

**DRAFT certified claims examiner new rules
(with draft statements of reasonable necessity)**

NEW RULE I DECISIONS WHICH MUST BE MADE BY A CERTIFIED CLAIMS EXAMINER

(1) Except as provided by [NEW RULE II] and this rule, only a certified claims examiner may perform the tasks identified by 39-71-116, MCA, as being the responsibility of a claims examiner. As provided by 39-71-116, MCA, those tasks are to:

- (a) determine liability;
- (b) apply the requirements of the Workers' Compensation Act;
- (c) settle workers' compensation or occupational disease claims; and
- (d) determine survivor benefits.

(2) After an insurer or its agent has accepted liability for the claim or has begun paying benefits under a reservation of rights (including pursuant to 39-71-608, MCA), a certified claims examiner is responsible for making any decision that denies, reduces, or changes the type or level of benefits being provided to an injured worker or the survivors of an injured worker.

(3) Examples of decisions made under subsection (2) include, but are not necessarily limited to:

- (a) changing the disability status of a worker; and
- (b) denying medical benefits.

(4) A person does not violate this rule if under the following circumstances, a person not certified as a claims examiner denies initial liability on a new claim, when the first report of injury clearly shows that the alleged incident has not resulted in:

- (a) professional medical evaluation or treatment;
- (b) loss of work exceeding the shift during which the accident occurred; or
- (c) anything other than mere notice of a possible exposure to a potentially harmful substance or condition.

(5) A claim denied under the circumstances described in subsection (4) must identify in the denial letter the certified claims examiner who is accountable for the decision to deny the claim.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-107, 39-71-116, 39-71-320, MCA

**NEW RULE II NEW HIRES AND CLAIMS EXAMINER TRAINEES –
DESIGNATION OF CERTIFIED CLAIMS EXAMINER TO BE ACCOUNTABLE FOR
DECISIONS**

(1) A new hire may, for a period of not more than 60 days, perform tasks otherwise required to be performed by a certified claims examiner, if the employer has designated a certified claims examiner as being accountable for the decisions made by the new hire.

(2) A claims examiner trainee may, for a period of not more than 180 days, perform tasks otherwise required to be performed by a certified claims examiner, if the

employer has designated a certified claims examiner as being accountable for the decisions made by the claims examiner trainee.

(3) The employer of a new hire or claims examiner trainee must maintain documentation for each claim being handled by a new hire or claims examiner trainee, of the certified claims examiner who is accountable for the decisions made by that new hire or claims examiner trainee.

(a) The employer may change the certified claims examiner designated as being accountable for decisions on a claim being handled by a new hire or claims examiner trainee at any time, so long as that change is appropriately documented within the insurer's records.

(b) The documentation required by this subsection (3) must be promptly made available to the department, the injured worker, or the attorney of an injured worker, if that information is requested in writing.

(4) A person who is a new hire or claims examiner trainee that does not timely become a certified claims examiner is not allowed to perform tasks that are required to be performed by a certified claims examiner.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-107, 39-71-39-71-320, MCA

NEW RULE III REPORTING OF EMPLOYMENT STATUS OR CHANGE OF ADDRESS TO THE DEPARTMENT (1) A certified claims examiner must report to the department, within 20 days of the event:

(a) the name and address of an insurer or third-party administrator who has hired the person to be employed as a certified claims examiner, and the date of hire;

(b) the date of separation of employment from that employer; and

(c) a change of address or other contact information for the certified claims examiner;

(2) An insurer or third-party administrator must report to the department, within 20 days of the event, the name and date of hire of any person who will be working as a claims examiner for the employer as either a:

(a) new hire; or

(b) claims examiner trainee.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-107, 39-71-320, MCA

24.29.804 EXAMINERS AND THIRD-PARTY ADMINISTRATORS IN MONTANA (1) All workers' compensation and occupational disease claims filed pursuant to the Montana Workers' Compensation and Occupational Disease Acts must be adjusted by a person certified claims examiner in Montana. For the purposes of this rule, a claim is deemed to be "adjusted by a person in Montana" if the person who can determine entitlement to benefits, authorize payment of all benefits due, manage the claim and has authority to settle the claim, maintains a certified claims examiner must

maintain an office that is located in Montana and ~~adjusts~~ adjust Montana claims from that office. The office may be in the examiner's personal residence located in Montana. The sole use of a mail box or mail drop located in Montana does not constitute maintaining an office in Montana.

(2) An insurer must maintain the documents related to each claim filed with the insurer under the Montana Workers' Compensation and Occupational Disease Acts at the office of the person adjusting the claim in Montana until the claim is settled. The documents may either be original documents, or duplicates of the original documents, and must be maintained in a manner which allows the documents to be retrieved from that office and copied at the request of the claimant or the department. Settled claim files stored outside of the certified claims examiner's office must be made available by the insurer within 48 hours of a request for a file. Electronic or optically imaged documents are permitted by this rule.

(3) For purposes of (2), a "settled claim" means a department-approved compromise of benefits between a claimant and an insurer. The term "settled claim" does not include a claim where there has only been a lump sum advance of benefits.

(4) At least 14 days in advance of a change in a third-party administrator responsible for workers' compensation claim examination services, the insurer must notify the department in writing, using the department's current Third-Party Administrator Change Form or by another format preapproved by the department. The written notification must be mailed, faxed, or e-mailed to the department's designated contact person.

(5) The insurer may delegate the duty to notify the department to a third-party administrator or policyholder.

(6) Failure to timely notify the department of a change in a third-party administrator may result in the imposition of an administrative penalty against the insurer, pursuant to 39-71-107, MCA.

AUTH: 39-71-107, 39-71-203, MCA

IMP: 39-71-105, 39-71-107, 39-71-320, MCA

[to be repealed] 24.29.811 PURPOSE OF RULES (1) The purpose of these rules is to establish standards for the voluntary certification of workers' compensation claims examiners handling workers' compensation claims in the state of Montana, providing for minimum qualifications, examination, two-year certification and renewal, continuing education requirements, and a waiver of examination requirements.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-320, MCA

24.29.813 DEFINITIONS For purposes of this subchapter, the following definitions apply:

(1) "Approved continuing education course" or "course" means any course, seminar, or program of instruction that has been approved by the department for

presentation as part of the continuing education requirements for claims examiner certification and that relates to the state workers' compensation system or to interactions among injured workers, medical providers, and employers.

(2) "Certificate of completion" means a document issued by the sponsoring organization to the claims examiner signifying satisfactory completion of a course and reflecting credit hours earned by the claims examiner.

(3) "Certified claims examiner" means a claims examiner who is in compliance with the requirements of 39-71-320, MCA.

~~(3)~~ (4) "Claims examiner" means a claims examiner as defined under 39-71-116, MCA.

~~(4) "Classroom setting" means a course format in which a body of students meets to study the same course materials under the direction of the same approved instructor.~~

(5) "Credit hours" means the value assigned to a course by the department, upon review and approval of course materials and content outline.

(6) "Hour", for the purposes of continuing education credits means a 50 minute period.

~~(6)~~ (7) "Instructor" means an individual who meets the requirements set forth in ARM 24.29.844, is identified by a sponsoring organization in a course submission, participates in course presentations, activities and discussions, and who may monitor the attendance and conduct of course participants, or administer examinations.

(8) "New hire" means a person who has:

(a) not been previously employed by the insurer or third party administrator as a claims examiner;

(b) been separated from employment with the insurer or third party administrator for at least 60 days and is required to complete new hire paperwork such as Form I-9, Form W-4.; or

(c) received an internal promotion or transfer to a claims examiner position. The term includes a temporary employee.

~~(7)~~ (9) "Proctor" means a person who monitors the attendance, conduct, and the examination process for course participants, but who does not participate in course presentations, activities or discussions, or complete any required examinations.

~~(8)~~ (10) "Remote training" means a course format in which a body of students attend a training session using a web meeting tool and/or conference telephone service with a method approved by the department to ensure full participation of each student.

~~(9)~~ (11) "Self-study" means those independent study methods taught outside the classroom setting through approved text, ~~audiotape materials, videotape materials or~~ pre-recorded audio or video content, or another method of information exchange where both the means and content are approved by the department.

~~(10)~~ (12) "Significant change" means a change in two or more of the following course elements:

- (a) course goals or objectives;
- (b) major course topic(s);
- (c) course length;
- (d) syllabus or course outline;
- (e) teaching method; or

(f) examination method.

(13) "Sponsoring organization" means any group(s) or organization(s) and their agent(s) that submit courses for department review and offer or provide approved courses for continuing education credit to allow claims examiner certification and are responsible for those course offerings.

(14) "Trainee" means an employee who has no prior claims examiner experience and is participating in a program by which the employer prepares the trainee to carry out the essential functions of a certified claims examiner.

AUTH: 39-71-203, 39-71-320, MCA

IMP 39-71-105, 39-71-107, 39-71-320, MCA

[to be repealed] 24.29.817 APPLICABILITY OF RULES (1) These rules apply to certification of workers' compensation claims examiners on or after the effective date of these rules.

(2) Initial certification remains in effect for two years.

(3) A claims examiner's certification period will be renewed for two years upon application and verification that the claims examiner meets the continuing education requirements under the rules in effect on the date renewal is due.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-320, MCA

24.29.821 CERTIFICATION OF CLAIMS EXAMINERS (1) Claims examiners must be certified by the department upon the following:

(a) completion of the application form provided by the department;

(b) meeting the minimum qualifications for certification in (2);

(c) payment of the required fees; and

(d) satisfactory completion of ~~either an examination or meeting the waiver requirements as provided in ARM 24.29.827.~~

(2) To meet the minimum qualifications, the applicant for certification shall be:

(a) at least 18 years of age; and

(b) have a high school diploma or equivalent certificate.

(3) Certification ~~will be~~ is for a two-year period. The certification date ~~shall be~~ is the date of the successfully completed examination ~~or the date the department issues a certification to an applicant that meets the examination waiver requirements.~~

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-107, 39-71-320, MCA

24.29.824 EXAMINATION FOR CLAIMS EXAMINERS (1) Each applicant for certification as a workers' compensation claims examiner shall, prior to the issuance of such certification, personally take and pass an examination given by the department or

a department-approved agent as a test of qualifications and competency, ~~except as provided by a waiver in ARM 24.29.827.~~

(2) Satisfactory completion of an examination demonstrates the individual's:

(a) familiarity with Montana's workers' compensation statutes;

(b) ability to navigate the administrative rules found in this chapter;

(c) knowledge of workers' compensation definitions and concepts ~~including for example, course and scope, coverage, liability, subrogation, claims for benefits, compensation and medical benefits, settlements, subsequent injury fund, vocational rehabilitation, mediation, and due process.~~

(3) Any person taking an examination may use a copy of Title 39, chapter 71, MCA, during the test procedure.

(4) A passing score on an examination ~~shall be~~ is at least 80 percent or greater.

(a) An applicant for claims examiner certification may ~~retake an~~ take the examination as many times as necessary to pass the examination with a score of 80 percent or greater up to three times in a 180 day period. If an applicant does not pass the examination within that 180 day period, the applicant must wait 60 days before taking the examination again.

(b) The examination fee must be paid for each examination taken.

(5) Any examination completed through dishonest or fraudulent means ~~shall be considered invalid~~ is given a score of 0.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-107, 39-71-320, MCA

[to be repealed] 24.29.827 WAIVER OF EXAMINATION (1) Claims examiners may be certified by the department upon providing satisfactory evidence of meeting the following waiver requirements:

(a) evidence that the claims examiner has been actively engaged as a Montana claims examiner working on workers' compensation claims for five of the seven years immediately preceding the application for certification.

(b) the waiver may only be given if application and payment of the applicable fee is received within the first 12 months after the department has adopted the initial rules.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-320, MCA

24.29.831 LAPSE IN CERTIFICATION (1) If a certification has lapsed ~~past the renewal date,~~ but application for renewal is received within ~~12~~ 24 months from the renewal date, the claims examiner must pay the application fee and provide evidence of sufficient continuing education credits received during the lapsed period.

(2) If a certification has lapsed greater than ~~12~~ 24 months from the renewal date, the claims examiner ~~must~~ shall submit an initial application for certification; ~~pay the fee;~~ required fees, and successfully pass an examination to become a certified claims

examiner. The continuing education credit requirement for renewal starts over with the new certification period.

(3) A person may not perform the functions of a certified claims examiner with a lapsed certification.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-107, 39-71-320, MCA

24.29.834 CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL

(1) Certification shall be renewed upon:

(a) payment of the applicable fee;

(b) completion of the renewal form provided by the department at any time during the certification period, but no later than the expiration of the ~~renewal date~~ certification period;

(c) verification of completion of 24 hours of approved continuing education courses during the current certification period, to include at least:

(i) four hours of training on workers' compensation statutes, administrative rules, and case law since the last certification; and

(ii) one hour of training on appropriate and ethical communication; and

(iii) other approved continuing education courses which may include but are not limited to mediation/negotiation; medical terminology; human anatomy; interpreting medical records; injured worker's rights and responsibilities; insurers' rights and responsibilities; prevention of injuries; stay-at-work/return-to-work training; and medical fee schedule reimbursements.

(2) The department may accept workers' compensation continuing education courses approved by the Office of Public Instruction, the state bar of Montana or the Montana insurance commissioner for the adjuster license requirements which meet the course criteria specified in these rules toward the 24 hours of approved courses required for the claims examiner certification renewal.

(3) No more than six hours of approved continuing education courses may be carried over to the next certification period. The request for approved continuing education courses to be carried over must be submitted with the renewal application for which the courses were taken.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-107, 39-71-320, MCA

24.29.837 REVIEW AND APPROVAL OF CONTINUING EDUCATION COURSES BY DEPARTMENT

(1) Any sponsoring organization that requests continuing education credits be approved by the department for training must complete and submit a request on a form provided by the department.

(2) The department shall review the course submission and determine the number of credit hours to be awarded for completion of the course.

(3) ~~"Hour" as used in this subchapter, means 50 minutes of instruction.~~

(4) Courses subject to an award of continuing education credits may include but are not limited to:

- (a) classroom setting or seminars;
- (b) self-study, electronic media;
- (c) correspondence course;
- (d) computer-based training; or
- (e) remote training.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-320, MCA

[no changes] 24.29.841 COURSE SUBMISSIONS (1) The following standards, by which acceptability of submitted courses are evaluated, must all be certified by the sponsoring organization:

(a) the practical and academic experience of each faculty member is sufficient to teach the subject assigned;

(b) the course enhances the ability of a claims examiner to provide claims handling services to the public effectively;

(c) the subject matter relates to professional ethics, where practicable.

(2) Submissions for approval of courses must include at least the following information:

(a) the name of the sponsoring organization;

(b) the title of the course;

(c) the proposed date(s) of offering or the dates the course was held;

(d) course goals and objectives;

(e) major course topic(s);

(f) course length;

(g) a list of other states, if any, that have approved the course and the credits granted the course in those states;

(h) a syllabus or course outline;

(i) a summary of each course outline element;

(j) method of instruction, such as classroom, self-study, videotape, audiotape, teleconference, etc.;

(k) method of administering examinations, if any;

(l) method of attendance verification;

(m) method of student record maintenance;

(n) instructors, if any;

(o) a designated contact person;

(p) a written explanation of examination security measures and examination administration methods; and

(q) written notification of additional dates of course offering to the department three days in advance of presentation of any course.

(3) Requests for advance approval of courses must be received by the department no less than 30 days prior to the anticipated starting date of the course.

(4) Requests for approval of courses already held must be received prior to December 31 of the calendar year in which the activity was presented.

(5) Approved accredited university or college courses will be allowed 15 continuing education credits for each semester credit and ten continuing education credits for each quarter credit.

(6) Charges for courses must be clearly disclosed to students before enrollment:

(a) if a course is canceled for any reason, all charges are refundable in full, unless the refund policy is clearly defined in the enrollment application;

(b) in instances requiring refunds under (6)(a), the charges must be refunded within 45 days of cancellation;

(c) in the event that a continuing education provider postpones a course for any reason, the provider must give the students a choice of attending a course at a later date or having their charges refunded in full. The provider must refund the charges within 45 days of the postponement unless the student notifies the provider that the student has chosen to attend a later course;

(d) a sponsoring organization may have a refund policy addressing a student's cancellation or failure to complete a course, as long as that policy is made clear to potential students.

(7) A sponsoring organization must provide proof of course completion to each course participant who successfully completes the approved course of study within one month of course completion or prior to the end of the calendar year during which the participant completed the course. The department may grant the sponsoring organizations up to two months to provide such proof of course completion, if the sponsoring organization notifies the course participants in writing, in advance of the course.

(8) Sponsoring organizations who add qualified course instructors after a course is approved must submit the names of those instructors to the department at least three days prior to the course offering.

(9) Course approval is for a period of two years following the course approval date.

(10) Sponsoring organizations must resubmit courses for new review and certification whenever significant changes in course content are made.

(11) The minimum number of credits that the department may award is one credit.

(12) No course may be advertised as having been approved for credit by the department until the sponsoring organization receives written approval from the department.

AUTH: 39-71-203, 39-71-320, MCA

IMP: 39-71-105, 39-71-320, MCA

[no changes] 24.29.844 QUALIFICATIONS FOR INSTRUCTORS (1) Instructors must meet the following qualifications for the department to approve the course:

(a) a high school diploma or equivalent certificate;

(b) experience in at least one of the following:

- (i) three or more years of managerial, supervisory, technical, or teaching experience as a subject matter expert;
- (ii) appropriate national designations; or
- (iii) approval on an exception basis by the department.
- (2) An instructor may be disqualified if that person has:
 - (a) intentionally falsified documents filed with the department; or
 - (b) intentionally misrepresented course approval, credit hour assignment, curriculum, or course content to students or prospective students.
- (3) Certified claims examiners teaching or lecturing approved courses will be credited with two times the number of approved credit hours of courses they instruct.
- (4) Proctors will not earn continuing education credit for their services.

AUTH: 39-71-203, 39-71-320, MCA
 IMP: 39-71-105, 39-71-320, MCA

24.29.847 FEES FOR CERTIFICATION, EXAMINATION, RENEWAL, AND COURSE APPROVAL SUBMISSION (1) The following fees apply to the certified claims examiner program:

(a) initial application for certification.....	\$ 100.00
(b) examination	\$ 75.00
(c) renewal application	\$ 75.00
(d) renewal application for lapsed certification	\$ 100.00
(e) approval of a continuing education course	\$ 75.00

- (2) ~~Each examination fee will not exceed \$75, payable prior to the examination~~
- All fees are payable in advance.
- (3) ~~The certification renewal fee shall be is \$75 per applicant payable at the time of renewal. If there is a lapse in certification, the fee for renewal will be is \$100 payable at the time of the application~~ All fees are nonrefundable.
- (4) ~~The fee for course submissions shall be \$75 per application.~~

AUTH: 39-71-203, 39-71-320, MCA
 IMP: 39-71-105, 39-71-320, MCA

[no changes] 24.29.851 MAINTENANCE OF CERTIFICATION DOCUMENTATION

- (1) The department may maintain the records required by 39-71-320, MCA, in an electronic format.

AUTH: 39-71-203, 39-71-320, MCA
 IMP: 39-71-105, 39-71-320, MCA

General statement of reasonable necessity: There is reasonable necessity to adopt NEW RULES I through III, amend seven existing rules, and repeal three rules related to certified claims examiners in order to implement the provisions of Chapter 371, Laws of 2019 (House Bill 757). The rules reflect the change from a voluntary system of certification for workers' compensation claims examiner to a mandatory system, as provided for by House Bill 757. The combination of the proposed new rules, proposed amendments, and proposed repeals is reasonably necessary to help ensure that all of the rules related to certified workers' compensation claims examiners are consistent and complete for the mandatory claims examiner certification process. Additional statements of reasonable necessity are provided below addressing each of the proposed rule changes.

Statement of reasonable necessity: There is reasonable necessity to adopt NEW RULE I in order to describe what actions in handling a workers' compensation claim must be performed by a certified claims examiner. By exclusion, other tasks related to claim handling may be performed by a person who is not a certified claims examiner (a/k/a a "claims assistant" or "claims technician").

There is reasonable necessity to adopt NEW RULE II in order to implement the provisions of HB 757 that provide for new hires and training positions. The Department considered, but rejected, providing a specific list of topic or curriculum for an insurer's training program, and has concluded that each insurer should be free to implement whatever training program it deems appropriate. In order to ensure that new hires and trainees are appropriately handling claims, the Department is requiring that each insurer (or third-party administrator) designate a certified claims examiner who will be accountable for the claims decisions made by a new hire or trainee. The amount or level of oversight required by the designated certified claims examiner is not specified by rule, but each insurer or third-party administrator ("TPA") has an obvious self-interest in making sure that its claims are handled in an appropriate manner, lest it incur liability for unreasonable handling in a specific claim, or as a general claims handling practice.

There is reasonable necessity to adopt NEW RULE III in order to clarify who has the responsibility of notifying the Department of a certified claims examiner's contact information and employment status. Insurers or TPAs have the responsibility to notify the Department when the insurer or TPA hire a person who will perform claims examiner tasks as a new hire or trainee.

Statement of reasonable necessity: There is reasonable necessity to amend ARM 24.29.804 to reference the obligation of an insurer to use a certified claims examiner for compliance with the in-state adjuster statute, and to add 39-71-320, MCA, to the IMP citation. Certain terms are being deleted because the subject of those terms is addressed elsewhere in the certified claims examiner rules. In addition, there is reasonable necessity to add 39-71-107, MCA, to the IMP citation in order to reflect the integration of the need for insurers and TPAs to only use certified claims examiners for those tasks which may only be performed by a certified claims examiner.

There is reasonable necessity to amend ARM 24.29.813 to define various terms related to the provisions of HB 757, and to update existing language to better reflect current continuing education technology. In addition, there is reasonable necessity to add 39-71-107, MCA, to the IMP citation in order to reflect the integration of the need for insurers and TPAs to only use certified claims examiners for those tasks which may only be performed by a certified claims examiner.

There is reasonable necessity to amend ARM 24.29.821 to delete the reference to waiver of examination, and to remove now-redundant language in the rule in order to implement the provisions of HB 757. In addition, there is reasonable necessity to add 39-71-107, MCA, to the IMP citation in order to reflect the integration of the need for insurers and TPAs to only use certified claims examiners for those tasks which may only be performed by a certified claims examiner.

There is reasonable necessity to amend ARM 24.29.824 to delete the reference to waiver of examination, remove a sample list of appropriate topics for study, and to add provisions regarding how often a person may re-test after failing the examination, because under the former voluntary certification program, certification was not required to perform claims adjuster tasks. In addition, there is reasonable necessity to add 39-71-107, MCA, to the IMP citation in order to reflect the integration of the need for insurers and TPAs to only use certified claims examiners for those tasks which may only be performed by a certified claims examiner.

There is reasonable necessity to amend ARM 24.29.831 in order to revise the conditions for reviving a lapsed certification and identifying at what point a person must reapply for certification and re-test, to reflect the change from a voluntary certification system to a mandatory certification system. There is reasonable necessity to amend the rule further specifies that a person with a lapsed certification is not authorized to perform tasks required to be performed by a certified claims examiner, because prior to the enactment of HB 757, those tasks did not have to be performed by a certified claims examiner. In addition, there is reasonable necessity to add 39-71-107, MCA, to the IMP citation in order to reflect the integration of the need for insurers and TPAs to only use certified claims examiners for those tasks which may only be performed by a certified claims examiner.

There is reasonable necessity to amend ARM 24.29.834 to harmonize the use of certain terminology within the rules. In addition, there is reasonable necessity to add 39-71-

107, MCA, to the IMP citation in order to reflect the integration of the need for insurers and TPAs to only use certified claims examiners for those tasks which may only be performed by a certified claims examiner.

There is reasonable necessity to amend ARM 24.29.837 to remove a definition that has moved to the Definitions rules, ARM 24.29.813. In addition, there is reasonable necessity to add 39-71-107, MCA, to the IMP citation in order to reflect the integration of the need for insurers and TPAs to only use certified claims examiners for those tasks which may only be performed by a certified claims examiner.

There is reasonable necessity to amend ARM 24.29.847 while similar rules are being amended, in order to improve the readability of the rule. The Department notes that the fees are not being changed from the existing amounts, and that the fee justification provisions of 2-4-302, MCA, are not required. The Department estimates that approximately 50 individuals who are performing the work of a claims examiner will become certified in the next 12 months.

Statement of reasonable necessity: There is reasonable necessity to repeal ARM 24.29.811 and 24.29.817 as they are now unnecessary, as the scope of the rules no longer needs any explanation and the applicability provisions are obsolete. There is reasonable necessity to repeal ARM 24.29.827 because HB 757 eliminated the provisions allowing waiver of the examination under certain circumstances.