



ADMINISTRATIVE RULES OF MONTANA



37.12.314 RESTRICTION OF LICENSE

- (1) The department may downgrade a laboratory to provisional status and place conditions upon the license of a laboratory. The provisionally licensed laboratory must notify clients of its downgraded status in writing, on any applicable report. The department will notify the Department of Environmental Quality of any laboratories that have been downgraded to provisional status. Downgrading to provisional status may occur under the following circumstances:
 - (a) the laboratory reports results of an analysis of PE samples that are outside acceptable limits, and does not successfully perform analysis on a second set of PE samples within 90 days of receipt of the original report, or it fails to report results of a PE sample analysis for any analyte that the laboratory is approved to analyze. In this case:
 - (i) the laboratory's license is provisional only in regard to the laboratory's approval to conduct analyses of the particular analyte or method involved;
 - (ii) the provisional status remains in effect until the next available PE results are reported to the department, at which time:
 - (A) the conditions will be removed if acceptable PE results are reported to the department; or
 - (B) approval to conduct the analysis in question will be revoked if unacceptable PE results are reported to the department.
 - (b) the laboratory notifies the department, after the fact, of changes in personnel, equipment, or a change in location that have a material effect on the analyses of analytes for which it is approved. In this case, provisional approval will remain in effect until:
 - (i) the department has re-evaluated the laboratory; and
 - (ii) those analyses affected by the changes are conducted on PE samples and the results are evaluated by the department, at which time the conditions may be removed if the analyses meet the standards of these rules or approval to do those tests may be revoked if the standards are not met.

Authorizing statute(s): 50-1-202, MCA

Implementing statute(s): 50-1-202, 75-6-106, MCA

History: NEW, 1999 MAR p. 291, Eff. 2/12/99; AMD, 2003 MAR p. 2442, Eff. 10/31/03; AMD, 2011 MAR p. 2286, Eff. 10/28/11.