

Compliance 101

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Agenda

- **Licensing complaints**
 - How to file
 - Processing and review
 - Administrative Closure
 - Investigations
 - Screening Panel
 - Due Process
 - Adjudication Panel
 - Petitions for Judicial Review
- **Nonroutine Applications**

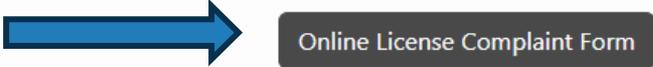
- **NB: All data is current as of February 12, 2026**

Licensing Complaints – How to File

- licensingcomplaints.mt.gov
 - Complaint Form and Frequently Asked Questions
- Anyone can file a complaint for any reason against a licensee
 - The complaint form gathers basic information, so we can process and make decisions

How to File a Complaint

The Montana Department of Labor & Industry and Professional and Occupational Licensing Boards are charged with taking appropriate action for unprofessional, incompetent, or unlawful practice. Please see the Online License Complaint Form link below to file a complaint electronically and securely.



Fully explain your complaint. Describe events in the order in which they occurred. *

Please enter your response

Please upload any documentary evidence or attachments. Use a zip file if uploading multiple documents.

⬇️ Add attachment

Licensing Complaints – How to File



Complaint filing is protected



House Bill 563 (2025),
Rep. S. Fitzpatrick

voids a contract “if it prohibits, discourages, or otherwise bars or purports to bar”

- Filing a licensing complaint
- Cooperation or participation in a licensing investigation

Unprofessional conduct of a licensee to be party to such a contract or to retaliate for the filing of a complaint



House Bill 435 (2025),
Rep. J. Etchart

Adds to Mont. Code Ann. 37-1-316(1)(p)

Prohibits a licensee from interfering with an audit, investigation, inspection, or disciplinary proceeding directly, “by failure to respond or cooperate,” or by “use of threats or harassment against ... [a] witness to prevent them from providing evidence...”



Licensing Complaints – Processing and Review

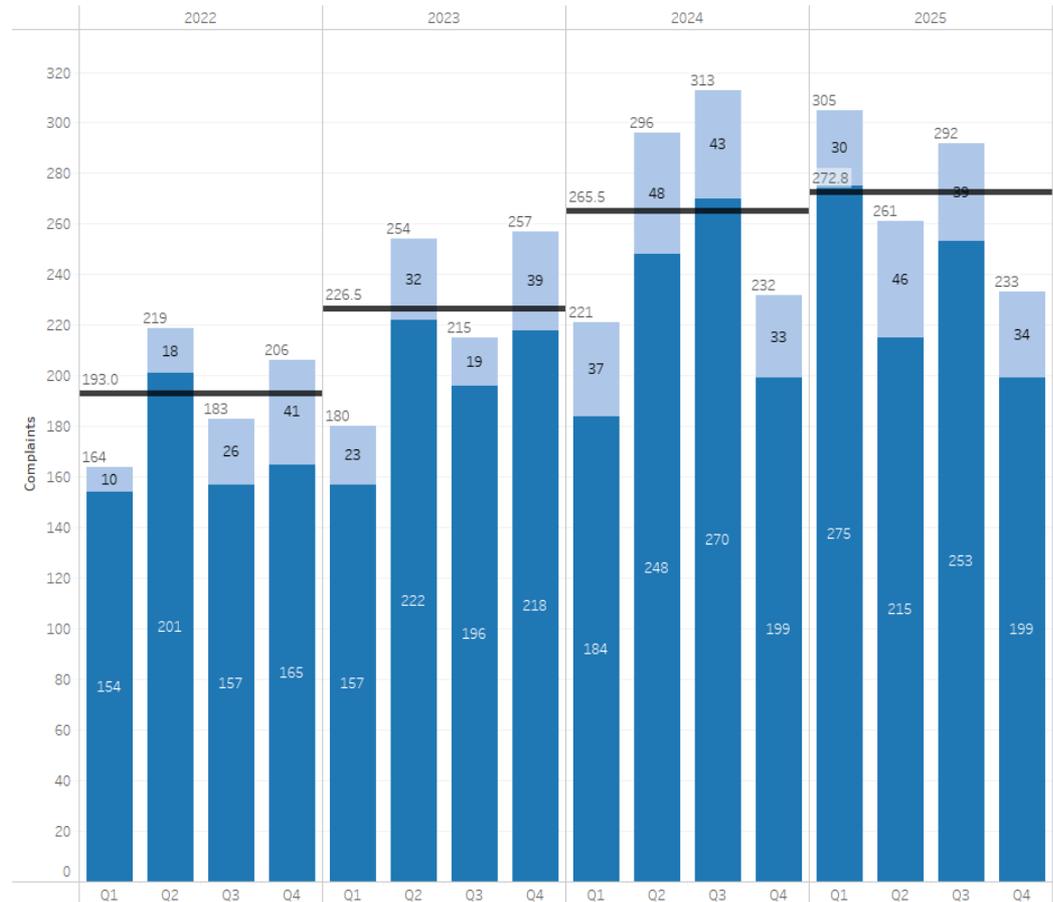
- There is a marked year over year increase in complaints

- 2022 – 774
- 2023 – 911
- 2023 – 1,065
- 2025 – 1,100

- Highest volume boards in 2025

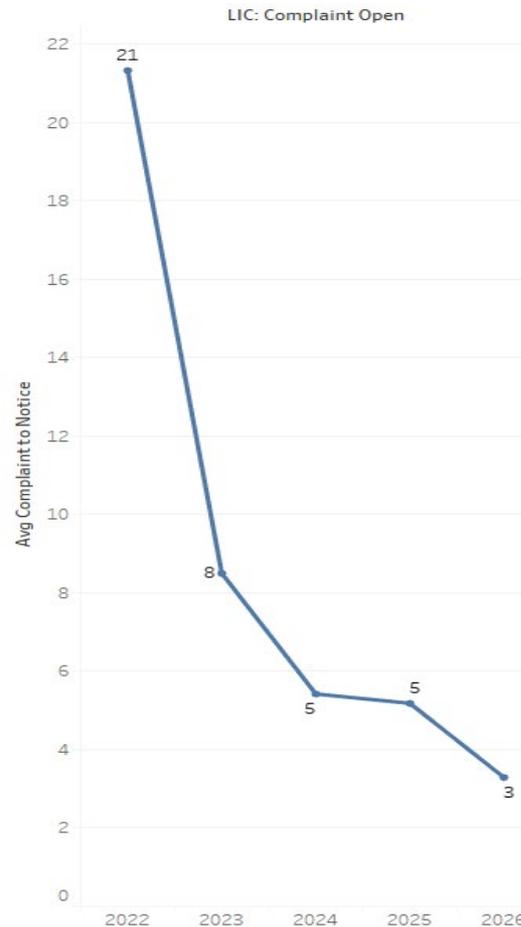
- Behavioral Health – 204
- Medical – 149
- Nursing – 190

Occupational Licensing Complaints



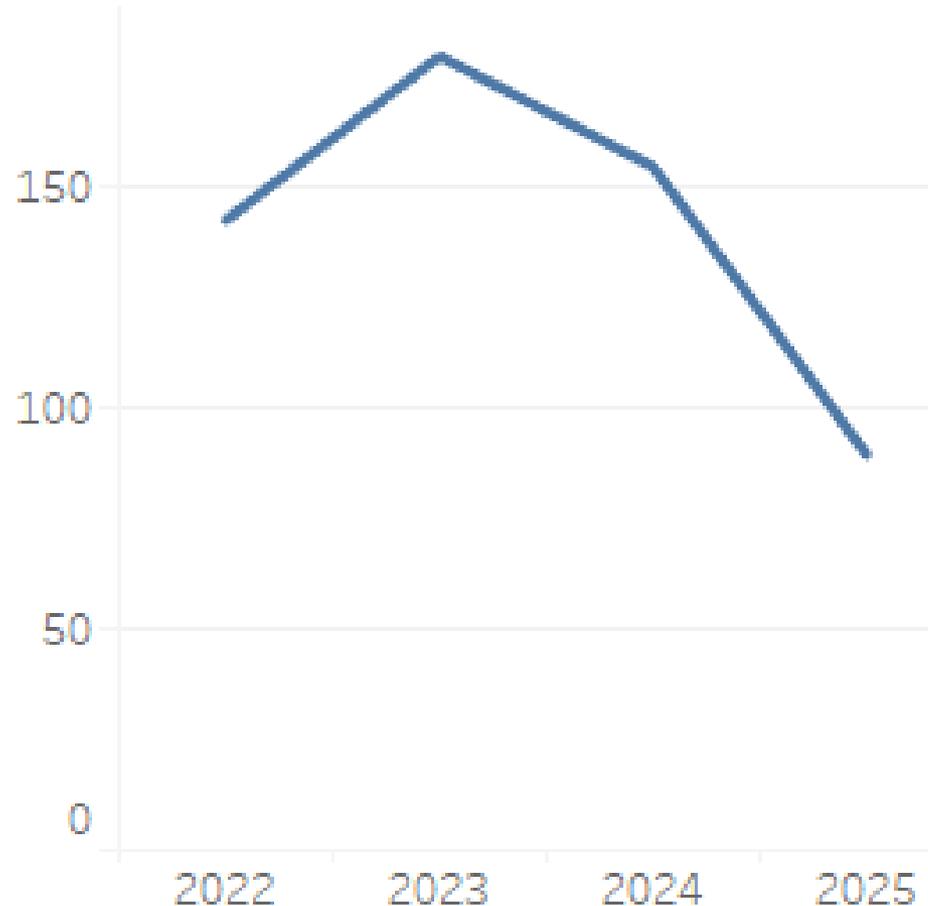
Licensing Complaints – Processing and Review

- Step one of complaint processing – notify the licensee
 - Averaged 21 days to notice in 2022
 - Down to 5 days in 2024 and 2025
- What's involved in notice?
 - Provide the complaint to the licensee
 - Request a response – general and specific questions



Licensing Complaints – Administrative Closure

- All complaints must be presenting to the Screening Panel of a licensing board
- **EXCEPT Administrative Closure**
 - Administrative Closure recognizes that the Department can close complaints that are fully outside the jurisdiction of the board
 - E.g. The receptionist at my dentist office was rude
- **Marked decrease in these types of closure in 2025 – that means the boards are reviewing more complaints**



Licensing Complaints - Investigations

- **Some complaints require additional investigations beyond the complaint, response, and available public records**
 - Investigations give the screening panels additional information to determine whether to prosecute a license or not
 - Investigations can involve substantial document collection, witness interviews, coordination with criminal investigative agencies, and more
- **Mont. Code Ann. 37-1-308 allows Investigations**
 - Pre-screening panel, with consent of a member of the screening panel
 - Screening Panel can table for investigation
- **45 to 65 cases are sent for investigation each year**

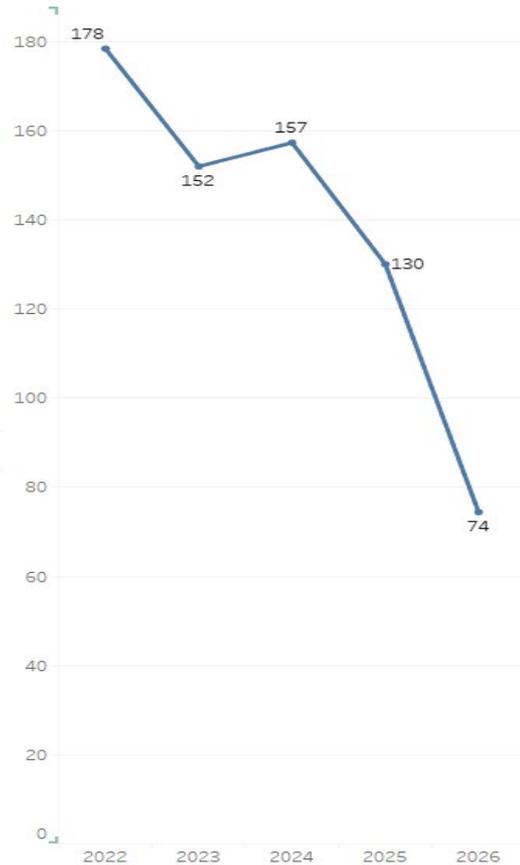
Licensing Complaints – Screening Panel

- Each board is split in half—Screening Panel and Adjudication Panel
- Screening Panel reviews all complaints to “determine whether there is reasonable cause to believe that a licensee has violated a particular statute, rule, or standard justifying disciplinary proceedings.” Mont. Code Ann. 37-1-307(1)(d)(ii)
- Screening panel meetings are closed to the public in substance
 - The right of individual privacy exceeds the public’s right to know until there is a cause finding
- **The chart shows the percentage of complaints resulting in a cause filing each year** (this is an incomplete picture—see the next few slides)

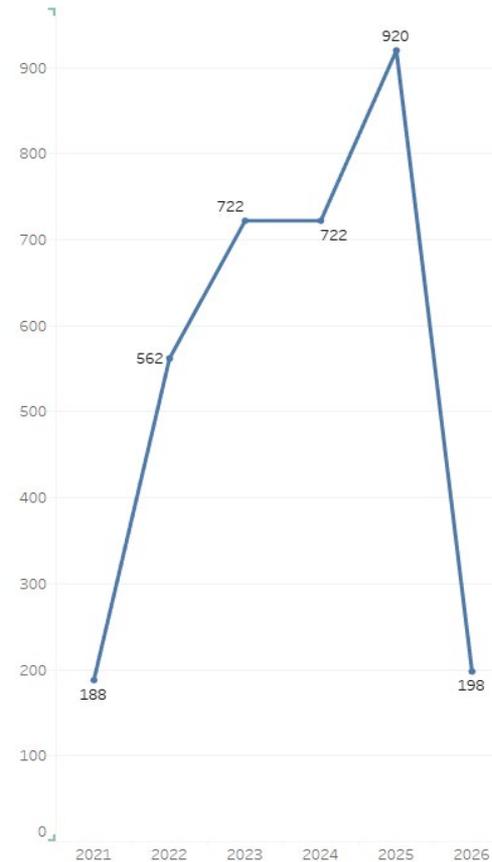


Licensing Complaints – Screening Panel

DAYS TO SCREENING PANEL



CASES TO SCREENING PANEL

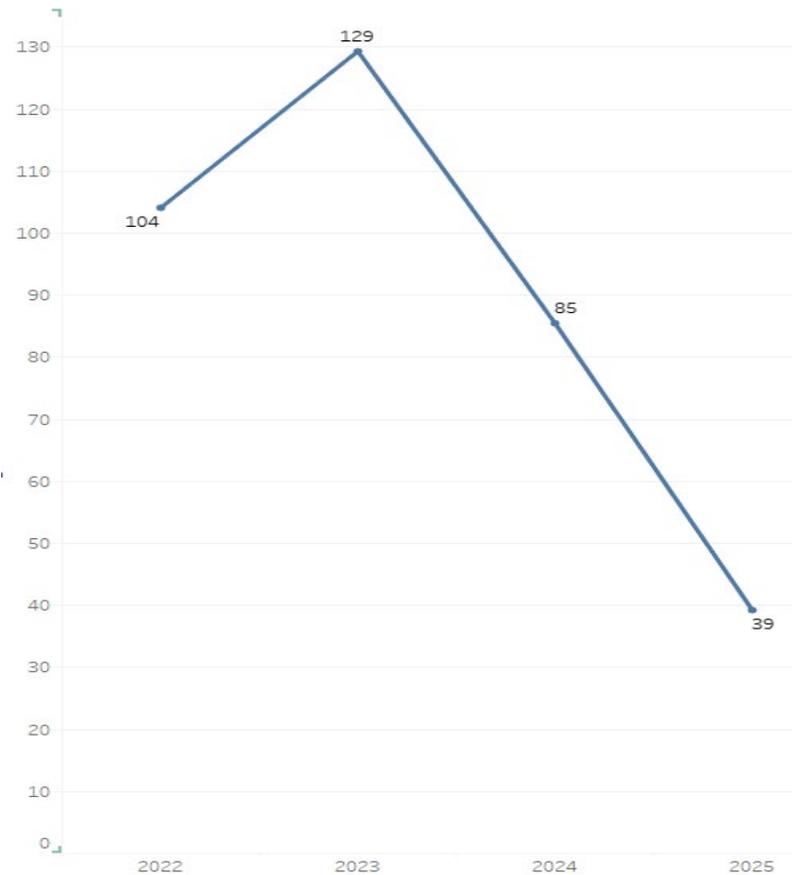


Licensing Complaints – Screening Panel

CAUSE TO NOTICE (BY CAUSE)



CAUSE TO NOTICE (BY COMPLAINT)



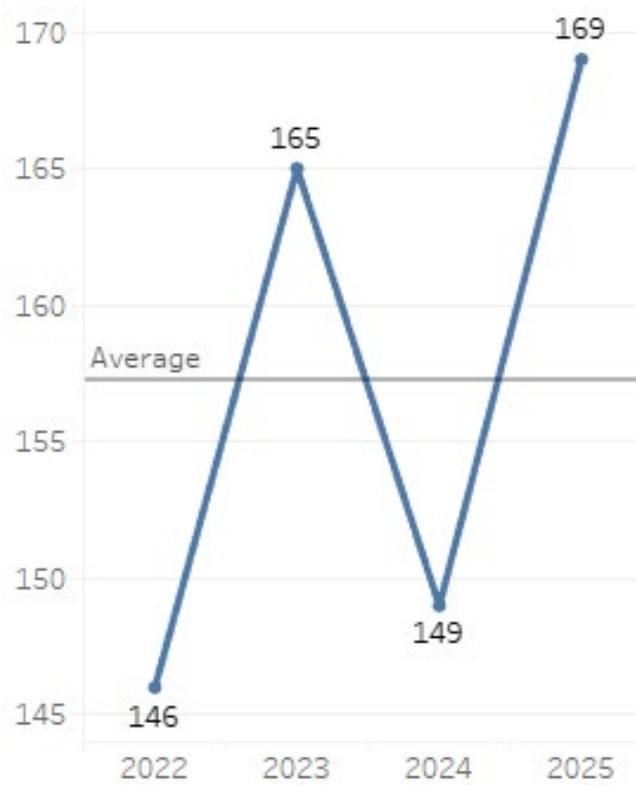
Licensing Complaints – Due Process

- Licensees have a property interest in their license – that means they're entitled to Due Process (notice and opportunity to be heard)
- That process is initiated by issuing a notice
- HB 276 (2025), Rep. R. Gregg cleaned up and standardized service requirements, bringing us into the 21st century
 - Electronic service by consent
 - Certified mail
 - Process Service
 - Note: The Board can recoup process server costs

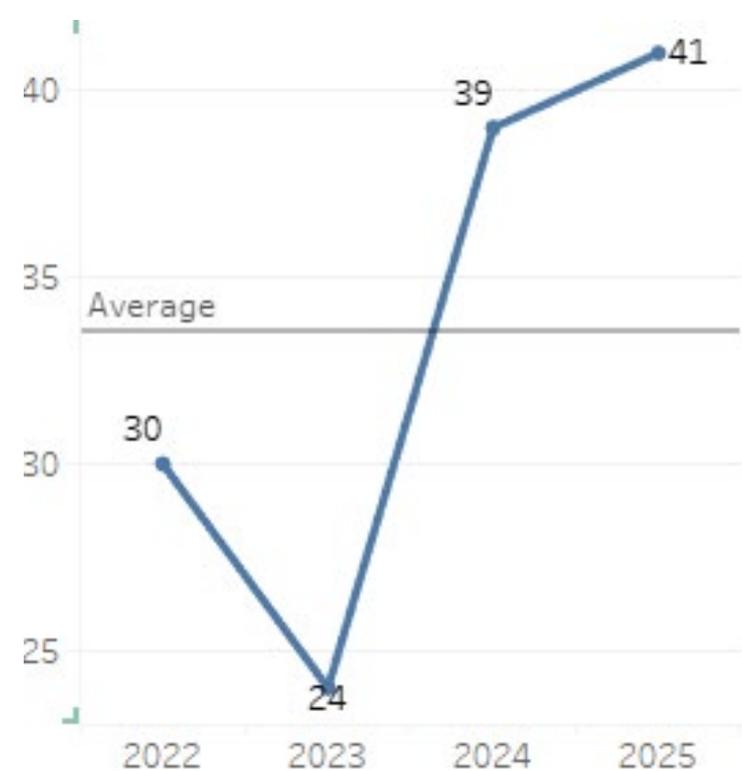


Licensing Complaints – Due Process

CAUSE FINDINGS



HEARING REQUESTS



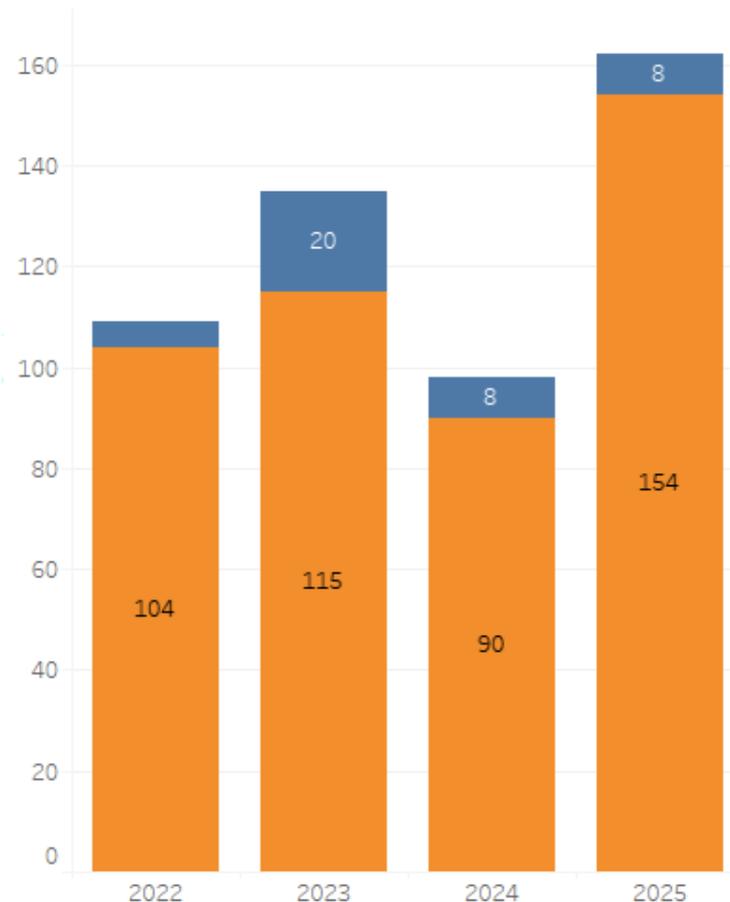
Licensing Complaints – Due Process

- Hearings are governed by the Montana Administrative Procedure Act (Title 2, chapter 4) Mont. Code Ann. 37-1-310
- Parties have the right to call and cross examine witness, issue subpoenas, present evidence
- Licensing hearings are heard by the Office of Administrative Hearings
 - This Office is housed within DLI, but fully walled off from licensing and legal functions
- The Office issues a Proposed Findings of Fact and Conclusion of Law



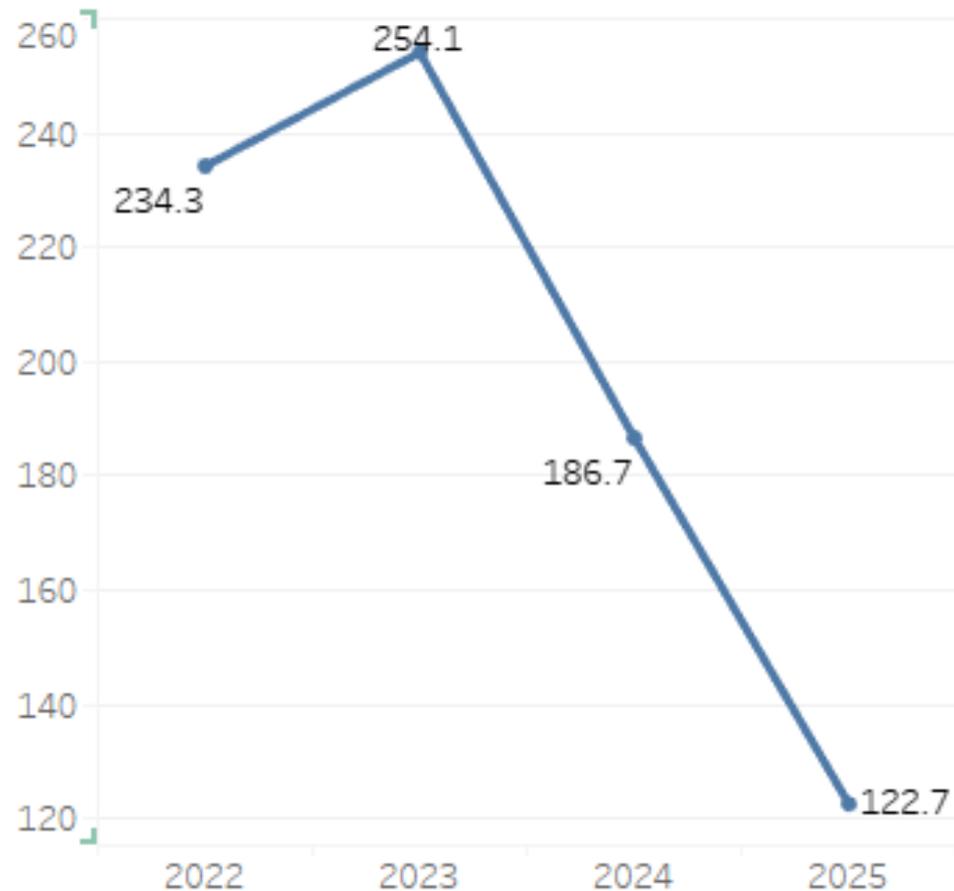
Licensing Complaints – Adjudication Panel

- The half of a licensing board not on the Screening Panel is on the Adjudication Panel
- Adjudication Panel serves as a neutral, final decision-making body
- Adjudication Panel can only consider the record from OAH—not the complete file or other information
- The vast majority of cause findings result in a settlement agreement to resolve the complaint
 - This chart shows settlements by Cause Year (not complaint year)
 - Orange is a prehearing settlement, blue is not
 - Some cases are settled post hearing—others not at all



Licensing Complaints – Adjudication Panel

- The total time to complete a case, from cause finding to adjudication panel is decreasing
- 2025 likely overemphasizes this decrease—not all complaints from 2025 are resolved completely



Licensing Complaints – Adjudication Panel

- The Adjudication Panel issues the Final Agency Decision for purposes of the Montana Administrative Procedure Act
- Parties dissatisfied with the decision are entitled to a Petition for Judicial Review to the District Court (and the Supreme Court)
- The Department sees 1-2 Petitions per year, across all of licensing



Nonroutine Applications

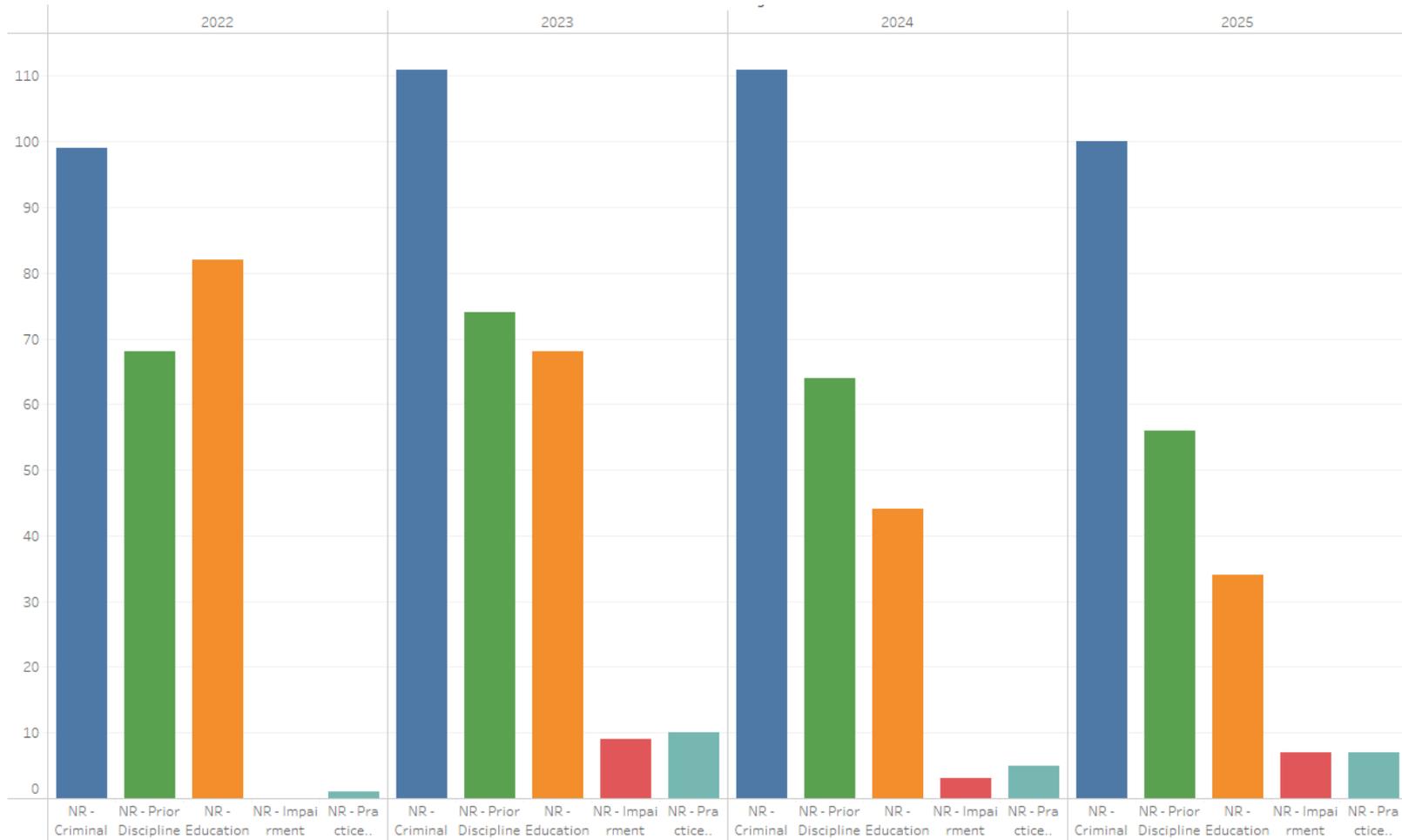
- **HB 414 (2025), Rep. J. Etchart revised licensing application process**
 - Instead of presenting these cases to the Full Board, they are now presented to Screening Panels
 - Screening Panels meet more frequently, and the basis for nonroutine is most often disciplinary conduct (discipline in another state or criminal conviction)
- **Due Process rights following Screening Panel are nearly identical to disciplinary cases**
 - Except: If there is no hearing request from the Screening Panel's decision, the Screening Panel decision *is* the final order
 - This allows licenses to process faster (don't need to go to Adjudication Panel if you agree with the order, or at least don't want to challenge it)
 - Licensees can also consent to immediate imposition of the order to trigger license processing, rather than waiting for the appeal time to run

Nonroutine Applications

- **HB 246 (2025), Rep. E. Buttrey defined substantial equivalency**
 - “education, examination, and experience requirements” from the applicant’s state at the time of application to Montana are “substantial equivalent” to Montana’s requirements
 - Authorizes the boards to make that determination
 - Additionally authorizes the boards to determine that actual experience overcomes a lack of substantial equivalency
- **This legislation combined with other changes by the Boards to recognize similar licensing in other states (e.g. national standards; national accreditation; licensing compacts) have led to notable decreases in nonroutine applications**



Nonroutine Applications



Questions?