

**MINUTES**

**MONTANA HOUSE OF REPRESENTATIVES  
53rd LEGISLATURE - REGULAR SESSION**

**COMMITTEE ON HUMAN SERVICES & AGING**

**Call to Order:** By CHAIRMAN BILL BOHARSKI, on January 29, 1993,  
at 3:00 p.m.

**ROLL CALL**

**Members Present:**

Rep. Bill Boharski, Chair (R)  
Rep. Bruce Simon, Vice Chair (R)  
Rep. Stella Jean Hansen, Vice Chair (D)  
Rep. Beverly Barnhart (D)  
Rep. Ellen Bergman (R)  
Rep. John Bohlinger (R)  
Rep. Tim Dowell (D)  
Rep. Duane Grimes (R)  
Rep. Brad Molnar (R)  
Rep. Tom Nelson (R)  
Rep. Sheila Rice (D)  
Rep. Angela Russell (D)  
Rep. Tim Sayles (R)  
Rep. Liz Smith (R)  
Rep. Carolyn Squires (D)  
Rep. Bill Strizich (D)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** David Niss, Legislative Council  
Alyce Rice, Committee Secretary

**Please Note:** These are summary minutes. Testimony and  
discussion are paraphrased and condensed.

**Committee Business Summary:**

Hearing: None  
Executive Action: HB 75, SB 80, HB 309, HB 241

**EXECUTIVE ACTION ON HB 75**

**Motion:** REP. TOM NELSON MOVED HB 75 DO PASS.

**Motion:** REP. NELSON moved to adopt the amendments to HB 75.

**Discussion:** REP. CAROLYN SQUIRES asked Mark O'Keefe, State

**Auditor**, to comment on the amendments. **Mr. O'Keefe** said he was comfortable with the role the gray bill gives the commissioner of insurance. He discussed the changes in the gray bill and recommended some technical changes be made in the wording of the bill.

**REP. BRUCE SIMON** asked **Mr. O'Keefe** if he could provide the committee with some of the technical changes he would like to have made in the bill. **Mr. O'Keefe** said if he could work with **David Niss, Legal Counsel**, changes could be drafted.

**REP. BEVERLY BARNHART** asked **Mr. O'Keefe** if there would be start-up costs. **Mr. O'Keefe** said the rules process alone requires publication and notice, and public hearings to put rules into effect. The rules process costs about \$10,000.

**REP. TIM SAYLES** said he was concerned there wasn't a fiscal note attached to the bill. He asked **Mr. O'Keefe** if the commission members would be made up of local people. **Mr. O'Keefe** said a geographical balance is needed. The members would be from around the state. **Mr. O'Keefe** said there was a fiscal note attached to the bill in the amount of \$11,000, and the committee took it out.

**CHAIRMAN BOHARSKI** said if the amendments were adopted a fiscal note should be attached to the amendments.

Motion/Vote: **REP. SQUIRES MOVED HB 75 BE TABLED.** Voice vote was taken. Motion CARRIED 8 to 7.

Vote: HB 75 BE TABLED.

#### EXECUTIVE ACTION ON SB 80

Motion: **REP. SIMON MOVED SB 80 BE CONCURRED IN.**

Motion: **REP. SIMON MOVED TO AMEND SB 80. EXHIBIT 1**

Discussion: **REP. SIMON** explained the amendments.

Vote: **AMENDMENT TO SB 80 BE CONCURRED IN.** Voice vote was taken. Motion CARRIED unanimously.

Vote: **SB 80 BE CONCURRED IN AS AMENDED.** Voice vote was taken. Motion CARRIED unanimously.

Vote: **SB 80 BE CONCURRED IN AS AMENDED.**

#### EXECUTIVE ACTION ON HB 309

Motion/Vote: **REP. ANGELA RUSSELL MOVED HB 309 DO PASS.** Voice vote was taken. Motion CARRIED unanimously.

Vote: **HB 309 DO PASS.**

EXECUTIVE ACTION ON HB 241

Motion: REP. BILL STRIZICH MOVED HB 241 DO PASS.

MOTION: REP. STRIZICH moved to amend HB 241. EXHIBIT 2.

Discussion: REP. STRIZICH explained the amendments to HB 241.

REP. SAYLES asked REP. STRIZICH if the administrator of the Glasgow hospital would agree with the amendments. REP. STRIZICH deferred the question to Jim Ahrens, President, Montana Hospital Association. Mr. Ahrens said the amendments were discussed with the administrator during a conference call and he supports the amendments.

Vote: Voice vote was taken. Motion to adopt amendment to HB 241 CARRIED unanimously.

Motion: REP. STRIZICH MOVED HB 241 DO PASS AS AMENDED.

Motion: REP. BRAD MOLNAR MADE A SUBSTITUTE MOTION THAT HB 241 DO NOT PASS AS AMENDED.

Discussion: REP. MOLNAR said the amendments would cause people in low density areas to travel miles for tests in bad weather that could otherwise be done by a trained nurse when the optometrist was unavailable.

REP. SQUIRES said the grandfather clause enables the individuals who have been giving the tests to continue to do so.

REP. NELSON said he didn't know that optometrists had nurses. He said he thought REP. MOLNAR must be referring to an ophthalmologist.

REP. STRIZICH asked Dr. Abbott, Laboratory Director, Department of Health for his comments on testing. Dr. Abbott said the majority of the tests REP. MOLNAR referred to are being done very rapidly through the mail. Patients don't have to be sent anywhere.

Motion: REP. MOLNAR WITHDREW THE SUBSTITUTE MOTION HB 241 DO NOT PASS AS AMENDED.

Discussion: CHAIRMAN BOHARSKI said the amendments seem to have watered the bill down to where it doesn't address all of the concerns that were heard during the testimony. He said he would vote against HB 241.

Vote: DO PASS HB 241 AS AMENDED. REP. TIM DOWELL called the question. Voice vote was taken. Motion CARRIED 14 to 2.

HOUSE HUMAN SERVICES & AGING COMMITTEE

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ADJOURNMENT

Adjournment: 4:50 p.m.

*Wm E Boharski*

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WM. E. BOHARSKI, Chair

*Alyce Rice*

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ALYCE RICE, Secretary

WB/ar

# HOUSE OF REPRESENTATIVES

HUMAN SERVICES AND AGING

COMMITTEE

ROLL CALL

DATE

1-29-93

NAME	PRESENT	ABSENT	EXCUSED
REP. BILL BOHARSKI, CHAIRMAN	✓		
REP. BRUCE SIMON, VICE CHAIRMAN	✓		
REP. STELLA JEAN HANSEN, V. CHAIR	✓		
REP. BEVERLY BARNHART	✓		
REP. ELLEN BERGMAN	✓		
REP. JOHN BOHLINGER	✓		
REP. TIM DOWELL	✓		
REP. DUANE GRIMES	✓		
REP. BRAD MOLNAR	✓		
REP. TOM NELSON	✓		
REP. SHEILA RICE	✓		
REP. ANGELA RUSSELL	✓		
REP. TIM SAYLES	✓		
REP. LIZ SMITH	✓		
REP. CAROLYN SQUIRES	✓		
REP. BILL STRIZICH	✓		

HOUSE STANDING COMMITTEE REPORT

February 1, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Human Services and Aging report that House Bill 241 (first reading copy -- white) do pass as amended.

*Wm E Boharski*

Signed: \_\_\_\_\_

Bill Boharski, Chair

And, that such amendments read:

1. Title, line 6.

Strike: "AN IMMEDIATE"

Strike: "DATE"

Insert: "DATES"

2. Page 1, line 20.

Following: "administration."

Insert: "The board shall also adopt rules implementing the requirement that a supervisor of a clinical laboratory technician must be accessible at all times that testing is being performed in order to provide onsite, telephonic, or electronic consultation."

3. Page 4, line 3.

Following: "performs"

Insert: "low and medium complexity"

4. Page 4, line 11.

Strike: "personal and direct"

5. Page 5, line 12.

Following: "not"

Insert: "engage in the"

Following: "practice"

Insert: "of"

Committee Vote:

Yes 11, No 0.

25094182.4ss

6. Page 5, line 23.

Following: "practice"

Insert: ", as defined by statute, rules of the board or agency governing the other profession, or both the statute and rules,"

7. Page 9, line 12.

Strike: "and"

8. Page 9, line 15.

Following: "practitioners"

Insert: "; and (h) a requirement that the supervisor of a clinical laboratory technician be accessible at all times that testing is being performed by the technician in order to provide onsite, telephonic, or electronic consultation "

9. Page 10, line 22.

Strike: "practicing"

Insert: "engaged in the practice of"

10. Page 11, line 5.

Strike: "practiced"

Insert: "engaged in the practice of"

11. Page 14, line 16.

Following: "board."

Insert: "The board may in all cases conduct an investigation of the allegations in the written charges and dismiss those that it determines are frivolous or without sufficient factual foundation."

12. Page 15, line 12.

Strike: "[This act] is"

Insert: "[Sections 6, 7, 14, 15, and this section] are"

HOUSE STANDING COMMITTEE REPORT

February 1, 1993

Page 1 of 1

Mr. Speaker: We, the committee on Human Services and Aging  
report that House Bill 309 (first reading copy -- white) do  
pass.

Signed: Wm E Boharski  
Bill Boharski, Chair

Committee Vote:  
Yes 16, No     .

250940SC.Hss



7. Page 2.

Following: line 19

Insert: "Section 2. Section 37-16-405, MCA, is amended to read:

"37-16-405. Trainee license. (1) An applicant who fulfills the requirements of 37-16-402 and who has not previously applied to take the practical examination under 37-16-403 may apply to the board for a trainee license.

(2) On receiving an application under subsection (1), accompanied by a fee fixed by the board and commensurate with the cost of administering the license and related functions of the board and verification that the applicant has passed the written portion of the examination with a score of at least 70%, the board shall issue a trainee license that entitles the applicant to engage in a 12-month training period during which he the applicant shall:

(a) pass the practical examination administered by the board before he may be issued a hearing aid dispenser's license;

(b) work for the first 90 days under the direct supervision of the sponsoring licensed hearing aid dispenser until the applicant passes the practical examination, during which time he the applicant may do the testing necessary for proper selection and fitting of hearing aids and related devices and make necessary impressions. However, the delivery and final fitting of the hearing aid and related devices must be made by the trainee and his supervisor.

~~(c) work for the balance of the training period during which he may engage in all activities allowed a licensed hearing aid dispenser, under the general supervision of a licensed hearing aid dispenser.~~

(3) The training period must consist of a continuous 12-month term. Any break in training requires application for another trainee license under such rules as the board may prescribe.

(4) A trainee license may not be issued unless the board has on file an unrevoked statement from a qualified licensed hearing aid dispenser accepting responsibility for the trainee. Every licensed hearing aid dispenser supervising a trainee license holder must submit a quarterly report of the trainee's activities and training assignments, on forms furnished by the board. The supervisor is responsible for all hearing aid fittings of the trainee. A supervisor may terminate his responsibilities to the trainee by mailing by certified mail written notice to the board and the trainee.

(5) (a) If a person who holds a trainee license takes and fails to pass the practical examination given within his training period, the board may authorize the department to renew the trainee license for a period ending 30 days after the next examination. In no event may more than two renewals be permitted.

(b) The fee for renewal shall be set by the board

commensurate with the cost of administering the license and related functions of the board.

(6) A person licensed as an audiologist under the provisions of Title 37, chapter 15, is exempt from the 12-month training period but is required to pass the examinations prescribed in this chapter.

(7) A licensed hearing aid dispenser who sponsors a trainee is directly responsible and accountable under the disciplinary authority of the board for the conduct of the trainee as if the conduct were the licensee's own.

(8) For the purposes of this section:

(a) "direct supervision" means the direct and regular observation and instruction of a trainee by a licensed hearing aid dispenser who is available in the same place of business for prompt consultation and treatment; and.

~~(b) "general supervision" means oversight by a licensed hearing aid dispenser of those tasks and procedures that do not require the physical presence of the licensed dispenser on the business premises. However, the trainee remains under the licensed hearing aid dispenser's direction, control, responsibility, and evaluation."~~ ""

Renumber: subsequent sections

3.5 2/1/15 111-7114

Amendments to Senate Bill No. 80  
Third Reading Copy

Requested by Rep. Simon  
For the Committee on Human Services and Aging

Prepared by David S. Niss  
January 29, 1993

1. Title, line 6.

Following: "EXAMINATION;"

Insert: "REVISING THE FORM OF SUPERVISION UNDER WHICH THE  
APPLICANT MAY BE REEXAMINED;"

2. Title, line 8.

Following: "37-16-403"

Insert: ", 37-16-405,"

3. Page 1, lines 14 and 18.

Strike: "THIRD"

Insert: "second"

4. Page 2, lines 7 through 8.

Strike: "UNLESS" on line 7 through "BOARD" on line 8

5. Page 2, lines 11 and 12.

Strike: "UNLESS" on line 9 through "BOARD" on line 12

6. Page 2, lines 13 through 19.

Following: "fails" on line 13

Strike: the remainder of line 13 through "TIME." on line 19

Insert: "the practical reexamination is eligible for a second  
reexamination within 1 year of the first reexamination but  
only under rules of the board that require additional  
education and training."

7. Page 2.

Following: line 19

Insert: "Section 2. Section 37-16-405, MCA, is amended to read:

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the requirements of 37-16-402 and who has not previously applied  
to take the practical examination under 37-16-403 may apply to  
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(a) pass the practical examination administered by the board before he may be issued a hearing aid dispenser's license;

(b) ~~work for the first 90 days~~ under the direct supervision of the sponsoring licensed hearing aid dispenser until the applicant passes the practical examination, during which time he the applicant may do the testing necessary for proper selection and fitting of hearing aids and related devices and make necessary impressions. However, the delivery and final fitting of the hearing aid and related devices must be made by the trainee and his supervisor.

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~~hearing aid dispenser of those tasks and procedures that do not require the physical presence of the licensed dispenser on the business premises. However, the trainee remains under the licensed hearing aid dispenser's direction, control, responsibility, and evaluation."~~ ""

{ Internal References to 37-16-405:

37-16-202 (2) }

Renumber: subsequent sections

EXHIBIT 1  
DATE 1/29/93  
SB 80

Amendments to House Bill No. 241  
First Reading Copy

For the Committee on Human Services and Aging

Prepared by David S. Niss  
January 29, 1993

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