

SENATE BILL NO. 480

INTRODUCED BY HEALY, HAFPEY, STIMATZ

IN THE SENATE

February 13, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
February 21, 1981	Committee recommend bill do not pass. Report adopted. Statement of intent attached. On motion Senate reconsider its action taken on adverse committee report and order printed and placed on second reading. Motion adopted.
February 23, 1981	Bill printed and placed on members' desks.
February 24, 1981	Second reading, do pass as amended.
February 25, 1981	On motion rules suspended. Bill placed on calendar for third reading this day. Third reading, passed. Ayes, 42; Noes, 6. Transmitted to House.

IN THE HOUSE

March 3, 1981	Introduced and referred to Committee on State Administration.
March 28, 1981	Committee recommend bill be concurred in as amended. Report adopted.

March 30, 1981

On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.

March 31, 1981

Second reading, concurred in.

On motion rules suspended and bill placed on third reading this day.

Third reading, concurred in as amended. Ayes, 85; Noes, 11.

IN THE SENATE

April 1, 1981

Returned from House with amendments.

April 10, 1981

Second reading, amendments concurred in.

April 11, 1981

Third reading, amendments concurred in. Ayes, 44; Noes, 3. Sent to enrolling.

Reported correctly enrolled.

1 *Amended* BILL NO. *480*
 2 INTRODUCED BY *Nearly Haffey* *Hunsley*

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 5 BOARD OF HEARING AID DISPENSERS UNDER EXISTING STATUTORY
 6 AUTHORITY AND RULES; TO GENERALLY REVISE AND CLARIFY THE
 7 OPERATIONS OF THE BOARD; REMOVING AN AUDIOLOGIST FROM THE
 8 BOARD; ADDING A PUBLIC MEMBER TO THE BOARD; CHANGING A
 9 TEMPORARY LICENSE TO A TRAINEE LICENSE AND PROVIDING
 10 GUIDELINES FOR ITS ISSUANCE; PROVIDING THAT FEES CHARGED BY
 11 THE BOARD ARE TO BE COMMENSURATE WITH BOARD ADMINISTRATIVE
 12 COSTS; AMENDING SECTIONS 2-8-103, 2-15-1616, 37-16-102,
 13 37-16-201, 37-16-202, 37-16-301, 37-16-402, 37-16-405,
 14 37-16-407, 37-16-408, AND 37-16-412, MCA; AND PROVIDING AN
 15 IMMEDIATE EFFECTIVE DATE."

16
 17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

18 Section 1. Reestablishment. The board of hearing aid
 19 dispensers is reestablished for 6 years pursuant to 2-8-122
 20 with its existing statutory authority and rules.

21 Section 2. Section 2-8-103, MCA, is amended to read:
 22 "2-8-103. Agencies to terminate. (1) The following

- 23 agencies shall terminate on July 1, 1979:
 24 (a) board of abstracters, department of professional
 25 and occupational licensing, created by 2-15-1643;

1 (b) board of real estate, department of professional
 2 and occupational licensing, created by 2-15-1642;

3 (c) state board of warm air heating, ventilation, and
 4 air conditioning, department of professional and
 5 occupational licensing, created by 2-15-1656;

6 (d) board of institutions, department of institutions,
 7 created by 2-15-2303.

8 (2) The following agencies shall terminate on July 1,
 9 1981:

10 (a) commission for human rights, department of labor
 11 and industry, created by 2-15-1706;

12 (b) board of athletics, department of professional and
 13 occupational licensing, created by 2-15-1661;

14 (c) board of barbers, department of professional and
 15 occupational licensing, created by 2-15-1625;

16 (d) board of chiropractors, department of professional
 17 and occupational licensing, created by 2-15-1613;

18 (e) board of cosmetologists, department of
 19 professional and occupational licensing, created by
 20 2-15-1626;

21 (f) board of dentists, department of professional and
 22 occupational licensing, created by 2-15-1606;

23 ~~(g) board of hearing aid dispensers, department of~~
 24 ~~professional and occupational licensing, created by~~
 25 ~~2-15-1616;~~

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1 (h)(g) board of massage therapists, department of
2 professional and occupational licensing, created by
3 2-15-1627;

4 (i)(h) Montana state board of medical examiners,
5 department of professional and occupational licensing,
6 created by 2-15-1605;

7 (j)(i) board of morticians, department of professional
8 and occupational licensing, created by 2-15-1619;

9 (k)(j) board of nursing, department of professional
10 and occupational licensing, created by 2-15-1610;

11 (l)(k) board of nursing home administrators,
12 department of professional and occupational licensing,
13 created by 2-15-1611;

14 (m)(l) board of optometrists, department of
15 professional and occupational licensing, created by
16 2-15-1612;

17 (n)(m) board of osteopathic physicians, department of
18 professional and occupational licensing, created by
19 2-15-1607;

20 (o)(n) board of pharmacists, department of
21 professional and occupational licensing, created by
22 2-15-1609;

23 (p)(o) board of podiatry examiners, department of
24 professional and occupational licensing, created by
25 2-15-1608;

1 (q)(p) board of psychologists, department of
2 professional and occupational licensing, created by
3 2-15-1617;

4 (r)(q) board of radiologic technologists, department
5 of professional and occupational licensing, created by
6 2-15-1614;

7 (s)(r) board of speech pathologists and audiologists,
8 department of professional and occupational licensing,
9 created by 2-15-1615;

10 (t)(s) board of veterinarians, department of
11 professional and occupational licensing, created by
12 2-15-1618;

13 (u)(t) board of veterans' affairs, department of
14 social and rehabilitation services, created by 2-15-2202;

15 (v)(u) board of sanitarians, department of
16 professional and occupational licensing, created by
17 2-15-1631.

18 (3) The following units of state government shall
19 terminate on July 1, 1983:

20 (a) board of aeronautics, department of community
21 affairs, created by 2-15-1103;

22 (b) state board of hail insurance, department of
23 agriculture, created by 2-15-3003;

24 (c) board of horse racing, department of professional
25 and occupational licensing, created by 2-15-1662;

1 (d) board of livestock, department of livestock,
2 created by 2-15-3102;

3 (e) board of milk control, department of business
4 regulation, created by 2-15-1802;

5 (f) board of oil and gas conservation, department of
6 natural resources and conservation, created by 2-15-3303;

7 (g) Montana outfitters council, department of fish,
8 wildlife, and parks, created by 2-15-3403;

9 (h) public service commission, department of public
10 service regulation, created by 69-1-102;

11 (i) board of water and wastewater operators,
12 department of health and environmental sciences, created by
13 2-15-2105;

14 (j) board of water well contractors, department of
15 professional and occupational licensing, created by
16 2-15-1632.

17 (4) The following agencies terminate on July 1, 1985:

18 (a) the board of public accountants, created by
19 2-15-1641;

20 (b) the board of architects, created by 2-15-1651;

21 (c) state banking board, department of business
22 regulation, created by 2-15-1803;

23 (d) the state electrical board, created by 2-15-1654;

24 (e) the board of professional engineers and land
25 surveyors, created by 2-15-1653;

1 (f) office of commissioner of insurance and the
2 insurance department, state auditor's office, created by
3 2-15-1902 and 2-15-1903;

4 (g) office of the securities commissioner, state
5 auditor's office, created by 2-15-1901;

6 (h) the board of landscape architects, created by
7 2-15-1652;

8 (i) the board of county printing, created by
9 2-15-1102;

10 (j) the board of plumbers, created by 2-15-1655;

11 (k) board of physical therapy examiners, created by
12 2-15-1628.

13 (5) The following agency terminates on July 1, 1987:
14 board of hearing aid dispensers, department of professional
15 and occupational licensing, created by 2-15-1616."

16 Section 3. Section 2-15-1616, MCA, is amended to read:
17 "2-15-1616. Board of hearing aid dispensers. (1) There
18 is a board of hearing aid dispensers.

19 (2) ~~(a)~~ The board consists of five members appointed
20 by the governor. The members are:

21 ~~(a)~~ (1) one member appointed from a list submitted by
22 the Montana academy of oto-ophthalmology. This member shall
23 hold or be eligible for a certificate of qualification from
24 the American board of otolaryngology.

25 ~~(b) one member appointed from a list submitted by the~~

1 ~~Montana speech and hearing associations. This member shall~~
 2 ~~hold or be eligible for a certificate of clinical competence~~
 3 ~~in audiology from the American speech and hearing~~
 4 ~~associations.~~

5 (c) ~~(i)~~ three members appointed from a list submitted
 6 by the Montana hearing aid dealers' society. These members
 7 shall have been qualified dispensers and fitters of hearing
 8 aids for at least 5 years before their appointment to the
 9 board.

10 ~~(iii) one public member who is not in the hearing~~
 11 ~~health care field.~~

12 ~~(d)(b) one~~ ~~one~~ alternate member shall be appointed
 13 from each of the three ~~lists~~ categories to serve when a
 14 regular member cannot attend a scheduled meeting.

15 (3) Each member shall serve for a term of 3 years. A
 16 member may not be reappointed within 1 year after the
 17 expiration of his second consecutive full term. If a vacancy
 18 occurs on the board, the governor shall appoint a person
 19 from the same ~~list~~ category as the member whose term was not
 20 completed.

21 (4) The board is allocated to the department for
 22 administrative purposes only as prescribed in 2-15-121."

23 Section 4. Section 37-16-102, MCA, is amended to read:

24 "37-16-102. Definitions. Unless the context requires
 25 otherwise, in this chapter the following definitions apply:

1 (1) "Board" means the board of hearing aid dispensers
 2 provided for in 2-15-1616.

3 (2) "Department" means the department of professional
 4 and occupational licensing provided for in Title 2, chapter
 5 15, part 16.

6 (3) "License" means a regular or temporary trainee
 7 license.

8 (4) "Hearing aid" means an instrument or device
 9 designed for or represented as aiding or improving defective
 10 human hearing and parts, attachments, or accessories of the
 11 instrument or device.

12 (5) "Practice of dispensing and fitting hearing aids"
 13 means the evaluation or measurement of the powers or range
 14 of human hearing by means of an audiometer and a visual
 15 examination of the ear and canal or by any other means
 16 devised and the consequent selection, adaption, or sale of
 17 hearing aids intended to compensate for hearing loss,
 18 including eyeglass hearing aids and their fittings, and the
 19 making of an impression of the ear and the subsequent
 20 selection of a proper ear mold, but does not include
 21 batteries, cords, or accessories."

22 Section 5. Section 37-16-201, MCA, is amended to read:

23 "37-16-201. Meetings -- quorum -- organization. (1)
 24 The board shall meet at least once each year at a place and
 25 time determined by the chairman and at other times and

1 places specified by the chairman to carry out this chapter.
 2 Three members, ~~including either the otolaryngologist or the~~
 3 ~~audiologist~~, constitute a quorum.

4 (2) Members of the board shall annually designate one
 5 member to serve as chairman and another member to serve as
 6 secretary-treasurer."

7 Section 6. Section 37-16-202, MCA, is amended to read:
 8 "37-16-202. Powers and duties. The powers and duties
 9 of the board are to:

10 (1) license persons who apply and are qualified to
 11 practice the fitting of hearing aids;

12 (2) establish a procedure to act as a grievance board
 13 to receive, investigate, and mediate complaints from any
 14 source concerning the activities of persons licensed under
 15 this chapter or their agents, whether licensed or not;

16 (3) suspend or revoke licenses under this chapter;

17 (4) designate the time and place for examining
 18 applicants for license and supervise and administer the
 19 examination;

20 (5) adopt rules necessary to carry out this chapter;

21 (6) require the periodic inspection and calibration of
 22 audiometric testing equipment and carry out periodic
 23 inspections of facilities of persons who practice the
 24 fitting or selling of hearing aids;

25 (7) prepare examinations required by the chapter;

1 (8) initiate legal action to enjoin from operation a
 2 person or corporation engaged in the sale and fitting of
 3 hearing aids in this state who is not licensed under this
 4 chapter."

5 Section 7. Section 37-16-301, MCA, is amended to read:

6 "37-16-301. Permanent place of business in state
 7 necessary -- exception -- records -- notice. (1) A person
 8 who obtains a license to dispense hearing aids as a business
 9 must have a permanent place of business in this state that
 10 will be opened to serve the public, having the necessary
 11 testing, fitting, and hearing aid accessories needed by the
 12 hard-of-hearing public in the wearing of hearing aids.

13 (2) Subsection (1) of this section does not apply to
 14 persons who obtain a license as salespeople representing a
 15 licensed hearing aid dispenser.

16 (3) The department shall keep a record of the places
 17 of practice of persons who hold regular licenses or
 18 temporary licenses. A notice required to be given by the
 19 board or department to a person who holds a regular or
 20 temporary license may be given by mailing it to him at the
 21 address last given by him to the department.

22 (4) All licensed dispensers shall notify the board of
 23 any change of address within 30 days of the change. A
 24 trainee shall notify the board of any change of address
 25 within 10 days of the change."

1 Section 8. Section 37-16-402, MCA, is amended to read:
 2 "37-16-402. Application -- qualifications -- fee. An
 3 applicant for a license shall pay a fee of ~~\$50 fixed by the~~
 4 ~~board and commensurate with the costs of processing and~~
 5 ~~administering his application and related functions of the~~
 6 ~~board~~ and shall show to the satisfaction of the board that
 7 he:

8 (1) is a person of good moral character;

9 (2) has an education equivalent to a 4-year course in
 10 an accredited high school or has continuously engaged in the
 11 practice of fitting and dispensing hearing aids during the 3
 12 years preceding the date of application;

13 (3) is free of contagious or infectious disease."

14 Section 9. Section 37-16-405, MCA, is amended to read:
 15 "37-16-405. Temporary Trainee license. (1) An
 16 applicant who fulfills the requirements of 37-16-402 and who
 17 has not previously applied to take the examination under
 18 37-16-403 may apply to the department board for a temporary
 19 trainee license.

20 (2) On receiving an application under subsection (1)
 21 of this section, accompanied by a fee of ~~\$25 fixed by the~~
 22 ~~board and commensurate with the cost of administering the~~
 23 ~~license and related functions of the board,~~ the department
 24 board shall issue a temporary trainee license which entitles
 25 the applicant to practice ~~the fitting and dispensing of~~

1 hearing ~~aids for a period ending 30 days after the~~
 2 ~~conclusion of the next examination given after the date of~~
 3 ~~issue~~ engage in a 6-month training period during which he
 4 shall:

5 (a) work for a period of 30 days under the direct
 6 control of a hearing aid dispenser during which the trainee
 7 may not in any way fit a hearing aid or test a customer;

8 (b) after the completion of the period provided for in
 9 subsection (2)(a), work for a period of 60 days during which
 10 he may do the testing necessary for proper selection and
 11 fitting of a hearing aid and make necessary impressions, but
 12 the delivery and final fitting of the hearing aid must be
 13 made by his supervisor; and

14 (c) work for the balance of the training period during
 15 which he may engage in all activities allowed a licensed
 16 hearing aid dispenser, but while under supervision of a
 17 licensed hearing aid dispenser.

18 (3) The training period must consist of a continuous
 19 6-month term. Any break in training requires application for
 20 another trainee license under such rules as the board may
 21 prescribe.

22 (3)(4) No temporary trainee license may be issued by
 23 the department board unless the applicant shows to the
 24 satisfaction of the board that he is or will be supervised
 25 and trained by a person who holds a valid license issued

1 under this chapter.

2 ~~44~~(5) If a person who holds a temporary trainee
3 license does not take the next examination given after the
4 ~~date of issue~~ completion of his training period, the
5 temporary trainee license may not be renewed except for a
6 good cause shown to the satisfaction of the board.

7 ~~45~~(6) If a person who holds a temporary trainee
8 license takes and fails to pass the next examination given
9 after the ~~date of issue~~ completion of his training period,
10 the board may authorize the department to renew the
11 temporary trainee license for a period ending 30 days after
12 the results of the next examination given after the dates of
13 renewal are announced. In no event may more than two
14 renewals be permitted. The fee for renewal ~~is \$30~~ shall be
15 set by the board commensurate with the cost of administering
16 the license and related functions of the board."

17 Section 10. Section 37-16-407, MCA, is amended to
18 read:

19 "37-16-407. Renewal of license -- fee. A person who
20 practices the fitting of hearing aids shall annually pay to
21 the department a ~~fee not to exceed \$60~~, as set by the board
22 for a renewal of his license. ~~The fee shall be fixed by the~~
23 ~~board to be commensurate with board costs in administering~~
24 ~~license and related board functions.~~ The fee shall be
25 increased 10% for each month or major portion thereof that

1 the payment of the renewal fee is delayed after the
2 expiration date. The maximum fee for a delayed renewal
3 shall not exceed twice the normal renewal fee as set by the
4 board. A person applying for renewal whose license was
5 suspended for failure to renew is not required to submit to
6 an examination as a condition of renewal for a 3-year period
7 after suspension."

8 Section 11. Section 37-16-408, MCA, is amended to
9 read:

10 "37-16-408. Deposit of fees. Fees collected by the
11 department under this chapter shall be deposited in the
12 earmarked revenue fund for the use of the board, subject to
13 appropriations and 37-1-101(6)."

14 Section 12. Section 37-16-412, MCA, is amended to
15 read:

16 "37-16-412. Revocation, suspension, or denial --
17 notice and hearing. No license issued under this chapter may
18 be suspended, revoked, denied, or renewal denied without
19 notice and opportunity for a hearing as provided under the
20 Montana Administrative Procedure Act."

21 Section 13. Effective date. This act is effective on
22 passage and approval.

-End-

SB 480

Approved by the committee on
Public Health, Welfare and Safety

1 *Sen* BILL NO. *480*
2 INTRODUCED BY *Nearly Hoffer, Hinderly*

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
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 20 selection of a proper ear mold, but does not include
 21 batteries, cords, or accessories."

22 Section 5. Section 37-16-201, MCA, is amended to read:
 23 "37-16-201. Meetings -- quorum -- organization. (1)
 24 The board shall meet at least once each year at a place and
 25 time determined by the chairman and at other times and

1 places specified by the chairman to carry out this chapter.
 2 Three members ~~including either the otolaryngologist or the~~
 3 ~~audiologist~~ constitute a quorum.

4 (2) Members of the board shall annually designate one
 5 member to serve as chairman and another member to serve as
 6 secretary-treasurer."

7 Section 6. Section 37-16-202, MCA, is amended to read:
 8 "37-16-202. Powers and duties. The powers and duties
 9 of the board are to:

10 (1) license persons who apply and are qualified to
 11 practice the fitting of hearing aids;

12 (2) establish a procedure to act as a grievance board
 13 to receive, investigate, and mediate complaints from any
 14 source concerning the activities of persons licensed under
 15 this chapter or their agents, whether licensed or not;

16 (3) suspend or revoke licenses under this chapter;

17 (4) designate the time and place for examining
 18 applicants for license ~~and supervise and administer the~~
 19 ~~examination;~~

20 (5) adopt rules necessary to carry out this chapter;

21 (6) require the periodic inspection and calibration of
 22 audiometric testing equipment and carry out periodic
 23 inspections of facilities of persons who practice the
 24 fitting or selling of hearing aids;

25 (7) prepare examinations required by the chapter;

1 (8) initiate legal action to enjoin from operation a
 2 person or corporation engaged in the sale and fitting of
 3 hearing aids in this state who is not licensed under this
 4 chapter."

5 Section 7. Section 37-16-301, MCA, is amended to read:

6 "37-16-301. Permanent place of business in state
 7 necessary -- exception -- records -- notice. (1) A person
 8 who obtains a license to dispense hearing aids as a business
 9 must have a permanent place of business in this state that
 10 will be opened to serve the public, having the necessary
 11 testing, fitting, and hearing aid accessories needed by the
 12 hard-of-hearing public in the wearing of hearing aids.

13 (2) Subsection (1) of this section does not apply to
 14 persons who obtain a license as salespeople representing a
 15 licensed hearing aid dispenser.

16 (3) The department shall keep a record of the places
 17 of practice of persons who hold regular licenses or
 18 temporary licenses. A notice required to be given by the
 19 board or department to a person who holds a regular or
 20 temporary license may be given by mailing it to him at the
 21 address last given by him to the department.

22 ~~(4) All licensed dispensers shall notify the board of~~
 23 ~~any change of address within 30 days of the change. A~~
 24 ~~trainee shall notify the board of any change of address~~
 25 ~~within 10 days of the change."~~

1 Section 8. Section 37-16-402, MCA, is amended to read:

2 "37-16-402. Application -- qualifications -- fee. An
3 applicant for a license shall pay a fee of ~~of \$50 fixed by the~~
4 board and commensurate with the costs of processing and
5 administering his application and related functions of the
6 board and shall show to the satisfaction of the board that
7 he:

8 (1) is a person of good moral character;

9 (2) has an education equivalent to a 4-year course in
10 an accredited high school or has continuously engaged in the
11 practice of fitting and dispensing hearing aids during the 3
12 years preceding the date of application;

13 (3) is free of contagious or infectious disease."

14 Section 9. Section 37-16-405, MCA, is amended to read:

15 "37-16-405. Temporary Trainee license. (1) An
16 applicant who fulfills the requirements of 37-16-402 and who
17 has not previously applied to take the examination under
18 37-16-403 may apply to the department board for a temporary
19 trainee license.

20 (2) On receiving an application under subsection (1)
21 of this section, accompanied by a fee of ~~of \$25 fixed by the~~
22 board and commensurate with the cost of administering the
23 license and related functions of the board, the department
24 board shall issue a temporary trainee license which entitles
25 the applicant to ~~practice the fitting and dispensing of~~

1 ~~hearing aids for a period ending 30 days after the~~
2 ~~conclusion of the next examination given after the date of~~
3 ~~issue.~~ engage in a 6-month training period during which he
4 shall:

5 (a) work for a period of 30 days under the direct
6 control of a hearing aid dispenser during which the trainee
7 may not in any way fit a hearing aid or test a customer;

8 (b) after the completion of the period provided for in
9 subsection (2)(a), work for a period of 60 days during which
10 he may do the testing necessary for proper selection and
11 fitting of a hearing aid and make necessary impressions, but
12 the delivery and final fitting of the hearing aid must be
13 made by his supervisor; and

14 (c) work for the balance of the training period during
15 which he may engage in all activities allowed a licensed
16 hearing aid dispenser, but while under supervision of a
17 licensed hearing aid dispenser.

18 (3) The training period must consist of a continuous
19 6-month term. Any break in training requires application for
20 another trainee license under such rules as the board may
21 prescribe.

22 ~~(3)(4)~~ (4) No temporary trainee license may be issued by
23 the department board unless the applicant shows to the
24 satisfaction of the board that he is or will be supervised
25 and trained by a person who holds a valid license issued

1 under this chapter.

2 ~~(4)(5)~~ If a person who holds a temporary trainee
3 license does not take the next examination given after the
4 ~~date-of-issue~~ completion of his training period, the
5 temporary trainee license may not be renewed except for a
6 good cause shown to the satisfaction of the board.

7 ~~(5)(6)~~ If a person who holds a temporary trainee
8 license takes and fails to pass the next examination given
9 after the ~~date-of-issue~~ completion of his training period,
10 the board may authorize the department to renew the
11 temporary trainee license for a period ending 30 days after
12 the results of the next examination given after the dates of
13 renewal are announced. In no event may more than two
14 renewals be permitted. The fee for renewal ~~is \$30~~ shall be
15 set by the board commensurate with the cost of administering
16 the license and related functions of the board."

17 Section 10. Section 37-16-407, MCA, is amended to
18 read:

19 "37-16-407. Renewal of license -- fee. A person who
20 practices the fitting of hearing aids shall annually pay to
21 the department a fee ~~not to exceed \$80~~, as set by the board
22 for a renewal of his license. The fee shall be fixed by the
23 board to be commensurate with board costs in administering
24 licensure and related board functions. The fee shall be
25 increased 10% for each month or major portion thereof that

1 the payment of the renewal fee is delayed after the
2 expiration date. The maximum fee for a delayed renewal
3 shall not exceed twice the normal renewal fee as set by the
4 board. A person applying for renewal whose license was
5 suspended for failure to renew is not required to submit to
6 an examination as a condition of renewal for a 3-year period
7 after suspension."

8 Section 11. Section 37-16-408, MCA, is amended to
9 read:

10 "37-16-408. Deposit of fees. Fees collected by ~~the~~
11 department under this chapter shall be deposited in the
12 earmarked revenue fund for the use of the board, subject to
13 appropriations and 37-1-101(6)."

14 Section 12. Section 37-16-412, MCA, is amended to
15 read:

16 "37-16-412. Revocation, suspension, or denial --
17 notice and hearing. No license issued under this chapter may
18 be suspended, revoked, denied, or renewal denied without
19 notice and opportunity for a hearing as provided under the
20 Montana Administrative Procedure Act."

21 Section 13. Effective date. This act is effective on
22 passage and approval.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 480

3 Senate Public Health, Welfare, and Safety Committee

4

5 A statement of intent is required for this bill because

6 it grants rulemaking authority to the Board of Hearing Aid

7 Dispensers. It is the intent of Section 9 that the Board

8 adopt rules for the purpose of establishing the conditions

9 under which a break in the training of a hearing aid

10 dispenser would require application for a new training

11 license.

SENATE BILL NO. 480

INTRODUCED BY HEALY, HAFFEY, STIMATZ

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF HEARING AID DISPENSERS UNDER EXISTING STATUTORY AUTHORITY AND RULES; TO GENERALLY REVISE AND CLARIFY THE OPERATIONS OF THE BOARD; REMOVING AN AUDIOLOGIST FROM THE BOARD; ADDING A PUBLIC MEMBER TO THE BOARD; CHANGING A TEMPORARY LICENSE TO A TRAINEE LICENSE AND PROVIDING GUIDELINES FOR ITS ISSUANCE; PROVIDING THAT FEES CHARGED BY THE BOARD ARE TO BE COMMENSURATE WITH BOARD ADMINISTRATIVE COSTS; EXEMPTING AUDIOLOGISTS FROM LICENSURE; AMENDING SECTIONS 2-8-103, 2-15-1616, 37-16-102, ~~37-16-103~~, 37-16-201, 37-16-202, 37-16-301, 37-16-402, 37-16-405, 37-16-407, 37-16-408, AND 37-16-412, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Reestablishment. The board of hearing aid dispensers is reestablished for 6 years pursuant to 2-8-122 with its existing statutory authority and rules.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional

and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and air conditioning, department of professional and occupational licensing, created by 2-15-1656;

(d) board of institutions, department of institutions, created by 2-15-2303.

(2) The following agencies shall terminate on July 1, 1981:

(a) commission for human rights, department of labor and industry, created by 2-15-1706;

(b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;

(c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;

(d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613;

(e) board of cosmetologists, department of professional and occupational licensing, created by 2-15-1626;

(f) board of dentists, department of professional and occupational licensing, created by 2-15-1606;

~~(g) board of hearing aid dispensers, department of professional and occupational licensing, created by~~

1 2-15-1616;
 2 (h)(g) board of massage therapists, department of
 3 professional and occupational licensing, created by
 4 2-15-1627;
 5 (i)(h) Montana state board of medical examiners,
 6 department of professional and occupational licensing,
 7 created by 2-15-1605;
 8 (j)(i) board of morticians, department of professional
 9 and occupational licensing, created by 2-15-1619;
 10 (k)(j) board of nursing, department of professional
 11 and occupational licensing, created by 2-15-1610;
 12 (l)(k) board of nursing home administrators,
 13 department of professional and occupational licensing,
 14 created by 2-15-1611;
 15 (m)(l) board of optometrists, department of
 16 professional and occupational licensing, created by
 17 2-15-1612;
 18 (n)(m) board of osteopathic physicians, department of
 19 professional and occupational licensing, created by
 20 2-15-1607;
 21 (o)(n) board of pharmacists, department of
 22 professional and occupational licensing, created by
 23 2-15-1609;
 24 (p)(o) board of podiatry examiners, department of
 25 professional and occupational licensing, created by

1 2-15-1608;
 2 (q)(p) board of psychologists, department of
 3 professional and occupational licensing, created by
 4 2-15-1617;
 5 (r)(q) board of radiologic technologists, department
 6 of professional and occupational licensing, created by
 7 2-15-1614;
 8 (s)(r) board of speech pathologists and audiologists,
 9 department of professional and occupational licensing,
 10 created by 2-15-1615;
 11 (t)(s) board of veterinarians, department of
 12 professional and occupational licensing, created by
 13 2-15-1618;
 14 (u)(t) board of veterans' affairs, department of
 15 social and rehabilitation services, created by 2-15-2202;
 16 (v)(u) board of sanitarians, department of
 17 professional and occupational licensing, created by
 18 2-15-1631.
 19 (3) The following units of state government shall
 20 terminate on July 1, 1983:
 21 (a) board of aeronautics, department of community
 22 affairs, created by 2-15-1103;
 23 (b) state board of hail insurance, department of
 24 agriculture, created by 2-15-3003;
 25 (c) board of horse racing, department of professional

1 and occupational licensing, created by 2-15-1662;

2 (d) board of livestock, department of livestock,
3 created by 2-15-3102;

4 (e) board of milk control, department of business
5 regulation, created by 2-15-1802;

6 (f) board of oil and gas conservation, department of
7 natural resources and conservation, created by 2-15-3303;

8 (g) Montana outfitters council, department of fish,
9 wildlife, and parks, created by 2-15-3403;

10 (h) public service commission, department of public
11 service regulation, created by 69-1-102;

12 (i) board of water and wastewater operators,
13 department of health and environmental sciences, created by
14 2-15-2105;

15 (j) board of water well contractors, department of
16 professional and occupational licensing, created by
17 2-15-1632.

18 (4) The following agencies terminate on July 1, 1985:

19 (a) the board of public accountants, created by
20 2-15-1641;

21 (b) the board of architects, created by 2-15-1651;

22 (c) state banking board, department of business
23 regulation, created by 2-15-1803;

24 (d) the state electrical board, created by 2-15-1654;

25 (e) the board of professional engineers and land

1 surveyors, created by 2-15-1653;

2 (f) office of commissioner of insurance and the
3 insurance department, state auditor's office, created by
4 2-15-1902 and 2-15-1903;

5 (g) office of the securities commissioner, state
6 auditor's office, created by 2-15-1901;

7 (h) the board of landscape architects, created by
8 2-15-1652;

9 (i) the board of county printing, created by
10 2-15-1102;

11 (j) the board of plumbers, created by 2-15-1655;

12 (k) board of physical therapy examiners, created by
13 2-15-1628.

14 (5) The following agency terminates on July 1, 1987:
15 board of hearing aid dispensers, department of professional
16 and occupational licensing, created by 2-15-1616."

17 Section 3. Section 2-15-1616, MCA, is amended to read:

18 "2-15-1616. Board of hearing aid dispensers. (1) There
19 is a board of hearing aid dispensers.

20 (2) (a) The board consists of five members appointed
21 by the governor. The members are:

22 ~~(a)~~ (i) one member appointed from a list submitted by
23 the Montana academy of oto-ophthalmology. This member shall
24 hold or be eligible for a certificate of qualification from
25 the American board of otolaryngology.

~~(b) one member appointed from a list submitted by the Montana speech and hearing association. This member shall hold or be eligible for a certificate of clinical competence in audiology from the American speech and hearing association.~~

~~(c)(ii)~~ three members appointed from a list submitted by the Montana hearing aid dealers' society. These members shall have been qualified dispensers and fitters of hearing aids for at least 5 years before their appointment to the board.

(iii) one public member who is not in the hearing health care field.

~~(d)(b)~~ one One alternate member shall be appointed from each of the three ~~lists~~ categories to serve when a regular member cannot attend a scheduled meeting.

(3) Each member shall serve for a term of 3 years. A member may not be reappointed within 1 year after the expiration of his second consecutive full term. If a vacancy occurs on the board, the governor shall appoint a person from the same ~~list~~ category as the member whose term was not completed.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

Section 4. Section 37-16-102, MCA, is amended to read: "37-16-102. Definitions. Unless the context requires

otherwise, in this chapter the following definitions apply:

(1) "Board" means the board of hearing aid dispensers provided for in 2-15-1616.

(2) "Department" means the department of professional and occupational licensing provided for in Title 2, chapter 15, part 16.

(3) "License" means a regular or temporary trainee license.

(4) "Hearing aid" means an instrument or device designed for or represented as aiding or improving defective human hearing and parts, attachments, or accessories of the instrument or device.

(5) "Practice of dispensing and fitting hearing aids" means the evaluation or measurement of the powers or range of human hearing by means of an audiometer and a visual examination of the ear and canal or by any other means devised and the consequent selection, adaption, or sale of hearing aids intended to compensate for hearing loss, including eyeglass hearing aids and their fittings, and the making of an impression of the ear and the subsequent selection of a proper ear mold, but does not include batteries, cords, or accessories."

SECTION 5. SECTION 37-16-103, MCA, IS AMENDED TO READ:

"37-16-103. Exemptions. (1) This chapter does not apply to a person who is a physician licensed to practice by

1 the state board of medical examiners.

2 (2) This chapter does not apply to a person while he
3 is engaged in the practice of fitting hearing aids if his
4 practice is part of the academic curriculum of an accredited
5 institution of higher education or part of a program
6 conducted by a public agency or by a charitable or nonprofit
7 organization which is primarily supported by voluntary
8 contributions, unless they sell hearing aids.

9 (3) This chapter does not apply to a person who is
10 licensed to practice as an audiologist by the board of
11 speech pathologists and audiologists."

12 Section 6. Section 37-16-201, MCA, is amended to read:

13 "37-16-201. Meetings -- quorum -- organization. (1)
14 The board shall meet at least once each year at a place and
15 time determined by the chairman and at other times and
16 places specified by the chairman to carry out this chapter.
17 ~~Three members--including either the otolaryngologist or--the~~
18 ~~audiologist~~ constitute a quorum.

19 (2) Members of the board shall annually designate one
20 member to serve as chairman and another member to serve as
21 secretary-treasurer."

22 Section 7. Section 37-16-202, MCA, is amended to read:

23 "37-16-202. Powers and duties. The powers and duties
24 of the board are to:

25 (1) license persons who apply and are qualified to

1 practice the fitting of hearing aids;

2 (2) establish a procedure to act as a grievance board
3 to receive, investigate, and mediate complaints from any
4 source concerning the activities of persons licensed under
5 this chapter or their agents, whether licensed or not;

6 (3) suspend or revoke licenses under this chapter;

7 (4) designate the time and place for examining
8 applicants for license and supervise and administer the
9 examination;

10 (5) adopt rules necessary to carry out this chapter;

11 (6) require the periodic inspection and calibration of
12 audiometric testing equipment and carry out periodic
13 inspections of facilities of persons who practice the
14 fitting or selling of hearing aids;

15 (7) prepare examinations required by the chapter;

16 (8) initiate legal action to enjoin from operation a
17 person or corporation engaged in the sale and fitting of
18 hearing aids in this state who is not licensed under this
19 chapter."

20 Section 8. Section 37-16-301, MCA, is amended to read:

21 "37-16-301. Permanent place of business in state
22 necessary -- exception -- records -- notice. (1) A person
23 who obtains a license to dispense hearing aids as a business
24 must have a permanent place of business in this state that
25 will be opened to serve the public, having the necessary

1 testing, fitting, and hearing aid accessories needed by the
2 hard-of-hearing public in the wearing of hearing aids.

3 (2) Subsection (1) of this section does not apply to
4 persons who obtain a license as salespeople representing a
5 licensed hearing aid dispenser.

6 (3) The department shall keep a record of the places
7 of practice of persons who hold regular licenses or
8 temporary licenses. A notice required to be given by the
9 board or department to a person who holds a regular or
10 temporary license may be given by mailing it to him at the
11 address last given by him to the department.

12 (4) All licensed dispensers shall notify the board of
13 any change of address within 30 days of the change. A
14 trainee shall notify the board of any change of address
15 within 10 days of the change."

16 Section 9. Section 37-16-402, MCA, is amended to read:

17 "37-16-402. Application -- qualifications -- fee. An
18 applicant for a license shall pay a fee of -\$50 fixed by the
19 board and commensurate with the costs of processing and
20 administering his application and related functions of the
21 board and shall show to the satisfaction of the board that
22 he:

- 23 (1) is a person of good moral character;
24 (2) has an education equivalent to a 4-year course in
25 an accredited high school or has continuously engaged in the

1 practice of fitting and dispensing hearing aids during the 3
2 years preceding the date of application;

3 (3) is free of contagious or infectious disease."

4 Section 10. Section 37-16-405, MCA, is amended to
5 read:

6 "37-16-405. Temporary Trainee license. (1) An
7 applicant who fulfills the requirements of 37-16-402 and who
8 has not previously applied to take the examination under
9 37-16-403 may apply to the department board for a temporary
10 trainee license.

11 (2) On receiving an application under subsection (1)
12 of this section, accompanied by a fee of -\$25 fixed by the
13 board and commensurate with the cost of administering the
14 license and related functions of the board, the department
15 board shall issue a temporary trainee license which entitles
16 the applicant to practice--the--fitting--and--dispensing--of
17 hearing---aids---for---a---period---ending---30---days---after---the
18 conclusion-of-the-next-examination-given-after-the-date-of
19 issue, engage in a 6-month training period during which he
20 shall:

21 (a) work for a period of 30 days under the direct
22 control of a hearing aid dispenser during which the trainee
23 may not in any way fit a hearing aid or test a customer;

24 (b) after the completion of the period provided for in
25 subsection (2)(a), work for a period of 60 days during which

1 he may do the testing necessary for proper selection and
 2 fitting of a hearing aid and make necessary impressions, but
 3 the delivery and final fitting of the hearing aid must be
 4 made by his supervisor; and

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 6 which he may engage in all activities allowed a licensed
 7 hearing aid dispenser, but while under supervision of a
 8 licensed hearing aid dispenser.

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 10 6-month term. Any break in training requires application for
 11 another trainee license under such rules as the board may
 12 prescribe.

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 14 the department board unless the applicant shows to the
 15 satisfaction of the board that he is or will be supervised
 16 and trained by a person who holds a valid license issued
 17 under this chapter.

18 ~~(5)~~ (5) If a person who holds a temporary trainee
 19 license does not take the next examination given after the
 20 ~~date-of-issue~~ completion of his training period, the
 21 temporary trainee license may not be renewed except for a
 22 good cause shown to the satisfaction of the board.

23 ~~(6)~~ (6) If a person who holds a temporary trainee
 24 license takes and fails to pass the next examination given
 25 after the ~~date-of-issue~~ completion of his training period,

1 the board may authorize the department to renew the
 2 temporary trainee license for a period ending 30 days after
 3 the results of the next examination given after the dates of
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 7 the license and related functions of the board."

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10 "37-16-407. Renewal of license -- fee. A person who
 11 practices the fitting of hearing aids shall annually pay to
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1 "37-16-408. Deposit of fees. Fees collected by--the
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3 earmarked revenue fund for the use of the board, subject to
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6 read:

7 "37-16-412. Revocation, suspension, or denial --
8 notice and hearing. No license issued under this chapter may
9 be suspended, revoked, denied, or renewal denied without
10 notice and opportunity for a hearing as provided under the
11 Montana Administrative Procedure Act."

12 Section 14. Effective date. This act is effective on
13 passage and approval.

-End-

1 STATEMENT OF INTENT

2 SENATE BILL 480

3 Senate Public Health, Welfare, and Safety Committee

4
5 A statement of intent is required for this bill because
6 it grants rulemaking authority to the Board of Hearing Aid
7 Dispensers. It is the intent of Section 9 that the Board
8 adopt rules for the purpose of establishing the conditions
9 under which a break in the training of a hearing aid
10 dispenser would require application for a new training
11 license.

1 SENATE BILL NO. 480

2 INTRODUCED BY HEALY, HAFNEY, STIMATZ

3
 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE
 5 BOARD OF HEARING AID DISPENSERS UNDER EXISTING STATUTORY
 6 AUTHORITY AND RULES; TO GENERALLY REVISE AND CLARIFY THE
 7 OPERATIONS OF THE BOARD; REMOVING AN AUDIOLOGIST FROM THE
 8 BOARD; ADDING A PUBLIC MEMBER TO THE BOARD; CHANGING A
 9 TEMPORARY LICENSE TO A TRAINEE LICENSE AND PROVIDING
 10 GUIDELINES FOR ITS ISSUANCE; PROVIDING THAT FEES CHARGED BY
 11 THE BOARD ARE TO BE COMMENSURATE WITH BOARD ADMINISTRATIVE
 12 COSTS; ~~EXEMPTING--AUDIOLOGISTS--FROM--LICENSURE;~~ AMENDING
 13 SECTIONS 2-8-103, 2-15-1616, 37-16-102, ~~37-16-103,~~
 14 37-16-201, 37-16-202, 37-16-301, 37-16-402, 37-16-405,
 15 37-16-407, 37-16-408, AND 37-16-412, MCA; AND PROVIDING AN
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18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:19 Section 1. Reestablishment. The board of hearing aid
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21 with its existing statutory authority and rules.

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1 and occupational licensing, created by 2-15-1643;

2 (b) board of real estate, department of professional
3 and occupational licensing, created by 2-15-1642;4 (c) state board of warm air heating, ventilation, and
5 air conditioning, department of professional and
6 occupational licensing, created by 2-15-1656;7 (d) board of institutions, department of institutions,
8 created by 2-15-2303.9 (2) The following agencies shall terminate on July 1,
10 1981:11 (a) commission for human rights, department of labor
12 and industry, created by 2-15-1706;13 (b) board of athletics, department of professional and
14 occupational licensing, created by 2-15-1661;15 (c) board of barbers, department of professional and
16 occupational licensing, created by 2-15-1625;17 (d) board of chiropractors, department of professional
18 and occupational licensing, created by 2-15-1613;19 (e) board of cosmetologists, department of
20 professional and occupational licensing, created by
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 3 professional and occupational licensing, created by
 4 2-15-1627;
 5 ~~(i)(h)~~ Montana state board of medical examiners,
 6 department of professional and occupational licensing,
 7 created by 2-15-1605;
 8 ~~(j)(i)~~ board of morticians, department of professional
 9 and occupational licensing, created by 2-15-1619;
 10 ~~(k)(j)~~ board of nursing, department of professional
 11 and occupational licensing, created by 2-15-1610;
 12 ~~(l)(k)~~ board of nursing home administrators,
 13 department of professional and occupational licensing,
 14 created by 2-15-1611;
 15 ~~(m)(l)~~ board of optometrists, department of
 16 professional and occupational licensing, created by
 17 2-15-1612;
 18 ~~(n)(m)~~ board of osteopathic physicians, department of
 19 professional and occupational licensing, created by
 20 2-15-1607;
 21 ~~(o)(n)~~ board of pharmacists, department of
 22 professional and occupational licensing, created by
 23 2-15-1609;
 24 ~~(p)(o)~~ board of podiatry examiners, department of
 25 professional and occupational licensing, created by

1 2-15-1608;
 2 ~~(q)(p)~~ board of psychologists, department of
 3 professional and occupational licensing, created by
 4 2-15-1617;
 5 ~~(r)(q)~~ board of radiologic technologists, department
 6 of professional and occupational licensing, created by
 7 2-15-1614;
 8 ~~(s)(r)~~ board of speech pathologists and audiologists,
 9 department of professional and occupational licensing,
 10 created by 2-15-1615;
 11 ~~(t)(s)~~ board of veterinarians, department of
 12 professional and occupational licensing, created by
 13 2-15-1618;
 14 ~~(u)(t)~~ board of veterans' affairs, department of
 15 social and rehabilitation services, created by 2-15-2202;
 16 ~~(v)(u)~~ board of sanitarians, department of
 17 professional and occupational licensing, created by
 18 2-15-1631.
 19 (3) The following units of state government shall
 20 terminate on July 1, 1983:
 21 (a) board of aeronautics, department of community
 22 affairs, created by 2-15-1103;
 23 (b) state board of hail insurance, department of
 24 agriculture, created by 2-15-3003;
 25 (c) board of horse racing, department of professional

1 and occupational licensing, created by 2-15-1662;
 2 (d) board of livestock, department of livestock,
 3 created by 2-15-3102;
 4 (e) board of milk control, department of business
 5 regulation, created by 2-15-1802;
 6 (f) board of oil and gas conservation, department of
 7 natural resources and conservation, created by 2-15-3303;
 8 (g) Montana outfitters council, department of fish,
 9 wildlife, and parks, created by 2-15-3403;
 10 (h) public service commission, department of public
 11 service regulation, created by 69-1-102;
 12 (i) board of water and wastewater operators,
 13 department of health and environmental sciences, created by
 14 2-15-2105;
 15 (j) board of water well contractors, department of
 16 professional and occupational licensing, created by
 17 2-15-1632.
 18 (4) The following agencies terminate on July 1, 1985:
 19 (a) the board of public accountants, created by
 20 2-15-1641;
 21 (b) the board of architects, created by 2-15-1651;
 22 (c) state banking board, department of business
 23 regulation, created by 2-15-1803;
 24 (d) the state electrical board, created by 2-15-1654;
 25 (e) the board of professional engineers and land

1 surveyors, created by 2-15-1653;
 2 (f) office of commissioner of insurance and the
 3 insurance department, state auditor's office, created by
 4 2-15-1902 and 2-15-1903;
 5 (g) office of the securities commissioner, state
 6 auditor's office, created by 2-15-1901;
 7 (h) the board of landscape architects, created by
 8 2-15-1652;
 9 (i) the board of county printing, created by
 10 2-15-1102;
 11 (j) the board of plumbers, created by 2-15-1655;
 12 (k) board of physical therapy examiners, created by
 13 2-15-1628.
 14 (5) The following agency terminates on July 1, 1987:
 15 board of hearing aid dispensers, department of professional
 16 and occupational licensing, created by 2-15-1616."
 17 Section 3. Section 2-15-1616, MCA, is amended to read:
 18 "2-15-1616. Board of hearing aid dispensers. (1) There
 19 is a board of hearing aid dispensers.
 20 (2) (a) The board consists of five members appointed
 21 by the governor. The members are:
 22 (a) (i) one member appointed from a list submitted by
 23 the Montana academy of oto-ophthalmology. This member shall
 24 hold or be eligible for a certificate of qualification from
 25 the American board of otolaryngology.

1 ~~(b) one member appointed from a list submitted by the~~
 2 ~~Montana speech and hearing association. This member shall~~
 3 ~~hold or be eligible for a certificate of clinical competence~~
 4 ~~in audiology from the American speech and hearing~~
 5 ~~association.~~

6 ~~(c)(ii)~~ three members appointed from a list submitted
 7 by the Montana hearing aid dealers' society. These members
 8 shall have been qualified dispensers and fitters of hearing
 9 aids for at least 5 years before their appointment to the
 10 board.

11 ~~(iii) one public member who is not in the hearing~~
 12 ~~health care field.~~

13 ~~(d)(b) one~~ one alternate member shall be appointed
 14 from each of the three ~~lists~~ categories to serve when a
 15 regular member cannot attend a scheduled meeting.

16 (3) Each member shall serve for a term of 3 years. A
 17 member may not be reappointed within 1 year after the
 18 expiration of his second consecutive full term. If a vacancy
 19 occurs on the board, the governor shall appoint a person
 20 from the same ~~list~~ category as the member whose term was not
 21 completed.

22 (4) The board is allocated to the department for
 23 administrative purposes only as prescribed in 2-15-121."

24 Section 4. Section 37-16-102, MCA, is amended to read:
 25 "37-16-102. Definitions. Unless the context requires

1 otherwise, in this chapter the following definitions apply:

2 (1) "Board" means the board of hearing aid dispensers
 3 provided for in 2-15-1616.

4 (2) "Department" means the department of professional
 5 and occupational licensing provided for in Title 2, chapter
 6 15, part 16.

7 (3) "License" means a regular or ~~temporary~~ trainee
 8 license.

9 (4) "Hearing aid" means an instrument or device
 10 designed for or represented as aiding or improving defective
 11 human hearing and parts, attachments, or accessories of the
 12 instrument or device.

13 (5) "Practice of dispensing and fitting hearing aids"
 14 means the evaluation or measurement of the powers or range
 15 of human hearing by means of an audiometer and a visual
 16 examination of the ear and canal or by any other means
 17 devised and the consequent selection, adaption, or sale of
 18 hearing aids intended to compensate for hearing loss,
 19 including eyeglass hearing aids and their fittings, and the
 20 making of an impression of the ear and the subsequent
 21 selection of a proper ear mold, but does not include
 22 batteries, cords, or accessories."

23 ~~SECTION 5. SECTION 37-16-103, MCA, IS AMENDED TO READ:~~
 24 ~~"37-16-103. Exemptions. (1) This chapter does not~~
 25 ~~apply to a person who is a physician licensed to practice by~~

1 ~~the state board of medical examiners.~~

2 ~~(2) This chapter does not apply to a person while he~~
3 ~~is engaged in the practice of fitting hearing aids if his~~
4 ~~practice is part of the academic curriculum of an accredited~~
5 ~~institution of higher education or part of a program~~
6 ~~conducted by a public agency or by a charitable or nonprofit~~
7 ~~organization which is primarily supported by voluntary~~
8 ~~contributions, unless they sell hearing aids.~~

9 ~~(3) This chapter does not apply to a person who is~~
10 ~~licensed to practice as an audiologist by the board of~~
11 ~~speech pathologists and audiologists."~~

12 Section 5. Section 37-16-201, MCA, is amended to read:

13 "37-16-201. Meetings -- quorum -- organization. (1)
14 The board shall meet at least once each year at a place and
15 time determined by the chairman and at other times and
16 places specified by the chairman to carry out this chapter.
17 Three members, including either the otolaryngologist or the
18 audiologist, constitute a quorum.

19 (2) Members of the board shall annually designate one
20 member to serve as chairman and another member to serve as
21 secretary-treasurer."

22 Section 6. Section 37-16-202, MCA, is amended to read:

23 "37-16-202. Powers and duties. The powers and duties
24 of the board are to:

25 (1) license persons who apply and are qualified to

1 practice the fitting of hearing aids;

2 (2) establish a procedure to act as a grievance board
3 to receive, investigate, and mediate complaints from any
4 source concerning the activities of persons licensed under
5 this chapter or their agents, whether licensed or not;

6 (3) suspend or revoke licenses under this chapter;

7 (4) designate the time and place for examining
8 applicants for license and supervise and administer the
9 examination;

10 (5) adopt rules necessary to carry out this chapter;

11 (6) require the periodic inspection and calibration of
12 audiometric testing equipment and carry out periodic
13 inspections of facilities of persons who practice the
14 fitting or selling of hearing aids;

15 (7) prepare examinations required by the chapter;

16 (8) initiate legal action to enjoin from operation a
17 person or corporation engaged in the sale and fitting of
18 hearing aids in this state who is not licensed under this
19 chapter."

20 Section 7. Section 37-16-301, MCA, is amended to read:

21 "37-16-301. Permanent place of business in state
22 necessary -- exception -- records -- notice. (1) A person
23 who obtains a license to dispense hearing aids as a business
24 must have a permanent place of business in this state that
25 will be opened to serve the public, having the necessary

1 testing, fitting, and hearing aid accessories needed by the
2 hard-of-hearing public in the wearing of hearing aids.

3 (2) Subsection (1) of this section does not apply to
4 persons who obtain a license as salespeople representing a
5 licensed hearing aid dispenser.

6 (3) The department shall keep a record of the places
7 of practice of persons who hold regular licenses or
8 temporary IRAINEE licenses. A notice required to be given by
9 the board or department to a person who holds a regular or
10 temporary IRAINEE license may be given by mailing it to him
11 at the address last given by him to the department.

12 (4) All licensed dispensers shall notify the board of
13 any change of address within 30 days of the change. A
14 trainee shall notify the board of any change of address
15 within 10 days of the change."

16 Section 8. Section 37-16-402, MCA, is amended to read:

17 "37-16-402. Application -- qualifications -- fee. An
18 applicant for a license shall pay a fee of 450 fixed by the
19 board and commensurate with the costs of processing and
20 administering his application and related functions of the
21 board and shall show to the satisfaction of the board that
22 he:

23 (1) is a person of good moral character;

24 (2) has an education equivalent to a 4-year course in
25 an accredited high school, or has continuously engaged in

1 the practice of fitting and dispensing hearing aids during
2 the 3 years preceding the date of application, OR THAT HE
3 HOLDS A CURRENT LICENSE AS AN AUDIOLOGIST UNDER TITLE 37,
4 CHAPTER 15;

5 (3) is free of contagious or infectious disease."

6 Section 9. Section 37-16-405, MCA, is amended to read:

7 "37-16-405. Temporary Trainee license. (1) An
8 applicant who fulfills the requirements of 37-16-402 and who
9 has not previously applied to take the examination under
10 37-16-403 may apply to the department board for a temporary
11 trainee license.

12 (2) On receiving an application under subsection (1)
13 of this section, accompanied by a fee of \$25 fixed by the
14 board and commensurate with the cost of administering the
15 license and related functions of the board, the department
16 board shall issue a temporary trainee license which entitles
17 the applicant to practice--the--fitting--and--dispensing--of
18 hearing--aids--for--a--period--ending--30--days--after--the
19 conclusion--of--the--next--examination--given--after--the--date--of
20 issue; engage in a 6-month training period during which he
21 shall:

22 (a) work for a period of 30 days under the direct
23 control of a hearing aid dispenser during which the trainee
24 may not in any way fit a hearing aid or test a customer;

25 (b) after the completion of the period provided for in

1 subsection (2)(a), work for a period of 60 days during which
 2 he may do the testing necessary for proper selection and
 3 fitting of a hearing aid and make necessary impressions, but
 4 the delivery and final fitting of the hearing aid must be
 5 made by his supervisor; and

6 (c) work for the balance of the training period during
 7 which he may engage in all activities allowed a licensed
 8 hearing aid dispenser, but while under supervision of a
 9 licensed hearing aid dispenser.

10 (3) The training period must consist of a continuous
 11 6-month term. Any break in training requires application for
 12 another trainee license under such rules as the board may
 13 prescribe.

14 ~~†3†~~4) No temporary trainee license may be issued by
 15 the department board unless the applicant shows to the
 16 satisfaction of the board that he is or will be supervised
 17 and trained by a person who holds a valid license issued
 18 under this chapter.

19 ~~†4†~~5) If a person who holds a temporary trainee
 20 license does not take the next examination given after the
 21 ~~date--of--issue~~ completion of his training period, the
 22 temporary trainee license may not be renewed except for a
 23 good cause shown to the satisfaction of the board.

24 ~~†5†~~6) If a person who holds a temporary trainee
 25 license takes and fails to pass the next examination given

1 after the ~~date-of-issue~~ completion of his training period,
 2 the board may authorize the department to renew the
 3 temporary trainee license for a period ending 30 days after
 4 the results of the next examination given after the dates of
 5 renewal are announced. In no event may more than two
 6 renewals be permitted. The fee for renewal ~~is-\$30~~ shall be
 7 set by the board commensurate with the cost of administering
 8 the license and related functions of the board.

9 (7) A PERSON LICENSED AS AN AUDIOLOGIST UNDER THE
 10 PROVISIONS OF TITLE 37, CHAPTER 15, IS EXEMPT FROM THE
 11 TRAINEE LICENSE AND EXAMINATION REQUIREMENTS OF THIS
 12 CHAPTER."

13 Section 10. Section 37-16-407, MCA, is amended to
 14 read:

15 "37-16-407. Renewal of license -- fee. A person who
 16 practices the fitting of hearing aids shall annually pay to
 17 the department a ~~fee--not-to-exceed-\$80,~~ as set by the board
 18 for a renewal of his license. The fee shall be fixed by the
 19 board to be commensurate with board costs in administering
 20 licensure and related board functions. The fee shall be
 21 increased 10% for each month or major portion thereof that
 22 the payment of the renewal fee is delayed after the
 23 expiration date. The maximum fee for a delayed renewal
 24 shall not exceed twice the normal renewal fee as set by the
 25 board. A person applying for renewal whose license was

1 suspended for failure to renew is not required to submit to
2 an examination as a condition of renewal for a 3-year period
3 after suspension."

4 Section 11. Section 37-16-408, MCA, is amended to
5 read:

6 "37-16-408. Deposit of fees. Fees collected by--the
7 department under this chapter shall be deposited in the
8 earmarked revenue fund for the use of the board, subject to
9 appropriations and 37-1-101(6)."

10 Section 12. Section 37-16-412, MCA, is amended to
11 read:

12 "37-16-412. Revocation, suspension, or denial --
13 notice and hearing. No license issued under this chapter may
14 be suspended, revoked, denied, or renewal denied without
15 notice and opportunity for a hearing as provided under the
16 Montana Administrative Procedure Act."

17 Section 13. Effective date. This act is effective on
18 passage and approval.

-End-

HUMAN SERVICES COMMITTEE OF THE HOUSE
AMENDMENTS TO SB 480
March 27, 1981

1. Title, line 12.
Following: "COSTS;"
Strike: "EXEMPTING AUDIOLOGISTS FROM LICENSURE;"
2. Title, line 13.
Following: "37-16-102"
Strike: "37-16-103"
3. Page 8, line 23 through line 11 of page 9.
Following: line 22
Strike: Section 5 in its entirety
Renumber: subsequent sections
4. Page 11, line 8.
Following: line 7
Strike: "temporary"
Insert: "trainee"
5. Page 11, line 10.
Following: line 9
Strike: "temporary"
Insert: "trainee"
6. Page 11, line 25.
Following: "school"
Strike: "or"
Insert: ", "
7. Page 12, line 2.
Following: "application"
Insert: ", or that he holds a current license as an audiologist under Title 37, chapter 15"
8. Page 14, line 7.
Following: "board."
Insert: "(7) A person licensed as an audiologist under the provisions of Title 37, chapter 15, is exempt from the trainee license and examination requirements of this chapter."