

MINUTES

**MONTANA SENATE
53rd LEGISLATURE - REGULAR SESSION**

CONFERENCE COMMITTEE ON SENATE BILL 080

Call to Order: By Senator Ed Kennedy, Chair, on March 30, 1993,
at 4:15 p.m.

ROLL CALL

Members Present:

Sen. Ed Kennedy, Chair (D)
Sen. Bob Hockett (D)
Sen. David Rye (R)
Rep. John Bohlinger (R)
Rep. Bruce Simon (R)
Rep. Tim Dowell (D)

Members Excused: None.

Members Absent: None.

Staff Present: David Niss, Legislative Council
Kathy Collins, Committee Secretary

Discussion:

Senator Kennedy gave a brief description of the intent of SB 80. Representative Simon stated section 37-16-405 of the MCA deals with the training license, and the training section of SB 80 needed to be amended to go hand-in-hand with that section. Representative Simon stated a training license could be issued to an individual who would then be under direct supervision for 90 days, at which time the individual would then go under general supervision. Representative Simon said general supervision, according to the rules, can mean practically nothing. Representative Simon stated this rule would allow an individual to be dealing with the public for up to nine months with practically no supervision at all. Representative Simon stated the individual should remain under direct supervision of the sponsor until such time as the individual passes the licensing test for the benefit of the general public.

Ben Havdahl, representative the Board of Hearing Aid Dispensers, stated the licensing test consists of a written exam and a practical portion of the exam. When an individual passes the written exam, they are then eligible to get a training license. The individual is then under direct supervision for the first 90

days, learning how to perform the practical requirements of the job. Mr. Havdahl stated under the general supervision, some individuals fail the practical exam. Upon questioning those individuals, it appears they have not had the supervision and training necessary to pass the practical portion of the exam. Mr. Havdahl stated there is a supervision requirement, but apparently that requirement is not being followed as it should be. Mr. Havdahl said while not all dispensers disregard the Board's requirements, the ones who do not follow the requirements need to do so. Mr. Havdahl stated he agreed with Representative Simon's amendments because they protect the public's interest.

Senator Kennedy stated it should be the Board's responsibility to make sure the dispensers are giving the type of supervision necessary. Mr. Havdahl stated there was a lot of truth in what Senator Kennedy stated, but it can be difficult at times for the Board to pass tough rules.

Senator Kennedy asked Mr. Havdahl if the Board was having trouble with mainly one company. Mr. Havdahl stated there is one who stands out, but there are others.

Senator Kennedy asked Mr. Havdahl if the direct supervision of an individual until such time as the practical portion of the exam is passed would create a hardship on the "good guys." Mr. Havdahl said there could be some difficulty, but there are some alternatives available to aid in the supervision of the trainees.

Senator Kennedy stated it seemed the 12-month supervision requirement would result in the increase of the cost of the hearing aids.

Senator Kennedy distributed a set of amendments (Exhibit #1), and stated if there is a problem with the supervision, the Board should deal with the ruling.

Representative Simon stated he disagreed with Senator Kennedy's amendments because they do not protect the public from untrained dispensers. Representative Simon stated he did not want SB 80 to revert back to the Senate's version.

Senator Hockett asked if the exam is based on national standards. Mr. Havdahl stated the examination questions are prepared by the state Board. Senator Hockett asked what percentage of applicants fail the exam the first time. Mr. Havdahl stated he could not answer for the percentage who fail the practical exam, but it seemed to be a fairly high percentage. Senator Hockett asked Mr. Havdahl if the supervision requirement was for the protection of the consumer. Mr. Havdahl stated the requirement was for the protection of the consumer, and the House amendments strengthen that protection.

Representative Bohlinger stated the Legislature should set policy which protects the consumer, and Representative Simon is doing

that. He said Representative Simon's amendments are saying an individual who fails an exam can try again, but that individual must be supervised to ensure competency. Representative Bohlinger urged the Committee's support of the Simon amendments.

Senator Kennedy stated his only problem was with the 12-month supervision. Representative Simon stated if an applicant fails the first practical exam, they are eligible for two reexaminations of the practical exam within one year of the original exam. This means the individual could retake the exam within six months of failing the first exam because the exam is offered every six months. Representative Simon said if an applicant fails the exam, they have demonstrated they are not competent and should be under supervision to get the necessary training in order to pass the exam. Representative Simon stated the amendment should maintain the language referring to the direct supervision of trainees who fail the practical exam.

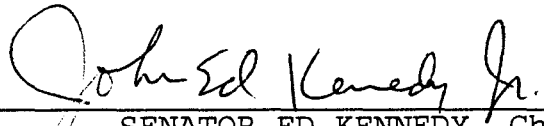
Representative Simon stated Senator Kennedy's amendments #3 and #4 would be acceptable to him. Mr. Niss stated #1, #2, and #5 go together, and #3 goes with #4.

Motion/Vote:


Representative Simon moved SB 80 be amended (reference bill as is with #3 and #4 of Senator Kennedy's amendments). The motion CARRIED with Senator Kennedy voting NO.

ADJOURNMENT

Adjournment: 5:00 p.m.



SENATOR ED KENNEDY, Chair



KATHY COLLINS, Secretary

EK/kc

Amendments to Senate Bill No. 80
Reference Copy

Requested by Sen. Kennedy
For the Conference Committee

Prepared by David S. Niss
March 30, 1993

*Conference
Committee
3/30/93
Exhibit #1
SB 80*

1. Title, lines 6 and 7.

Strike: "REVISING" on line 6 through "REEXAMINED;" on line 7

2. Title, line 9.

Strike: ", 37-16-405,"

3. Page 1, lines 15 and 19.

Strike: "SECOND"

Insert: "THIRD"

4. Page 2, lines 6 through 23.

Strike: "subsection (2) in its entirety"

Insert: "(2) An applicant who fails the first examination may be reexamined at the next examination, on the payment of another examination fee, unless the taking of the examination at that time is waived by the board. An applicant who fails the first reexamination may be reexamined a second time at the next examination, on the payment of another examination fee, unless the taking of the examination at that time is waived by the board. An applicant who fails two practical reexaminations is no longer eligible for reexamination unless the board, by rule, provides for additional education and training before the reexamination may be taken a third time."

5. Page 2, line 24 through page 5, line 19.

Strike: section 2 in its entirety

Renumber: subsequent sections