

Licensing Reform Task Force

Barriers Subcommittee

SUMMARY RECOMMENDATION: PROVISIONAL LICENSURE REVIEW AND USE OF EXISTING AUTHORITY

Recommendation

The **Barriers Subcommittee** recommends that the **Licensing Reform Task Force** request that the **Department of Labor & Industry** and each professional and occupational licensing board review existing provisional licensure authority under 37-1-144, MCA, added by Chapter 279, HB 414, and determine whether provisional licenses can be used more consistently for otherwise qualified applicants who are waiting on background check results or other final administrative verifications.

The review should identify current board practices, license types where provisional licensure is appropriate or inappropriate, needed rulemaking or applicant guidance, and any statutory changes needed to make provisional licensure workable while preserving public protection.

Executive Order No. 1-2026 Report Elements Addressed

This recommendation supports the Executive Order's direction that the Task Force provide recommendations and strategies to reform Montana's professional occupational licensing system by:

- **Identifying and removing burdens and barriers faced by licensees that are not necessary to protect the public.** Provisional licensure may reduce avoidable delays for applicants who appear otherwise qualified but are waiting for final background-check results, out-of-state verification, inspection, examination, or other administrative conditions.
- **Improving access to and availability of professional services for citizens across Montana, including rural communities.** Allowing appropriate provisional practice may help qualified applicants enter the workforce sooner, particularly in shortage areas and rural or underserved communities.
- **Evaluating whether unnecessary barriers to entry exist for applicants.** The review would determine whether current board practices create unnecessary delays after an applicant has substantially completed licensure requirements.
- **Evaluating whether existing licensing requirements contribute to workforce shortages or access constraints in rural and frontier communities.** Faster conditional entry to practice may help address workforce needs without eliminating final licensing standards.
- **Evaluating whether licensure portability, reciprocity, or endorsement pathways could expand access to qualified professionals.** Section 37-1-144, MCA, also includes temporary practice authority for certain out-of-state licensees, making the review relevant to portability and access.

- **Aligning licensing structures with state and federal rural health transformation initiatives.** The recommendation supports timely workforce entry while preserving public health and public-safety protections, including in health care professions affected by rural workforce shortages.

Policy Assessment

Benefits

This recommendation uses existing statutory authority before seeking new legislation. It may reduce delays caused by pending background checks, out-of-state license verification, inspections, examination results, supervised experience documentation, or other final administrative conditions. It also allows boards to impose limits on time, place, supervision, or scope of provisional practice, which helps preserve public protection while allowing qualified applicants to begin work sooner.

Limitations

Provisional licensure may not be appropriate for every profession, applicant, or practice setting. Boards may need to adopt rules or guidance before the authority can be used consistently. The Department and boards will also need to ensure that applicants, employers, and staff understand when a provisional license is available, what it allows, when it expires, and what happens if adverse background check or disciplinary information is later discovered.

Implementation Consideration

The review should include the security guard licensing issue raised in public comment at the May 8 Barriers Subcommittee meeting, where a commenter stated that hospital employers experience onboarding delays because applicants reportedly cannot begin the security guard licensing process until officially hired. If current law or rule limits provisional or pre-employment licensing in that area, DLI should identify whether clarification is needed.

Motion

The **Barriers Subcommittee** moves to advance the recommendation requesting that the Department of Labor & Industry and each professional and occupational licensing board review existing provisional licensure authority under 37-1-144, MCA, and report back on opportunities to use provisional licenses more consistently for otherwise qualified applicants awaiting background checks or other final administrative verifications, including any needed rulemaking, guidance, application updates, or statutory changes.