



ADMINISTRATIVE RULES OF MONTANA

24.101.402 DEFINITIONS

As used in conjunction with Title 37, MCA, the following definitions apply:

- (1) "Active status" means a license status that affords a licensee the rights and privileges to practice while complying with requirements as set by the licensing board or program.
- (2) "Administrative fee" means a fee established by the department to cover the cost of administrative services as provided for in 37-1-134, MCA.
- (3) "Department" means the Department of Labor and Industry.
- (4) "Disciplinary action" means the procedure by which unprofessional conduct is addressed by the board or program pursuant to the contested case hearing provisions of the Montana Administrative Procedure Act (MAPA).
- (5) "Division" means the Business Standards Division of the Department of Labor and Industry.
- (6) "Expired license" means a license not renewed within 45 days to two years after the renewal date. An expired license may be reactivated within these two years.
- (7) "Inactive status" means a license status that does not authorize the licensee to practice, nor engage in activities requiring a license at any time during the period of inactive status. An inactive status license must be renewed as prescribed by the licensing board or program.
- (8) "Lapsed license" means a license not renewed by the license renewal date. A lapsed license may be reactivated within 45 days following the license renewal date.
- (9) "Late penalty fee" means the fee that a licensee must pay when renewing a license after the renewal date.
 - (a) The department may assess late penalty fees for each renewal period in which a license is not renewed.
 - (b) Late penalty fees need not be commensurate with costs.
- (10) "License verification" means the documentation provided to another licensing entity that may include information supplied for original licensure or license history information.
- (11) "New original license" means a license issued to an individual whose previous original license terminated and was not reinstated. To receive a new original license, all current requirements for obtaining an original license must be met.

- (12) "Nonroutine application" means an application that staff has determined requires board review, because it involves:
- (a) evidence of unprofessional conduct as defined by law or rule;
 - (b) materials that require evaluation by the professional members of the board to determine compliance with qualifications for licensure;
 - (c) missing documentation due to natural disaster, national emergency, or other good cause supported by reliable information;
 - (d) a matter specifically defined by board or program rule or law as nonroutine; or
 - (e) an issue staff deems necessary for the board to review.
- (13) "Original license" means the initial license issued to a licensee by the department after successfully fulfilling all licensure requirements for the first time.
- (14) "Probationary license" means a license that affords a licensee the rights and privileges to practice while complying with terms and conditions of a final order in a disciplinary action.
- (15) "Reactivated license" means a lapsed or expired license that is renewed between the renewal date and two years following the renewal date by meeting all renewal requirements.
- (16) "Reactivation" means activating a lapsed or expired license.
- (17) "Renewal date" means the date by which an existing license must be renewed per ARM 24.101.413. Renewal information must be submitted on or before the renewal date to renew a license without assessment of a late penalty fee.
- (18) "Routine application" means an application that staff has determined does not require board review because:
- (a) the application does not meet the definition of nonroutine; or
 - (b) all issues qualifying the application as nonroutine have already been decided by the board, e.g. in a prior application, and no additional relevant information is presented that suggests the need to reconsider that decision.
- (19) "Suspended license" means a license following a final disciplinary action against the licensee that no longer affords a licensee the rights and privileges to practice for a period of time specified in a final order. This term does not include an administratively suspended license per 37-1-321, MCA.
- (20) "Terminated license" means a license not renewed or reactivated within two years of the renewal date. A terminated license may not be reactivated.

Authorizing statute(s): 2-4-201, 37-1-101, MCA

Implementing statute(s): 2-4-201, 37-1-101, 37-1-130, 37-1-131, 37-1-141, 37-1-321, MCA

History: NEW, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2015 MAR p. 1755, Eff. 10/16/15; AMD, 2020 MAR p. 2144, Eff. 11/21/20.