally required language to legally obtain FBI fingerprint background criminal history.
- **Unemployment Insurance:** In 2015, the Legislature gave DLI authority to offset tax refunds for UI contributions or benefits overpayments owing. See 39-51-1307 and 39-51-3206. Subsequently, the federal UI program informed DLI that employees with access to this program must complete fingerprint background checks. There are 7 employees at DLI that fall under this requirement. In order to obtain background checks, DLI must amend the statutes to allow DOJ to conduct those checks.

3) Unemployment Insurance Division - Benefits for Military:

- Revise 39-51-2302, MCA, to correct the reference to the definition of active duty to 180 days, not 6 weeks. Amending the statute will ensure all employees called to short-term military service are treated the same.

4) Employment Relations Division - Workers' Compensation:

- Amend 39-71-704(1)(f)(i), MCA, to add a requirement that insurer give a 90 day notice of claim closure to injured worker when worker is actively receiving

benefits. An injured worker has the opportunity to pursue a re-opening of their medical benefits under 39-71-717. The most asked question the Department has received regarding claim closure and the reopening process is “will the department contact the injured worker to notify them of the closure of benefits and if not, will the insurer?” The Department has encouraged insurers to notify injured workers. The Department will not know in any of the cases if medical benefits are currently being paid on a claim at 90 days prior to the closure of benefits, but the insurer will know. This solution provides an appropriate and consistent means for the injured worker to be notified of claim closure.

5) Business Standards Division - Professional and Occupational Licensing:

- Amend 37-1-304, MCA, to require a board to grant a license to an out-of-state applicant if the applicant is fully qualified. This change will further implement substantial equivalency by changing “may” to “shall” for all boards. Some Board specific amendments will be required.

6) Board of Electricians:

- Repeal 37-68-310, MCA, which provides that an electrician's license lapses after one year of nonrenewal and instead allow umbrella statute of 37-1-141, MCA, to operate, which provides for a two-year period. This change will make this license type the same as all other license types at BSD.

7) Board of Funeral Services:

- Create a licensing exemption for students enrolled in an accredited Mortuary/Funeral Degree program. Because Montana has no in-state mortuary science program, Montana citizens may attend mortuary school online, but must complete their clinical training in another state. The amendment will allow these students to complete their education in Montana and may encourage them to work in Montana upon completion of their education.
- Housekeeping provisions regarding Preneed Trusts, cemetery audits, and references to "funeral director."

8) Board of Occupational Therapy:

- Remove 37-24-106(1)(c)(i) and (ii), MCA, the requirements for sound and electrical physical agent modality endorsements. Occupational Therapy educational programs and national certification sufficiently address training and testing in these categories of modalities or techniques and render the additional licensing requirements unnecessary.

9) Board of Public Accountants:

- Amend CE audit requirements in 37-50-203 to increase audit percentage set pursuant to 37-1-306 when non-compliance is high. Recent CE audits raised non-compliance concerns. Amendment will allow the Board to increase audit percentage over 50% when noncompliance is over 15%. Normal non-compliance rate is under 5%.

- Housekeeping to remove Am. Institute of CPAs or successor organization from section.

10) Board of Pharmacy/Montana Prescription Drug Registry (MPDR):

- Amend 37-7-1502 and Title 37, chapter 2, Part 3 to require all prescribers and dispensers to register with the MPDR. Mandatory registration will encourage use of the registry and increase awareness of the MPDR and its benefits as a patient safety tool.
- Amend 37-7-1511, MCA, to remove sunset provision so that the Board of Pharmacy can continue to collect fees to fund and maintain the MPDR, clarify who pays the MPDR fee, and align fee payment with access to the MPDR.
- Amend 37-7-1506, MCA, to authorize MPDR access and data search through electronic health records (EHRs), health information exchanges (HIEs), and pharmacy operating systems so that MPDR data can be integrated directly into the workflow of prescribers and pharmacists without having to log in to the MPDR website. This access is key to improve interoperability, efficiency, and increased use of the database, and responds to medical and pharmacy stakeholder requests to provide such access.