

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of)	NOTICE OF PROPOSED
ARM 32.2.403 pertaining to)	AMENDMENT
diagnostic laboratory fees)	
)	NO PUBLIC HEARING
)	CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rule.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m., July 17, 2017, to advise us of the nature of the accommodation that you need. Please contact Executive Officer, Department of Livestock, 301 N. Roberts St., Room 304, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9525; TTD number: 1 (800) 253-4091; fax: (406) 444-4316; e-mail: MDOLcomments@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

32.2.403 DIAGNOSTIC LABORATORY FEES (1) Test services available through the Montana Department of Livestock Veterinary Diagnostic Laboratory (MVDL) are listed in the chart in ~~(2)~~ (4), entitled MVDL Services and Fees.

(a) A 50 percent surcharge will be assessed for tests conducted on nonresident animals.

(b) Mailing costs:

(i) all submissions must have shipping cost or postage prepaid;

(ii) "collect on delivery" shipments are not accepted;

(iii) any mailing costs incurred by the laboratory will be billed to the submitter.

(c) Delinquent accounts:

(i) A 1.5 percent monthly interest rate will be charged on accounts over 30 days.

(ii) Laboratory results on any account 90 days delinquent will be withheld until the entire payment is received.

(2) A minimum laboratory fee of \$8.00 will be charged on all accessions.

(3) Accession is defined as the MVDL case number assigned to specimens from animals that are submitted by a veterinarian, owner, or other agent to the laboratory for diagnostic or surveillance testing.

(a) A fee of \$4.00 will be assessed for each accession except those that are exempted. Exempted accessions are Equine Infectious Anemia (EIA) tests.

~~(2)~~ (4) MVDL services and fees:

(a) Clinical Microbiology/Bacteriology:

<u>Test</u>	<u>Fee</u>
aerobic culture	\$16.00 <u>\$17.60</u>
aerobic - additional isolate	\$8.00 <u>\$8.80</u> each
anaerobic culture	\$19.00 <u>\$20.90</u> each
anaerobic - each additional isolate	\$8.00 <u>\$8.80</u> each
antibiotic sensitivity - per isolate	\$10.50 <u>\$11.55</u>
brucella culture	\$16.00 <u>\$17.60</u>
campylobacter culture	\$13.00 <u>\$14.30</u>
chlamydial ELISA	\$21.00
clostridium FA	\$18.00
clostridium perfringens genotyping	referral lab fee + shipping/handling
dermatophyte culture & PAS	\$26.25 <u>\$28.87</u>
direct microscopy	\$8.50 <u>\$9.35</u>
environmental culture	\$19.00 <u>\$20.90</u> each
fecal occult blood	\$8.50 <u>\$9.35</u>
fungus culture	\$23.25 <u>\$25.57</u>
listeria culture	\$17.00 <u>\$18.70</u>
milk culture	\$16.00 <u>\$17.60</u>
mycoplasma culture	\$16.00 <u>\$17.60</u>
non-dermatophyte fungal culture	\$23.25 <u>\$25.57</u>
salmonella culture	\$15.75 <u>\$17.32</u>
salmonella enteritidis/if negative	\$21.00 <u>\$23.10</u>
salmonella enteritidis/additional testing	\$24.50 <u>\$26.95</u>
special requests	contact lab
trichomonas foetus culture:	
1-100	\$6.50 each
101-500	\$6.00 each
501 or more	\$5.50 each

(b) Clinical Microbiology/Parasitology

<u>Test</u>	<u>Fee</u>
cryptosporidia exam	\$8.50 <u>\$9.35</u>
dirofilaria immitis (canine heartworm) ELISA	\$9.50 <u>\$10.45</u>
<u>dirofilaria immitis microfilaria filtration</u>	\$9.50
fecal flotation	\$10.50 <u>\$11.55</u>
giardia ELISA	\$29.50 <u>\$32.45</u>
parasite or arthropod identification	\$28.50 <u>\$31.35</u>
special parasite identification procedures	contact lab
<u>liver fluke sedimentation</u>	\$28.50
<u>trichinella – pepsin degradation:</u>	

<u>1-4 samples</u>	<u>\$80.00 each</u>
<u>5-10 samples</u>	<u>\$65.00 each</u>

(c) Clinical Pathology

<u>Test</u>	<u>Fee</u>
Clinical profiles:	
small animal health screen	\$46.25
large animal health screen	\$46.25
small animal clinical profile	\$35.00
large animal clinical profile	\$35.00
small animal pre-anesthetic profile	\$25.25
feline profile	\$69.50
equine fitness profile	\$34.00
Endocrinology:	
canine thyroid panel	\$29.50
thyroid panel - <u>feline</u>	\$25.25
canine total T4	\$10.50
total T4	\$10.50
canine TSH	\$10.50
free T4 – <u>canine & feline</u>	\$10.50
total T3	\$10.50
cortisol: canine, feline, equine	\$16.00 each
ACTH stimulation	\$31.50
cortisol: pre & post	\$31.50
dexamethasone suppression: pre & post	\$47.25
Biochemistry panels:	
small animal panel	\$26.25
large animal panel	\$26.25
small animal hepatic panel	\$21.00
small animal renal panel	\$21.00
canine endocrine panel	\$24.25
feline geriatric panel	\$15.00
electrolyte panel	\$10.50
expanded electrolyte panel	\$15.75
Other serum chemistry:	
PLI: canine, feline	\$23.75
bile acids: canine, feline, equine	\$25.25
bile acids: (pre & post)	\$35.75
phenobarbital	\$25.25
individual biochemical test	contact lab
Hematology:	
CBC/differential	\$15.75
large animal CBC/differential	\$15.75

small animal CBC/without differential	\$7.00
large animal CBC/without differential	\$7.00
reticulocyte count	\$7.00
feline anemia panel	\$38.00
fibrinogen	\$4.25
hemotropic parasite screen	\$4.25
urinalysis	\$12.75
urinalysis with culture & sensitivity	\$35.75
Miscellaneous clinical pathology tests:	
blood cross match	\$15.75
buffy coat exam	\$31.50
canine direct coombs	\$31.50
coagulation panel	\$84.00
individual coagulation test – <u>PT & APTT only</u>	\$21.00
IgG RID – <u>bovine & equine</u>	\$15.75
ocular nitrate	\$14.75

(d) Cytology

Test	Fee
bone marrow cytology	\$42.00 <u>\$46.20</u>
CFS <u>CSF</u> analysis: SG, microprotein, cytospin, cytology	\$25.25 <u>\$27.77</u> plus microprotein referral fee
cytology with culture	\$35.75 <u>\$39.32</u> + culture
fluid analysis: total cell count, TP, SG, cytology	\$38.00 <u>\$41.80</u>
FNA: imprint, smear, stained, or unstained	\$35.75 <u>\$39.32</u> + <u>culture</u>

(e) Histology/Immunohistochemistry

biopsy standard, per biopsy (1-3 slides)	\$35.75 <u>\$39.32</u>
per biopsy or necropsy (4-6 slides)	\$42.00 <u>\$46.20</u>
per biopsy or necropsy (7-10 slides)	\$48.50 <u>\$53.35</u>
per biopsy or necropsy (11 or more slides)	\$54.75 <u>\$60.22</u>
decalcification/keratin	\$8.50 <u>\$9.35</u>
hematoxylin & eosin (H & E):	
duplicate H & E (up to 3 slides)	\$18.00 <u>\$19.80</u>
additional H & E (4 or more slides)	\$5.25 <u>\$5.77</u> each
immunohistochemistry (IHC)	\$26.25 <u>\$28.87</u>
special stains	\$8.50 <u>\$9.35</u> each
bulk research - slide prep staining only	\$4.00 <u>\$4.40</u> /slide + <u>\$24.00</u> <u>\$26.40</u> /hour

(f) Milk Testing

Test	Fee
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added water	\$3.25
antibiotic	\$24.25
brucella ring	\$2.25
coliform count	\$5.25
component	\$1.25
gerber	\$3.25
laboratory certification review	contact milk lab
listeria environmental culture	\$11.75/swab site
majonnier	\$13.25
pesticide:	
organophosphate & carbamates	\$25.25 minimum
chlorinated hydrocarbons	\$220.50 minimum
phosphatase	\$6.50
somatic cell count:	
direct	\$5.25
electronic	\$1.25
standard plate count	\$6.00
yeast & mold	\$6.00

(g) Molecular Diagnostics (PCR)

Test	Fee
new tests as implemented	contact lab
avian influenza (AI)	\$31.50 <u>\$34.65</u>
bovine coronavirus (BCV)	\$31.50
<u>Bovine coronavirus/rotavirus multiplex</u>	<u>\$37.77</u>
bovine virus diarrhea (BVD):	
individual sample	\$31.50 <u>\$34.65</u>
MVDL pooled (ear notch samples)	up to 24 samples for \$52.50 <u>\$57.75</u>
retest in positive pools/antigen capture ELISA	\$4.00 <u>\$4.40/sample</u>
E. coli - K99	\$31.50 <u>\$34.65</u>
Infectious bovine rhinotracheitis (IBR) <u>Call lab first</u>	\$36.75 <u>\$40.42</u>
<u>National Animal Health Laboratory Network (NAHLN) tests performed: Classical Swine Fever, Foot & Mouth Disease, Vesicular Stomatitis Virus, Swine Influenza Virus, and Avian Paramyxovirus</u>	contact lab
mycobacterium paratuberculosis (Johne's):	
individual sample	\$31.50 <u>\$34.65</u>
MVDL pooled (up to 5 feces samples)	\$36.75 <u>\$40.42</u>
retest <u>in</u> positive pools	\$31.50 <u>\$34.65/sample</u>
salmonella enteritidis PCR	\$29.50 <u>\$32.45</u>
suspect culture confirmation	\$33.00 <u>\$36.30</u>

trichomonas foetus:		
individual sample		\$28.50
MVDL pooled (up to 5 samples)		\$52.50/pool
retest in positive pools		\$28.50/sample

(h) Pathology

Test	Fee
abortion workup, livestock - MVDL kits only	\$52.50 <u>\$57.75</u>
<u>neonatal diarrhea workup - livestock, MVDL kits only</u>	<u>\$110.00</u>
carcass disposal (CD) – incineration	\$26.25 <u>\$40.00</u> per 100 lbs
<u>Animal remains return/transfer</u>	<u>\$25.00</u>
<u>Pathologist time (after hours) insurance/legal cases</u>	<u>\$157.50</u> <u>\$173.25/hour</u>
necropsy - bovine & equine:	
fetus	\$73.50 <u>\$80.85</u> + CD
less than 150 lbs	\$89.25 <u>\$98.17</u> + CD
150 to 500 lbs	\$115.50 <u>\$127.05</u> + CD
more than 500 lbs	\$157.50 <u>\$173.25</u> + CD
necropsy - canine & feline:	
	\$115.50 <u>\$127.05</u> + CD
necropsy - porcine (swine):	
fetus (same litter)	\$73.50 <u>\$80.85</u> + CD
less than 25 lbs	\$73.50 <u>\$80.85</u> + CD
25 to 250 lbs	\$89.25 <u>\$98.17</u> + CD
more than 250 lbs	\$115.50 <u>\$127.05</u> + CD
necropsy - small ruminant:	
fetus (same dam)	\$73.50 <u>\$80.85</u> + CD
up to 20 lbs	\$73.50 <u>\$80.85</u> + CD
more than 20 lbs	\$89.25 <u>\$98.17</u> + CD
necropsy - other species	\$42.00 <u>\$46.20</u> minimum CD
<u>neonatal diarrhea workup - livestock, MVDL kits only</u>	<u>\$100.00</u>
research	contact lab
spinal cord removal (in addition to necropsy fee):	
small animal	\$52.50 <u>\$57.75</u>
large animal	\$105.00 <u>\$115.50</u>
transmissible encephalopathies:	
necropsies	\$131.25 minimum
brain removal only	\$31.50 <u>\$34.65</u>

	immunohistochemistry and ELISA test	minimum referral + shipping/handling
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(i) Rabies

Test	Fee
small animal	\$31.50
livestock with histopathology	\$58.00
entire carcass disposal (excluding bats & small rodents):	\$26.25 per 100 lbs
<u>Up to 30 lbs</u>	<u>\$55.00</u>
<u>31-60 lbs</u>	<u>\$85.00</u>
<u>61-90 lbs</u>	<u>\$115.00</u>

(j) Serology

Test	Fee
anaplasmosis cELISA	\$8.00 <u>\$8.80</u>
avian influenza (AI) AGID:	
1-9	\$6.00 <u>\$6.60</u> each
10-24	\$5.00 <u>\$5.50</u> each
25-49	\$3.00 <u>\$3.30</u> each
50 or more	\$2.00 <u>\$2.20</u> each
bluetongue (BT) AGID - contact laboratory	\$6.50 <u>\$7.15</u> minimum
bluetongue cELISA:	
1-100	\$8.75 <u>\$9.62</u> each
101-500	\$6.50 <u>\$7.15</u> each
501 or more	\$4.00 <u>\$4.40</u> each
bovine leukemia virus (BLV) ELISA:	
1-100	\$7.00 <u>\$7.70</u> each
101-500	\$6.00 <u>\$6.60</u> each
501 or more	\$4.00 <u>\$4.40</u> each
<u>bovine leukemia virus (BLV) AGID</u>	<u>\$8.00</u> each
bovine respiratory syncytial virus (BRSV) – SN	\$7.00 <u>\$7.70</u>
bovine virus diarrhea type I, II – SN	\$13.75 <u>\$15.12</u>
bovine virus diarrhea (BVD) ELISA:	
1-100	\$5.25 <u>\$5.77</u> each
101-500	\$4.25 <u>\$4.67</u> each
501 or more	\$3.75 <u>\$4.12</u> each
brucella abortus:	
card, BAPA, FP ₁ or RAP	\$1.60 each
rivanal <u>rivanol</u> , SPT, CF, STT	\$2.65 each
brucella ovis ELISA	\$8.00
caprine arthritis encephalitis (CAE):	
AGID	\$6.50 <u>\$7.15</u>

cELISA	\$6.50 <u>\$7.15</u>
epizootic hemorrhagic disease (EHD) – AGID	\$10.50 <u>\$11.55</u>
equine infectious anemia (EIA) AGID individual sample	\$8.00
equine infectious anemia (EIA) AGID – same owner:	
1-15	\$13.00 <u>\$8.00</u> each
16-50	\$6.00 each
51 or more	\$4.75 each
equine infectious anemia (EIA) cELISA individual sample	\$8.00 <u>\$13.00</u> each
<u>EIA Global Vet Link submissions</u>	<u>\$1.10</u>
equine infectious anemia (EIA) cELISA same owner:	
1-15	\$13.00 each
16-50	\$10.50 each
51 or more	\$9.50 each
infectious bovine rhinotracheitis (IBR)-SN	\$7.00 <u>\$7.70</u>
leptospirosis MAT:	
(routine) L. canicola, L. grippo, L. hardjo, L. ictero, L. pomona	\$10.50 <u>\$11.55</u>
L. autumnalis, L. bratislava/per each	\$2.25 <u>\$2.47</u> /sample
mycobacterium paratuberculosis (PTB) ELISA:	
1-100	\$8.00 <u>\$8.80</u> each
101-500	\$6.00 <u>\$6.60</u> each
501 or more	\$4.00 <u>\$4.40</u> each
ovine progressive pneumonia (OPP):	
AGID or eELISA <u>cELISA</u>	\$6.50 <u>\$7.15</u>
parainfluenza 3 (PI3) - HAI	\$5.25 <u>\$5.77</u>
pseudorabies - gB ELISA	\$6.00 <u>\$6.60</u>
salmonella pullorum MAT	\$4.75 <u>\$5.22</u>
vesicular stomatitis (VS):	
CF	\$47.25 <u>\$51.97</u>
NJ & Ind - SN	\$13.75 <u>\$15.12</u>
west nile virus (WNV):	
July 1 - Oct 15 IgM ELISA	\$21.00 <u>\$23.10</u>
off season	referral lab fee + shipping/handling

(k) Serology - Small Animal

Test	Fee
brucella canis - RSAT screen, 2ME-TAT confirmation	\$23.00
feline infectious peritonitis (FIP) ELISA	\$28.50 <u>\$31.35</u>
feline leukemia virus (FeLV) ELISA	\$18.00 <u>\$19.80</u>
feline leukemia/feline immunodeficiency virus (FeIV, FIV)	\$28.50 <u>\$31.35</u>

ELISA	
(l) Virology	
Test	Fee
bovine virus diarrhea - cELISA	see serology section
canine parvovirus ELISA	\$25.25 <u>\$27.77</u>
electron microscopy (EM)	\$31.50 <u>\$34.65</u>
fluorescent antibody (FA) testing - per agent:	
bovine coronavirus (BCV)	\$8.50 <u>\$9.35</u>
bovine respiratory syncytial virus (BRSV) SN	\$8.50 <u>\$9.35</u>
bovine virus diarrhea (BVD)	\$8.50 <u>\$9.35</u>
canine distemper (CDV)	\$8.50 <u>\$9.35</u>
canine parvovirus (CPV)	\$8.50 <u>\$9.35</u>
equine herpesvirus (EHV)	\$8.50 <u>\$9.35</u>
feline panleukopenia (FPLV)	\$8.50 <u>\$9.35</u>
feline infectious peritonitis (FIP)	\$8.50 <u>\$9.35</u>
feline herpes (FHV)	\$8.50 <u>\$9.35</u>
infectious bovine rhinotracheitis (IBR)	\$8.50 <u>\$9.35</u>
leptospira	\$8.50 <u>\$9.35</u>
parainfluenza - 3 Virus (PI-3)	\$8.50 <u>\$9.35</u>
porcine parvovirus (PPV)	\$8.50 <u>\$9.35</u>
rotavirus ELISA	\$26.25 <u>\$28.87</u>
virus isolation (livestock only)	\$26.25 <u>\$28.87</u>
(m) Miscellaneous Tests	
Test	Fee
after hours pathologist	\$89.25 /hour
carcass disposal	\$26.25 per 100 lbs
duplicate test result reporting	\$3.00 <u>\$3.30</u>
EIA Global Vet Link submissions	\$1.00 additional
IgG RID: bovine, camelid, equine	\$15.75
minimum laboratory fee	\$8.00
ocular nitrate	\$14.75
organization fee	\$63.00 <u>\$69.30</u> /hour
referral testing	referral lab fee + shipping/handling
stat fee	\$15.75 <u>\$17.32</u>

AUTH: 81-1-102, 81-2-102, MCA
 IMP: 81-1-301, 81-1-302, 81-2-102, MCA

REASON:

The department proposes to amend the above-stated rule to ensure that fees charged by the Montana Veterinary Diagnostic Laboratory (MVDL) are

commensurate with the cost of performing the tests or services as listed, as required by 81-1-102(2), MCA. Based on the medical Consumer Price Index, the cost of services has increased by approximately 10% since the last fee adjustment in 2014. It is necessary to adjust lab fees accordingly. The 10% adjustment applies to all testing except for Brucella, Rabies, Equine Infectious Anemia (EIA), and Tritrichomonas, and tests in the Clinical Pathology and Milk Lab sections, which presently have rates competitive with other diagnostic laboratories or tests compensated by other sources. The laboratory cost analysis revealed that administrative costs were not accounted for; the \$4.00 accession fee is proposed to offset these expenses.

Increased client requests for the return of animal remains, as well as increases in carcass disposal, have resulted in increased labor costs and increased incineration expense. Therefore, the additional fee increases associated with these services are being proposed commensurate with costs.

Certain miscellaneous tests are being reorganized for better access of information so as to be more noticeable to lab users, thereby reducing misunderstandings and oversights.

The department also proposes to add new test fees and remove tests no longer performed.

The department estimates that the 10% increase in fees will generate approximately \$76,000 of revenue. The department estimates that the accession fee will generate approximately \$92,000 of revenue based on approximately 23,000 accessions in FY 2016. There are approximately 600 veterinary submitters, at least 150 nonveterinary submitters, and 100 governmental entities affected by the proposed fee adjustments.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to Department of Livestock, 301 N. Roberts St., Room 306, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., July 21, 2017.

5. If persons who are directly affected by the proposed action wish to express their data, views, and arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., July 21, 2017.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in

the Montana Administrative Register. Ten percent of those entities directly affected has been determined to be 85 based upon approximately 600 veterinary submitters, at least 150 nonveterinary submitters, and 100 governmental entities affected by the proposed fee adjustments.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. An electronic copy of this proposal notice is available through the Secretary of State's web site at <http://sos.mt.gov/ARM/Register>. The Secretary of State strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the Secretary of State works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will significantly and directly impact small businesses.

/s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Donna Wilham
Donna Wilham
Rule Reviewer

Certified to the Secretary of State June 12, 2017.