

Licensing Reform Task Force

Barriers Subcommittee

NATIONAL CERTIFYING ENTITIES

At the Barriers Subcommittee’s meeting on April 24, the committee asked if the licensing boards are duplicating efforts in licensing for disciplines that require certification by national entities. The recommendation at hand is that in cases where all requirements for licensure are determined by the national entity, should amendments be proposed to delete the state licensing requirement or streamline the licensing process? The committee asked staff to provide a list of disciplines/license types that utilize national entities and do not have other state specific requirements for licensure. Additionally, the committee asked for any statutes that reference out of Montana organizations for licensure.

The following is a listing of statutes in the MCA that reference national certifying entities and other national organizations.

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Alternative Healthcare Board

Acupuncture

37-13-302. Application for licensure — fee — qualifications. (1) Each person desiring to practice acupuncture in this state shall apply to the board for licensure. A fee prescribed by the board must accompany the application.

- (2) An applicant shall furnish to the board evidence that the applicant is:
- (a) at least 18 years of age;
 - (b) of good moral character as determined by the board;
 - (c) a graduate of a school of acupuncture that is approved by the *national accreditation commission for schools and colleges of acupuncture and oriental medicine* and offers a course of at least 1,000 hours of entry-level training in recognized branches of acupuncture or an equivalent curriculum approved by the board; and
 - (d) has passed an examination prepared and administered by the *national commission for the certification of acupuncturists or its successor*.

Direct-Entry Midwifery

37-27-201. Qualifications of applicants for license — educational and practical experience requirements — provisional license. (1) To be eligible for a license as a direct-entry midwife, an applicant:

- (a) must possess a high school diploma or its equivalent;
- (b) must be of good moral character and be at least 21 years of age;
- (c) shall satisfactorily complete educational requirements in pregnancy and natural childbirth, approved by the board, which must include but are not limited to the following:
 - (i) provision of care during the antepartum, intrapartum, postpartum, and newborn period;
 - (ii) parenting education for prepared childbirth;
 - (iii) observation skills;
 - (iv) aseptic techniques;
 - (v) management of birth and immediate care of the mother and the newborn;
 - (vi) recognition of early signs of possible abnormalities;
 - (vii) recognition and management of emergency situations;
 - (viii) special requirements for home birth;
 - (ix) intramuscular and subcutaneous injections;
 - (x) suturing necessary for episiotomy repair;
 - (xi) recognition of communicable diseases affecting the pregnancy, birth, newborn, and postpartum periods;
 - (xii) assessment skills; and
 - (xiii) the use and administration of drugs authorized in 37-27-302;
- (d) shall acquire practical experience, which may be attained in a home, clinic, or hospital setting. Practical experience attained in a hospital does not constitute training or supervision by the hospital, nor may a hospital be required to provide practical experience. At a minimum, this experience must include the following types and numbers of experiences acquired through an apprenticeship or other supervisory setting:
 - (i) provision of 100 prenatal examinations;
 - (ii) observation of 40 births; and
 - (iii) participation as the primary birth attendant at 25 births, 15 of which included continuous care, as evidenced by:
 - (A) birth certificates from Montana or another state;
 - (B) a signed affidavit from the birthing mother; or
 - (C) documented records from the person who supervised the births;
 - (e) shall file documentation with the board that the applicant has been certified by the *American heart association or American red cross* to perform adult and infant cardiopulmonary resuscitation. Certification must be current at the time of application and remain valid throughout the license period; and
 - (f) shall file documentation with the board that the applicant has been certified by the *American academy of pediatrics or the American heart association* to perform neonatal resuscitation. The applicant's certification must be current at the time of application and remain valid throughout the license period.
- (2) An applicant who has completed the education requirements toward certification but has not completed the practical experience may apply for a provisional license under 37-1-144 and as prescribed by board rule.

Naturopathic Physicians

37-26-103. Definitions. As used in this chapter, the following definitions apply:

- (1) "Approved naturopathic medical college" means a college and program granting the degree of doctor of naturopathy or naturopathic medicine that:
 - (a) is accredited by the *council on naturopathic medical education* or another accrediting agency recognized by the *United States department of education*;
 - (b) has the status of candidate for accreditation with the accrediting agency; or
 - (c) has been approved by the board after an investigation that determines that the college or program meets education standards equivalent to those established by the accrediting agency and complies with the board's rules, which must require as a minimum a 4-year, full-time resident program of academic and clinical study.
- (4) "Homeopathic preparations" means substances and drugs prepared according to the official *Homeopathic Pharmacopoeia of the United States*, which is the standard homeopathic text recognized by the *United States food and drug administration*.

37-26-304. Naturopathic childbirth attendance – certification for specialty practice – requirements. (1) A naturopathic physician may not practice naturopathic childbirth attendance without first obtaining from the board a certificate of specialty practice. The board shall adopt rules setting forth the requirements to be met in order to certify naturopathic physicians for the specialty practice of naturopathic childbirth attendance.

- (2) In order to be certified for the specialty practice of naturopathic childbirth attendance, a naturopathic physician shall:
 - (a) pass either a national standardized supplemental examination in naturopathic childbirth attendance provided by the *national naturopathic profession licensing organization* or another specialty examination approved by the board;
 - (b) complete a minimum of 100 hours in any one or in any combination of the following upon approval by the board:
 - (i) course work in naturopathic childbirth attendance;
 - (ii) an internship in naturopathic childbirth attendance; or
 - (iii) a preceptorship in naturopathic childbirth attendance; and
 - (c) have assisted in a minimum of 50 supervised births, including prenatal and postnatal care, under the direct supervision of a licensed naturopathic, medical, or osteopathic physician with specialty training in obstetrics or natural childbirth attendance. The 50 supervised births required under this subsection (c) must include 25 births that document the naturopathic physician as the primary birth attendant.

37-26-402. Qualifications for licensure. A person is qualified to be licensed to practice naturopathic medicine in Montana if the person:

- (1) is of good moral character as determined by the board;
- (2) is a graduate of an approved naturopathic medical college; and
- (3) has passed an examination prescribed or endorsed by the *board for the licensure of naturopathic physicians*.

Board of Allied Healthcare Professionals

Radiologic Technologists

37-14-102. Definitions.

(10) "Radiologist" means a person who is licensed to practice medicine under Title 37, chapter 3, who is board eligible or board certified by the *American board of radiology*, and who resides and practices in Montana.

37-14-313. Radiologist assistant – scope of practice – board approval. (1) A person licensed under this chapter who has completed an advanced academic program encompassing a nationally recognized radiologist assistant curriculum or certification and who has a radiologist-directed clinical preceptorship certificate may practice as a radiologist assistant upon approval by the board. Board action upon a request for approval must be taken, with or without prior rulemaking, after a written request for approval is received by the board.

(2) (a) The specific duties allowed for a radiologist assistant may be defined by the board by rule. The rules must be consistent with guidelines adopted by the *American college of radiology*, the *American society of radiologic technologists*, the *American registry of radiologic technologists*, the *certifying board of radiology practitioner assistants*, and subsection (2)(b). The board shall adopt rules governing the scope of practice for

radiologist assistants in order to resolve any conflicts in that subject between the guidelines of the associations named in this subsection.

(b) The rules must specify the functions that a radiologist assistant may perform in connection with diagnostic procedures under the supervision of a radiologist, including radiology procedures, invasive procedures, procedures as delegated by a radiologist, and the types of injection of contrast media and radioactive isotopes (radionuclide) material allowed.

(c) The rules may specify levels of supervision based on education and experience, but at a minimum, the level of supervision must be general supervision.

(d) A radiologist assistant may not interpret images, make diagnoses, or prescribe medications or therapies.

(3) A radiologist assistant may also be referred to as a "radiology practitioner assistant".

Respiratory Care Practitioners

37-28-202. Licensing requirements — examination. (1) To be eligible for licensure by the board as a respiratory care practitioner, an applicant must:

(a) have completed high school or the equivalent;

(b) have completed a respiratory care educational program accredited or provisionally accredited by the *American medical association's committee on allied health education and accreditation* in collaboration with the *joint review committee for respiratory therapy education* or their successor organizations; and

(c) have passed an examination prescribed by the board. The board may use the entry-level examination written by the *national board for respiratory care* or another examination that satisfies the standards of the *national commission for health certifying agencies* or the commission's equivalent.

(2) A person holding a license to practice respiratory care in the state may use the title "respiratory care practitioner" and the abbreviation "RCP".

37-28-401. Respiratory care interstate compact - enactment.

Section 2. Definitions

(21) "Respiratory therapist" or "respiratory care practitioner" means an individual who holds a credential issued by the *National Board for Respiratory Care* or its successor and holds a license in a state to practice respiratory therapy. For the purposes of this compact, any other title or status adopted by a state to replace the term "respiratory therapist" or "respiratory care practitioner" shall be deemed synonymous with "respiratory therapist" and shall confer the same rights and responsibilities to the licensee under the provisions of this compact at the time of its enactment.

Board of Architects and Landscape Architects

Architects

37-65-303. Application — examination — issuance of license. (1) A person wishing to practice architecture in this state shall apply to the department for a license. A person applying must have successfully completed the requirement of prerequisites in education and practical experience and an examination as prescribed by the board. The examination must be in substantial conformance with the *standard national council of architectural registration boards* examination and grading procedure, except as modified by board rules.

(2) After examination, the department shall, if the candidate has been found qualified, grant a license to the candidate to practice architecture in this state.

Board of Chiropractors

37-12-304. Examinations — subjects. (1) Applicants for a license to practice chiropractic must have passed an examination prescribed by the board.

(2) The board may accept the grades an applicant has received in the examinations given by the *national board of chiropractic examiners* and may authorize the department to issue a license without further examination to an applicant who holds a valid certificate from the *national board of chiropractic examiners* if the applicant meets the other requirements of this chapter. The board may require an applicant to satisfactorily pass a clinical proficiency examination before being issued a license, even though the applicant holds a valid certificate from the national board of chiropractic examiners.

Board of Dentistry and Dental Hygiene

Dentists & Dental Hygienists

37-4-103. Exemptions.

(8) This chapter does not require licensure of the following individuals while engaged in the practice of dentistry, as provided in 37-4-101:

(a) students of an *accredited commission on dental accreditation (CODA)* dental hygiene program or school who are candidates for a dental hygiene degree and who practice dental hygiene without pay in strict conformity with the laws and rules of this state, under the direct personal supervision of a demonstrator or teacher who is a faculty member of an accredited *CODA* dental hygiene program or school;

(b) students of an accredited *CODA* program or school who are candidates for a D.D.S. or D.M.D. degree and who practice dentistry without pay in strict conformity with the laws and rules of this state, under the direct personal supervision of a dentist licensed in Montana or a demonstrator or teacher who is a faculty member of a *CODA* dental program or school; or

(c) dental residents who have received a D.D.S. or D.M.D. degree from a *CODA*-accredited school and who are engaged in advanced education in dentistry at a dental school, hospital, or public health facility that offers the type of advanced program designed to meet accreditation requirements established by *CODA*. A dental resident may perform all clinical services within the advanced education program in which the dental resident is enrolled if the services are provided by the sponsoring institution and are authorized by the program supervisor. A dental resident who is not licensed in Montana may not engage in private practice or assess fees for clinical services rendered.

37-4-302. Recognition of dental schools and dental hygiene schools. In determining what constitutes a recognized dental college, the board shall be guided by the standards, canons, and practices required for recognition by the *commission on dental accreditation*. In determining what constitutes a recognized dental hygiene school, the board shall recognize only those dental hygiene schools accredited by *the commission on dental accreditation* or its successor as designated by the *United States department of education* or *the council on post-secondary accreditation*, or both.

Denturists

37-29-401. Standards of conduct and practice. Each denturist shall comply with the following standards of practice:

- (1) Each licensed denturist shall carry a current cardiopulmonary resuscitation card.
- (2) Teeth and materials used must meet *American dental association* standards.
- (3) Nonmetal full dentures must be permanently identified with the first and last name of the owner at the time of processing the dentures.

Board of Massage Therapy

37-33-502. Qualifications for licensure. (1) To be eligible for licensure as a massage therapist as provided in 37-33-501, an applicant:

- (a) shall submit an application on a form provided by the department;
 - (b) shall include with the application the application fee set by the board;
 - (c) must possess a high school diploma or its equivalent;
 - (d) must be at least 18 years of age; and
 - (e) must be of good moral character.
- (2) The applicant, in addition to the requirements established in subsection (1), is required to:
- (a) successfully complete a massage therapy program of a minimum of 500 hours of study that meets or exceeds the curriculum guidelines established by any program or organization accredited by the *national commission for certifying agencies* or its equivalent or successor and receive a passing score on an examination prescribed by the board; or
 - (b) possess an equivalent current license, certification, or registration in good standing from another state.

37-33-601. Interstate massage therapy compact – enactment.

Article 2. Definitions.

(21) "National licensing examination" means a national examination developed by a *national association of massage therapy regulatory boards*, as defined by commission rule, that is derived from a practice analysis and is consistent with generally accepted psychometric principles of fairness, validity, and reliability, and is administered under secure and confidential examination protocols.

Board of Medical Examiners*Medicine***37-3-102. Definitions.**

- (1) "*ACGME*" means the *accreditation council for graduate medical education*.
- (2) "*AOA*" means the *American osteopathic association*.
- (3) "Approved medical school" means a school that either is accredited by the *AOA* or conforms to the education standards established by the *LCME* or the *world health organization* or successors for medical schools that meet standards established by the board by rule.
- (4) "Approved residency" means a residency training program conforming to the standards for residency training established by the *ACGME* or successors or approved for residency training by the *AOA*.
- (7) "*LCME*" means the *liaison committee on medical education*.

37-3-305. Qualifications for licensure. (1) Except as provided in subsection (2), the board shall grant a physician's license to practice medicine in this state to an applicant who:

- (a) is of good moral character as determined by the board;
 - (b) is a graduate of an approved medical school as defined in 37-3-102;
 - (c) possesses one or more of the [following] qualifications:
 - (i) has completed PGY-1 of an approved residency program, provided the individual remains enrolled and in good standing throughout the residency program;
 - (ii) has completed an approved residency program; or
 - (iii) for an applicant who graduated from medical school prior to 2000, has experience or training that the board determines is at least the equivalent of an approved residency program;
 - (d) has passed all of the steps of the *United States medical licensing examination*, the *federation of state medical boards' federation licensing examination*, or an examination offered by any of the following entities:
 - (i) the *national board of medical examiners or its successors*;
 - (ii) the *national board of osteopathic medical examiners or its successors*;
 - (iii) the *medical council of Canada or its successors* if the applicant is a graduate of a Canadian medical school approved by the medical council of Canada or its successors; or
 - (iv) the *educational commission for foreign medical graduates or its successors* if the applicant is a graduate of a foreign medical school outside of the United States and Canada;
 - (e) has submitted a completed application with the required nonrefundable fee; and
 - (f) is able to communicate in the English language as determined by the board.
- (2) The board may authorize the department to issue the license subject to terms of probation or other conditions or limitations set by the board or may refuse a license if the applicant has committed unprofessional conduct or is otherwise unqualified.
- (3) A physician applying for expedited licensure in another state as allowed under 37-3-356 shall submit fingerprints to the board to facilitate a fingerprint-based criminal record background check by the Montana department of justice and the federal bureau of investigation. The board may not disseminate criminal history record information resulting from the background check across state lines.
- (4) The board may by rule impose additional requirements for licensure to protect the health and safety of the public or to enter into a mutual recognition licensing agreement with another state.
- (5) The board may adopt rules that provide conditions for short-term nondisciplinary licenses.

37-3-356. Physician compact – enactment – provisions.

Section 2. Definitions.

- (11) "Physician" means any person who:
 - (a) is a graduate of a medical school accredited by the *Liaison Committee on Medical Education*, the *Commission on Osteopathic College Accreditation*, or a medical school listed in the *International Medical Education Directory* or its equivalent;

- (b) passed each component of the *United States Medical Licensing Examination (USMLE)* or the *Comprehensive Osteopathic Medical Licensing Examination (COMLEX-USA)* within three attempts, or any of its predecessor examinations accepted by a state medical board as an equivalent examination for licensure purposes;
- (c) successfully completed graduate medical education approved by the *Accreditation Council for Graduate Medical Education* or the *American Osteopathic Association*;
- (d) holds specialty certification or a time-unlimited specialty certificate recognized by the *American Board of Medical Specialties* or the *American Osteopathic Association's Bureau of Osteopathic Specialists*;
- (e) possesses a full and unrestricted license to engage in the practice of medicine issued by a member board;
- (f) has never been convicted, received adjudication, deferred adjudication, community supervision, or deferred disposition for any offense by a court of appropriate jurisdiction;
- (g) has never held a license authorizing the practice of medicine subjected to discipline by a licensing agency in any state, federal, or foreign jurisdiction, excluding any action related to nonpayment of fees related to a license;
- (h) has never had a controlled substance license or permit suspended or revoked by a state or the *United States Drug Enforcement Administration*; and
- (i) is not under active investigation by a licensing agency or law enforcement authority in any state, federal, or foreign jurisdiction.

Podiatry

37-6-107. Certification required for ankle surgery — places of performance of surgery. (1) Notwithstanding any other provisions in this title, a podiatrist may not perform surgical treatments of the ankle unless certified to do so by the board. The board shall certify a podiatrist whom it considers qualified by education, training, and experience or who is certified by the *American board of podiatric surgery*.

(2) A surgical treatment of the ankle performed in accordance with subsection (1) must be performed in a hospital or outpatient center for surgical services licensed under Title 50.

37-6-302. Qualifications for licensure. (1) A person who wishes to begin the practice of podiatry in this state shall make application, on a form authorized by the board and furnished by the department, for a license to practice podiatry.

- (2) A person may not be granted a license to practice podiatry in this state unless the person:
 - (a) is of good moral character as determined by the board;
 - (b) is a graduate of a school of podiatry approved by the board;
 - (c) has completed at least 1 year of postgraduate training or has had equivalent experience or training approved by the board;
 - (d) has made a personal appearance before the board; and
 - (e) has passed an examination administered by the *national board of podiatry examiners* and is a diplomate of the *national board of podiatry examiners*.
- (3) The board may waive the requirements described in subsection (2)(d).

Physician Assistant

37-20-402. Criteria for licensing physician assistant — criminal background checks. (1) A person may not be licensed as a physician assistant in this state unless the person:

- (a) is of good moral character;
 - (b) is a graduate of a physician assistant training program accredited by the *accreditation review commission on education for the physician assistant* or, if accreditation was granted before 2001, accredited by the *American medical association's committee on allied health education and accreditation* or the *commission on accreditation of allied health education programs*; and
 - (c) has taken and passed an examination administered by the *national commission on certification of physician assistants*.
- (2) (a) Each applicant for licensure as a physician assistant shall:
- (i) submit a full set of the applicant's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check; and
 - (ii) pay all fees charged for obtaining the state and federal criminal history background check.
- (b) The board may require a licensee who is renewing a license to submit a full set of the licensee's fingerprints to the board for the purpose of obtaining a state and federal criminal history background check.

(c) The Montana department of justice may share the fingerprint data obtained under this subsection (2) with the federal bureau of investigation.

Nutritionists

37-25-102. Definitions. In this chapter, unless the context requires otherwise, the following definitions apply:

(1) "Accredited" means accredited through the *council on postsecondary accreditation and the U.S. department of education*.

(3) "Commission" means the *commission on dietetic registration*, which is a member of the *national commission for health certifying agencies*.

37-25-310. Licensing requirements for dietitians and nutritionists. (1) An applicant for licensure as a dietitian shall submit:

(a) a completed application as required by the board;
(b) any fees as required by the board; and
(c) proof of valid current registration with the *commission or its successor organization* that gives the applicant the right to use the term "registered dietitian", "registered dietitian nutritionist", "RD", or "RDN".

(2) An applicant for licensure as a nutritionist shall submit:

(a) a completed application as required by the board;
(b) any fees as required by the board; and
(c) valid proof of the following:
(i) completion of a master's or doctoral degree with a major in human nutrition, foods and nutrition, community nutrition, public health nutrition, nutrition education, nutrition, nutrition science, clinical nutrition, applied clinical nutrition, nutrition counseling, nutrition and functional medicine, nutritional biochemistry, nutrition and integrative health, or a comparable titled major, or a doctoral degree or validated foreign equivalent, in a field of clinical health care from a college or university accredited at the time of graduation by a *U.S. institutional accrediting body for higher education recognized by the United States department of education*. The applicant must have completed coursework leading to competence in medical nutrition therapy, including but not limited to:

(A) 15 semester hours of courses on clinical or life sciences, including at least 3 semester hours in human anatomy and physiology or the equivalent; and

(B) 15 semester hours of courses on nutrition and metabolism, including at least 6 semester hours in biochemistry.

(ii) completion of a planned, documented, and continuous supervised practice experience approved by the board demonstrating competence in the practice of nutrition, including medical nutrition therapy, meeting all the following:

(A) completion of a supervised practice experience under this subsection (2) within 5 years of completing the requirements under subsection (2)(c)(i), unless the examining board grants an extension for a limited time;

(B) supervised practice experience completed under this subsection (2) must include at least 1,000 hours in the following practice areas, with a minimum of 200 hours each in nutrition assessment, nutrition intervention, and nutrition monitoring and evaluation;

(C) the experience is determined by the board to have prepared the applicant to provide nutrition care services for various populations of diverse cultures, genders, and across a person's lifespan, and to be able to competently formulate actionable medical nutrition therapies and interventions, education, counseling, and ongoing care for the prevention, modulation, and management of a range of chronic medical conditions; and

(D) the supervised practice experience completed under this subsection (2) was under the supervision of a qualified supervisor as defined in 37-25-102.

(iii) completion of the examination requirements by demonstrating passage of the certified nutrition specialist examination administered by the *board for certification of nutrition specialists or its successor organization* or an equivalent examination on all aspects of the practice of nutrition that has been reviewed under a program that requires a master's degree or higher, is accredited by the *national commission for certifying agencies*, and is approved by the board. If passage of the examination occurred more than 5 years before application, demonstration of completion of 75 hours of continuing education meeting the continuing education criteria of the board for each 5-year period post-examination; and

(iv) valid current certification with the *board for certification of nutrition specialists or its successor organization* that gives the applicant the right to use the title "certified nutrition specialist".

(3) A person who is licensed under this chapter on October 1, 2025, must be licensed as a licensed dietitian without meeting any additional requirements so long as the person holds the RD credential.

37-25-401. Dietitian licensure compact – enactment – provisions.

Section 2. Definitions

- (1) "**ACEND**" means the *accreditation council for education in nutrition and dietetics* or its successor organization.
- (5) "**CDR**" means the *commission on dietetic registration* or its successor organization.
- (23) "Registered dietitian" means a person who:
 - (a) has completed applicable education, experience, examination, and recertification requirements approved by **CDR**;
 - (b) is credentialed by **CDR** as a registered dietitian or a registered dietitian nutritionist; and
 - (c) is legally authorized to use the title registered dietitian or registered dietitian nutritionist and the corresponding abbreviations "RD" or "RDN".

Board of Optometry

37-10-302. Qualifications – application. (1) The board shall adopt rules relative to and governing the qualifications of applicants for licensure as optometrists and the qualifications for certification of licensed optometrists to perform laser surgical procedures.

- (2) A person is not eligible to receive a license unless that person is of good moral character.
- (3) A person is not eligible to receive a license unless that person has graduated from an accredited school of optometry in which the practice and science of optometry is taught in a course of study that is accredited by the *association of regulatory boards of optometry*.
- (4) An applicant for a license shall file a completed application on a form provided by the department and pay a fee prescribed by the board.
- (5) The board shall certify an optometrist to perform laser surgical procedures on verification that the optometrist has successfully completed the required didactic and clinical training from an accredited optometry school or college. The training must cover the use of lasers for medically recognized and appropriate treatment of the human eye. On certification, the board shall issue a license indicating that the optometrist is certified to perform laser surgery pursuant to this section.

37-10-304. Course in use of diagnostic and therapeutic drugs required. (1) (a) In addition to the requirements of 37-10-302, each person desiring to practice optometry shall satisfactorily complete a course with particular emphasis on the topical application of diagnostic agents to the eye for the purpose of examination of the human eye and the analysis of ocular functions.

- (b) A person presently licensed to practice optometry who wishes to employ diagnostic agents shall satisfactorily complete a course referred to in subsection (1)(a) and shall pass an examination.
- (c) The course referred to in subsection (1)(a) must be conducted by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the *national commission on accrediting or the United States commissioner of education*.
- (2) (a) Each person desiring to practice optometry shall:
 - (i) pass an examination, of the association of regulatory boards of optometry, on the diagnosis, treatment, and management of ocular disease; or
 - (ii) take a course and pass an examination in the diagnosis, treatment, and management of ocular diseases. The course and examination must be conducted by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the *national commission on accrediting or the United States commissioner of education*.
- (b) A person presently licensed to practice optometry who wishes to employ therapeutic pharmaceutical agents must meet the requirements of subsection (2)(a).

Board of Physical, Rehabilitative, and Developmental Healthcare Professionals***Athletic Trainers***

37-36-201. Qualifications – exemption from examination. (1) Applicants for licensure as an athletic trainer shall:

- (a) satisfactorily complete an application and an examination prescribed by the department in accordance with rules adopted by the board;
- (b) provide documentation that the applicant has received a degree in athletic training from a *commission on accreditation of athletic training education accredited program, or its successor agency*, or a comparable degree accepted by the *board of certification for the athletic trainer, or its successor agency*, and

(c) provide the board with letters of recommendation from at least two clinical supervisors familiar with the applicant's clinical training and other documentation by which the board may determine that an applicant has not had a criminal conviction or disciplinary action taken against the applicant by a board or a licensing agency in another state or territory of the United States that may have a direct bearing on the applicant's ability to practice athletic training competently.

(2) An applicant may be exempted from the examination requirement in subsection (1)(a) if the applicant:

(a) has a current, valid license to practice athletic training in another state and that state's standards, as determined by the board, are at least equal to the standards for licensure in this state; or

(b) is certified as an athletic trainer by an organization recognized by the *national commission for certifying agencies*.

Occupational Therapy

37-24-103. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(2) "Certified occupational therapy assistant" means a person licensed to assist in the practice of occupational therapy under this chapter, who works under the general supervision of an occupational therapist in accordance with the provisions of the *national board for certification in occupational therapy, inc.*, and adopted by the board.

37-24-104. Exemptions.

(6) a person performing occupational therapy services in the state if these services are performed for no more than 10 days in a calendar year in association with an occupational therapist licensed under this chapter, provided that:

(a) the person is licensed under the law of another state that has licensure requirements at least as stringent as the requirements of this chapter; or

(b) the person meets the requirements for certification as an occupational therapist registered (OTR) or a certified occupational therapy assistant (COTA), established by the *national board for certification in occupational therapy, inc. (NBCOT)*;

37-24-303. Requirements for licensure. (1) To be eligible for licensure by the board as an occupational therapist or an occupational therapy assistant, the applicant shall:

(a) present evidence of having successfully completed the academic requirements of an educational program recognized by the board for the license sought;

(b) submit evidence of having successfully completed a period of supervised fieldwork experience arranged by the recognized educational institution where the person completed the academic requirements or by a nationally recognized professional association;

(c) submit evidence of having been certified by the *national board for certification in occupational therapy, inc. (NBCOT)*; and

(d) pass an examination prescribed by the board.

(2) The supervised fieldwork experience requirement for an occupational therapist is a minimum of 6 months. The supervised fieldwork experience requirement for an occupational therapy assistant is a minimum of 2 months.

Physical Therapy

37-11-310. Foreign-trained applicants. The foreign-trained physical therapist applicant's transcripts will be evaluated by a board-approved agency that reviews credentials. On receipt of this evaluation the board shall determine whether the number of academic credits awarded meets equivalent educational standards for a physical therapist degree or certificate established by an *American physical therapist association* accredited school of physical therapy. If the applicant's professional education credit hours are approved by the board, the applicant is eligible for a provisional license prior to examination.

Board of Plumbing

37-69-304. Qualifications of applicants for journeyman plumber's license – restriction on authority. (1) The following requirements must be met by applicants for a journeyman plumber's license:

(a) a specific record of 5 years of legally obtained experience in the field of plumbing. This experience requirement may be fulfilled by:

- (i) working 5 years in a major phase of the plumbing business, verified by time or pay records; or
 - (ii) completing an apprenticeship program meeting the standards set by the department or the *United States department of labor, bureau of apprenticeship*. Credit toward this experience requirement may be given for time spent attending an accredited trade or other school specializing in training of value in the field of plumbing and approved by the board.
- (b) satisfactory completion of a written examination prescribed by the board and conducted by the department, subject to 37-1-101(4), testing the applicant's knowledge of techniques and methods employed in the field of plumbing and, if required by the board, a practical demonstration establishing competence in the special skills required in the field of plumbing.
- (2) A licensed journeyman plumber may perform work only in the employment of a licensed master plumber unless otherwise permitted by rule of the board. Performing work in the employment of a licensed master plumber means the licensed master plumber shall observe the journeyman plumber's work at different times over the course of employment and for different levels of plumbing work.

Board of Psychologists

37-17-102. Definitions.

- (1) "Accredited college or university" means a college or university accredited by the *regional accrediting association for institutions of higher learning*, such as the *northwest commission on colleges and universities*.

37-17-302. Qualifications. The board shall license as a psychologist any person who pays the prescribed fee, passes the prescribed examination, and submits evidence that the person:

- (1) is 18 years of age or older;
- (2) is of good moral character;
- (3) (a) has received a doctoral degree in clinical psychology from an accredited college or university having an appropriate graduate program approved by the *American psychological association*;
- (b) has received a doctoral degree in psychology from an accredited college or university not approved by the *American psychological association* and has successfully completed a formal graduate retraining program in clinical psychology approved by the *American psychological association*; or
- (c) has received a doctoral degree in psychology from an accredited college or university and has completed a course of studies that meets minimum standards specified in rules by the board; and
- (4) has completed at the time of application a minimum of 2 years of supervised experience in the practice of psychology. One year of this experience must be postdoctoral but may not include more than 6 months of supervised research, teaching, or a combination of both.
- (5) An individual who has completed the education requirements under this section but who has not completed the postdoctoral supervised psychology practice may apply for a provisional license to practice psychology pursuant to 37-1-144 and an approved supervision plan prescribed by board rule.

37-17-309. Foreign-trained applicants. The transcripts of a foreign-trained applicant for licensure as a psychologist must be evaluated by a board-approved agency that reviews credentials. Upon receipt of this evaluation, the board shall determine whether the number of academic credits awarded and academic areas studied meets equivalent educational standards for a doctoral degree in clinical psychology established by a graduate program approved by the *American psychological association*.

37-17-402. Definitions. For the purposes of this part, the following definitions apply:

- (1) "Assistant behavior analyst" means an individual licensed under 37-17-403 who has a qualifying bachelor's degree and has passed the board-certified assistant behavior analyst examination of the *behavior analyst certification board*.
- (3) "*Behavior analyst certification board*" means the nonprofit corporation whose credentialing programs for behavior analysts are accredited by the national commission for certifying agencies.

37-17-405. Autonomy — supervision authority. (1) A behavior analyst licensed under this part has treatment authority for the practice of applied behavior analysis.

- (2) An assistant behavior analyst or a behavior technician when engaged in the practice of applied behavior analysis must be supervised by:
- (a) a behavior analyst licensed under this part; or

(b) a licensed psychologist certified by the *American board of professional psychology* in behavioral and cognitive psychology.

37-17-501. Psychology interjurisdictional compact – enactment – provisions.

Article II - Definitions.

(B) "*Association of state and provincial psychology boards*" or "*ASPPB*" means the recognized membership organization composed of state and provincial psychology regulatory authorities responsible for the licensure and registration of psychologists throughout the United States and Canada.

(L) "E.passport" means a certificate issued by the *association of state and provincial psychology boards* that promotes the standardization in the criteria of interjurisdictional telepsychology practice and facilitates the process for licensed psychologists to provide telepsychological services across state lines.

(Q) "Interjurisdictional practice certificate" or "IPC" means a certificate issued by the *association of state and provincial psychology boards* that grants temporary authority to practice based on notification to the state psychology regulatory authority of intention to practice temporarily and verification of one's qualifications for such practice.

Board of Public Accountants

37-50-325. Practice privilege for nonresident certified public accountant – rules. (1) (a) A person whose principal place of business is not in this state and who holds a valid license as a certified public accountant from any state that the national association of state boards of accountancy's national qualification appraisal service or a successor organization has verified to be in substantial equivalence with the certified public accountant licensure requirements of the *Uniform Accountancy Act* or a subsequent act of the *American institute of certified public accountants/national association of state boards of accountancy* is presumed to have qualifications substantially equivalent to this state's requirements and has all the privileges of persons holding a license of this state without the need to obtain a license under 37-50-302.

(b) A person who offers or renders professional services under this section, whether in person, by mail, by telephone, or by electronic means, is granted practice privileges in this state and no notice, fee, or other submission is required. The person is subject to the requirements of subsections (3) and (4) and this subsection (1).

(2) (a) A person whose principal place of business is not in this state and who holds a valid license as a certified public accountant from any state that the *national association of state boards of accountancy's national qualification appraisal service or a successor organization* has not verified to be in substantial equivalence with the certified public accountant licensure requirements of the *Uniform Accountancy Act* or a subsequent act of the *American institute of certified public accountants/national association of state boards of accountancy* is presumed to have qualifications substantially equivalent to this state's requirements and has all the privileges of persons holding a license of this state without the need to obtain a license under 37-50-302 if the person obtains verification from the *national association of state boards of accountancy's national qualification appraisal service* that the person's CPA qualifications are substantially equivalent to the CPA licensure requirements of the *Uniform Accountancy Act* of the *American institute of certified public accountants/national association of state boards of accountancy*.

(b) A person who has passed the uniform certified public accountant examination and holds a valid license issued by any other state prior to January 1, 2012, is exempt from the education requirements in the *Uniform Accountancy Act or a subsequent act* for purposes of this subsection (2).

(c) A person who offers or renders professional services under this subsection (2), whether in person, by mail, by telephone, or by electronic means, is granted practice privileges in this state and no notice, fee, or other submission is required unless the person is required to register pursuant to 37-50-335. The person is subject to the requirements of subsections (3) and (4) and this subsection (2).

(3) A licensee of another state exercising the privilege under this section and the firm that employs that person, as a condition of the grant of this privilege:

- (a) are subject to the personal and subject matter jurisdiction and disciplinary authority of the board;
- (b) shall comply with this chapter and the board's rules;
- (c) shall cease offering or rendering professional services in this state individually or on behalf of a firm if the license from the state of the person's principal place of business is no longer valid; and
- (d) shall accept the appointment of the state board that issued the license as the agent upon whom process may be served in any action or proceeding by the board of public accountants against the licensee.

(4) A person who has been granted practice privileges under this section and who, for any client with its home office in this state, performs any attest services or compilations may do so only through a firm in compliance with 37-50-335.

Board of Real Estate Appraisers

37-54-102. Definitions. Terms commonly used in appraisal practice and as used in this chapter must be defined according to the *uniform standards of professional appraisal practice*, as issued by the *appraisal foundation*. As used in this chapter, unless the context requires otherwise, the following definitions apply:

(2) "*Appraisal foundation*" means the *appraisal foundation* incorporated as a not-for-profit corporation on November 30, 1987, pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, 12 U.S.C. 3310, et seq. The purposes of the appraisal foundation are to:

- (a) establish and improve uniform appraisal standards by defining, issuing, and promoting those standards;
- (b) establish appropriate criteria for the licensure and certification of qualified appraisers by defining, issuing, and promoting qualification criteria and disseminate the qualification criteria to states and other governmental entities; and
- (c) develop or assist in the development of appropriate examinations for qualified appraisers.

(13) "*Federal financial institutions regulatory agencies*" means *the board of governors of the federal reserve system, the federal deposit insurance corporation, and the office of the comptroller of the currency, the office of thrift supervision, and the national credit union administration*.

37-54-113. Registry fees — statutory appropriation. Registry fees collected under 37-54-105(12) are separate from registration fees provided for elsewhere in this part. Registry fees are statutorily appropriated, as provided in 17-7-502, to the department to transmit to the *appraisal subcommittee of the federal financial institutions examination council*.

37-54-201. Real estate appraiser license — scope and display of license.

(4) This section does not:

- (a) prohibit a person who is licensed to practice in this state under any law from engaging in the practice for which the person is licensed;
- (b) apply to public officials in the conduct of their official duties that are not governed by the rules established by the *federal financial institutions examination council agencies*.

(5) A licensed or certified real estate appraiser is subject to restrictions on the scope of practice, depending on the value and complexity of the federally related transaction or transactions pursuant to rules established by the *federal financial institutions examination council agencies*, and the restrictions must remain current with any changes in those rules.

37-54-212. Temporary permit practice by out-of-state appraisers. In accordance with policy statements issued by the appraisal subcommittee of the *federal financial institutions examination council* under Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and without regard to the provisions of 37-1-144, the department shall issue a temporary practice permit to an appraiser licensed or certified in another state if:

- (1) the appraiser registers with the board; and
- (2) the license or certificate is currently in good standing as verified by the *national registry of appraisers*.

37-54-403. Standards of professional appraisal practice. (1) A licensed or certified real estate appraiser shall comply with generally accepted standards of professional appraisal practice, evidenced by the *uniform standards of professional appraisal practice* promulgated by the *appraisal standards board of the appraisal foundation*. A licensed or certified real estate appraiser shall comply with these standards regardless of whether the appraisal is a federally related transaction or is capable of being performed by an unlicensed person under 37-54-201(3).

(2) If the *appraisal standards board of the appraisal foundation* modifies the standards or issues supplemental standards that it considers appropriate for all classes of real estate appraisers, the modification is automatically adopted as observable in this state unless the board determines that a public hearing is necessary to determine whether the modified or supplemented standards must be observed in this state. If following the hearing the board determines that the modified or supplemented standards are appropriate, the board shall adopt the standards by rule.

Board of Veterinary Medicine

37-18-302. Application — qualification. A person desiring to begin the practice of veterinary medicine or veterinary surgery in this state or who desires to hold out to the public that the person is a practitioner of veterinary medicine or veterinary surgery, except as provided in 37-18-104, shall apply to the department for a license to do so. The application must be on a form furnished by the department, must be accompanied by satisfactory evidence of the good moral character of the applicant, and must contain evidence of the applicant's having received a degree from a legally authorized veterinary medical school having educational standards equal to those approved by the *American veterinary medical association*. On application, a certified transcript of the applicant must be submitted to the department for inspection and verification. The certified transcript remains the property of the department.

37-18-701. License required for veterinary technicians — requirements — license renewal — use of initials or terms. (1) (a) An individual seeking to practice as a veterinary technician in this state must be licensed as a veterinary technician by the board.

(2) To be eligible for licensure as a veterinary technician, an applicant:

- (a) shall file an application on a form furnished by the department and pay fees as prescribed by rule;
- (b) must meet the requirements of subsection (3); and
- (c) must meet additional requirements set by the board by rule.

(3) (a) Except as provided in subsection (3)(b), an applicant must be a graduate of a program accredited by the *American veterinary medical association* as determined by board rule and pass an examination as prescribed by the board.

(b) An applicant who does not meet the qualifications required in subsection (3)(a) shall:

- (i) obtain a minimum of 4,500 hours of experience equivalent to that of a licensed veterinary technician;

and

- (ii) pass an examination as prescribed by the board.

(4) Subject to review by the board, a person who does not hold an active license as a veterinary technician may not state or imply orally, in writing, or in print that the person is a "licensed veterinary technician" or use the initials "LVT".

Genetic Counselors

37-49-202. Licensure requirements — examination — fees. (1) The department shall license as a genetic counselor an applicant who:

- (a) submits an application and pays the fee required by the department;
- (b) provides satisfactory evidence of having received certification from the *American board of genetic counseling* as a genetic counselor; and
- (c) complies with other requirements established by the department by rule.

(2) The department may issue a license to an applicant who satisfactorily demonstrates that the applicant is licensed or registered under the laws of another state, territory, or jurisdiction of the United States that in the department's opinion imposes substantially the same requirements for licensure as are required under this chapter.

(3) Licenses issued under this section are valid for the period established by the department by rule and may be renewed only on the filing of a renewal application and payment of the license renewal fee.

(4) An applicant shall submit an application fee in the amount established by the department by rule and a written application on a form provided by the department that demonstrates the applicant has completed the eligibility requirements and competency standards required under this chapter and by the department by rule.

(5) The department may not license an applicant who has:

- (a) committed any act that if committed by a licensee would be grounds for license suspension or revocation;

or

- (b) misrepresented any material fact on the application.

State Electrical Board

37-68-304. Master electricians — application — qualifications — contents of examination — fees. (1) An applicant for a master electrician's license shall furnish written evidence of at least one of the following:

(a) being a graduate electrical engineer of an accredited college or university and having a minimum of 2,000 hours of legally obtained practical electrical experience; or

(b) having at least 8,000 hours of legally obtained journeyman level experience in planning, laying out, or supervising the installation and repair of wiring, apparatus, or equipment for electrical light, heat, and power.

(2) An applicant for a license as a master electrician shall file an application on a form furnished by the department, submit appropriate fees, and satisfactorily pass an examination prescribed by the board. The board shall notify each applicant that the evidence submitted with the applicant's application is sufficient to qualify to take the examination or that the evidence is insufficient and is rejected. If the application is rejected, the board shall set forth the reasons in the notice to the applicant.

(3) The examination must consist of at least 80 questions designed to fairly test the applicant's knowledge and the applicant's technical application skills in the following subjects:

(a) *the national electric code*; and

(b) board rules and applicable laws under Title 37.

(4) The board shall determine by rule the fees to be charged an applicant for each examination or reexamination. The fees must be commensurate with costs.

37-68-305. Journeyman and residential electricians — application — qualifications — contents of examination. (1) An applicant for a journeyman electrician's license shall furnish written evidence of at least one of the following:

(a) completion of an approved apprenticeship program under Title 39, chapter 6, or a substantially equivalent program in the electrical trade;

(b) 8,000 hours of legally obtained practical experience in the wiring for, installing, and repairing of electrical apparatus and equipment for light, heat, and power; or

(c) work in the electrical maintenance field for at least 20,000 hours, accompanied by written certification by the applicant's employer that the employer considers the applicant qualified to take the examination for which the applicant is applying and that the applicant has attained at least 20,000 hours in the electrical maintenance field while working for the employer. A minimum of 8,000 of these hours must be practical experience.

(2) Applications for license and notice to the applicant must be made and given in the same manner as for master electricians' licenses. The examination for a journeyman's license must consist of at least 60 questions designed to fairly test the applicant's knowledge and the applicant's technical application skills in the following subjects:

(a) *the national electric code*; and

(b) board rules and applicable laws under Title 37.

(3) An applicant for a residential electrician's license shall furnish written evidence of at least one of the following:

(a) completion of an approved residential electrician apprenticeship program under Title 39, chapter 6, or a substantially equivalent program;

(b) 4,000 hours of legally obtained practical experience in the wiring for, installing, and repairing of electrical apparatus and equipment for light, heat, and power in residential construction consisting of less than five living units in a single structure; or

(c) work in the electrical maintenance field for at least 20,000 hours, accompanied by written certification by the applicant's employer that the employer considers the applicant qualified to take the examination for which the applicant is applying and that the applicant has attained at least 20,000 hours in the electrical maintenance field while working for the employer. A minimum of 8,000 of these hours must be practical experience.

(4) Application for license and notice to the applicant must be made and given in the same manner as for master electricians' licenses. The examination for a residential electrician's license must consist of at least 50 questions designed to fairly test the applicant's knowledge and the applicant's technical application skills in the following subjects:

(a) *the national electric code*; and

(b) board rules and applicable laws under Title 37.

(5) For the purposes of this section, the following terms apply:

(a) (i) "Electrical maintenance" means the ordinary and customary installations in a plant or onsite in addition to modifications, additions, or repairs that are limited to replacing ballasts, relamping, troubleshooting motor controls, and replacing motors, breakers, or magnetic starters in a kind-for-kind manner. The term includes the

connection of specific items of specialized equipment that can be directly connected to an existing branch circuit panel by means of factory-installed leads.

(ii) The term does not include installation of a new circuit to operate the equipment described in subsection (5)(a)(i) or installation that requires the size of supply conductors to be increased.

(b) (i) "Legally obtained practical experience" means experience obtained in accordance with the laws and rules of the jurisdiction in which an applicant obtained the experience and within the applicable laws pertaining to the state electrical board.

(ii) The term does not include experience obtained during an apprenticeship that was not completed.