

SENATE BILL 80

Introduced by Kennedy

12/31 Introduced
1/02 Referred to Public Health, Welfare &
Safety
1/04 First Reading
1/13 Hearing
1/18 Committee Report--Bill Passed as Amended
1/19 2nd Reading Passed
1/20 3rd Reading Passed

Transmitted to House
1/21 First Reading
1/21 Referred to Humans Services & Aging
1/27 Hearing
2/01 Committee Report--Bill Concurred as Amended
2/06 2nd Reading Concurred
2/09 3rd Reading Concurred

Returned to Senate with Amendments
2/12 2nd Reading Amendments Not Concurred
3/05 Conference Committee Appointed
4/07 Conference Committee Dissolved

House
3/12 Conference Committee Appointed
4/16 Conference Committee Dissolved

Senate
4/15 Free Conference Committee Appointed

House
4/16 Free Conference Committee Appointed
4/21 Free Conference Committee Report No. 1
4/22 2nd Reading Free Conference Committee
Report No. 1 Adopted
4/22 3rd Reading Free Conference Committee
Report No. 1 Adopted
Died in Process

SENATE BILL NO. 80

INTRODUCED BY KENNEDY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NUMBER OF TIMES AN APPLICANT FOR A LICENSE TO DISPENSE HEARING AIDS IS ALLOWED TO TAKE THE PRACTICAL EXAMINATION; REVISING THE CONTINUING EDUCATION REQUIREMENTS FOR HEARING AID DISPENSERS; AMENDING SECTIONS 37-16-403 AND 37-16-407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-16-403, MCA, is amended to read:

"37-16-403. Examination -- time and place -- number of failures allowed. (1) An applicant for a license who is notified by the department that he--has--fulfilled the requirements of 37-16-402 have been fulfilled shall appear at a time and place designated by the board to be examined by written and practical tests in order to demonstrate that he the applicant is qualified to practice the fitting of hearing aids and related devices.

(2) An applicant who fails the first examination may be reexamined at a subsequent examination on the payment of another examination fee. An applicant who fails the first reexamination may be reexamined a second time on payment of another examination fee. An applicant who fails two

successive practical examinations reexaminations is eligible for reexamination after a period of 2 years and or the completion of additional training or education recognized by the board, or both."

Section 2. Section 37-16-407, MCA, is amended to read:

"37-16-407. Renewal of license -- fee -- inactive status. (1) A person who practices the fitting of hearing aids and related devices shall annually pay to the department a fee as set by the board for a license renewal of-his-license. The fee must be fixed by the board to be commensurate with board costs in administering licensure and related board functions. The fee must be increased 10% for each month or major portion thereof of a month that the payment of the renewal fee is delayed after the expiration date. The maximum fee for a delayed renewal may not exceed twice the normal renewal fee as set by the board. A person applying for renewal whose license was suspended for failure to renew is required to submit to the examinations described in 37-16-403 as a condition of renewal for a 3-year period after suspension.

(2) Each applicant for license renewal shall submit evidence showing completion of--4--hours of continuing education completed during the preceding 12 months. The requirements of the continuing education programs are to be determined by the board by rule.

1 (3) (a) The board may set standards and fees for
2 issuing licenses that designate inactive status.

3 (b) An inactive licensee may be reinstated to active
4 practice if he the licensee:

5 (i) applies for reinstatement;

6 (ii) pays a fee set by the board; and

7 (iii) produces proof satisfactory to the board of
8 completion of the continuing education requirements
9 established by the board."

10 NEW SECTION. **Section 3.** Effective date. [This act] is
11 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON PUBLIC HEALTH, WELFARE
& SAFETY

SENATE BILL NO. 80

INTRODUCED BY KENNEDY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NUMBER OF TIMES AN APPLICANT FOR A LICENSE TO DISPENSE HEARING AIDS IS ALLOWED TO TAKE THE PRACTICAL EXAMINATION; REVISING THE CONTINUING EDUCATION REQUIREMENTS FOR HEARING AID DISPENSERS; AMENDING SECTIONS 37-16-403 AND 37-16-407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

THIS BILL REQUIRES A STATEMENT OF INTENT BECAUSE IT REQUIRES RULEMAKING BY THE BOARD OF HEARING AID DISPENSERS TO ALLOW A LICENSE APPLICANT TO BE REEXAMINED A THIRD TIME. IT IS THE INTENT OF THE LEGISLATURE THAT THE BOARD ADOPT RULES TO IMPLEMENT 37-16-403(2) THAT CLEARLY ESTABLISH ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS THAT MUST BE MET BEFORE A THIRD REEXAMINATION MAY BE TAKEN.

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

Section 1. Section 37-16-403, MCA, is amended to read:

"37-16-403. Examination -- time and place -- number of failures allowed. (1) An applicant for a license who is notified by the department that ~~he--has--fulfilled~~ the requirements of 37-16-402 have been fulfilled shall appear

at a time and place designated by the board to be examined by written and practical tests in order to demonstrate that ~~he the applicant~~ is qualified to practice the fitting of hearing aids and related devices.

(2) An applicant who fails the first examination may be reexamined at a--subsequent 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 payment of another examination fee, UNLESS THE TAKING OF THE EXAMINATION AT THAT TIME IS WAIVED BY THE BOARD. An applicant who fails two successive practical examinations reexaminations is NO LONGER eligible for reexamination after a-period-of-2-years and or the--completion--of--additional training--or--education--recognized--by--the--board,--or--both UNLESS THE BOARD, BY RULE, PROVIDES FOR ADDITIONAL EDUCATION AND TRAINING BEFORE THE REEXAMINATION MAY BE TAKEN A THIRD TIME.

Section 2. Section 37-16-407, MCA, is amended to read:

"37-16-407. Renewal of license -- fee -- inactive status. (1) A person who practices the fitting of hearing aids and related devices shall annually pay to the department a fee as set by the board for a license renewal of-his-license. The fee must be fixed by the board to be

1 commensurate with board costs in administering licensure and
2 related board functions. The fee must be increased 10% for
3 each month or major portion thereof of a month that the
4 payment of the renewal fee is delayed after the expiration
5 date. The maximum fee for a delayed renewal may not exceed
6 twice the normal renewal fee as set by the board. A person
7 applying for renewal whose license was suspended for failure
8 to renew is required to submit to the examinations described
9 in 37-16-403 as a condition of renewal for a 3-year period
10 after suspension.

11 (2) Each applicant for license renewal shall submit
12 evidence showing completion ~~of--4--hours~~ of continuing
13 education ~~completed~~ during the preceding 12 months. The
14 requirements of the continuing education programs are to be
15 determined by the board by rule.

16 (3) (a) The board may set standards and fees for
17 issuing licenses that designate inactive status.

18 (b) An inactive licensee may be reinstated to active
19 practice if ~~he~~ the licensee:

20 (i) applies for reinstatement;

21 (ii) pays a fee set by the board; and

22 (iii) produces proof satisfactory to the board of
23 completion of the continuing education requirements
24 established by the board."

25 NEW SECTION. **Section 3.** Effective date. [This act] is

1 effective on passage and approval.

-End-

SENATE BILL NO. 80

INTRODUCED BY KENNEDY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NUMBER OF TIMES AN APPLICANT FOR A LICENSE TO DISPENSE HEARING AIDS IS ALLOWED TO TAKE THE PRACTICAL EXAMINATION; REVISING THE CONTINUING EDUCATION REQUIREMENTS FOR HEARING AID DISPENSERS; AMENDING SECTIONS 37-16-403 AND 37-16-407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 37-16-403, MCA, is amended to read:

"37-16-403. Examination -- time and place -- number of failures allowed. (1) An applicant for a license who is notified by the department that he--has--fulfilled the requirements of 37-16-402 have been fulfilled shall appear

at a time and place designated by the board to be examined by written and practical tests in order to demonstrate that he the applicant is qualified to practice the fitting of hearing aids and related devices.

(2) An applicant who fails the first examination may be reexamined at a--subsequent 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 payment of another examination fee, UNLESS THE TAKING OF THE EXAMINATION AT THAT TIME IS WAIVED BY THE BOARD. An applicant who fails two successive practical examinations reexaminations is NO LONGER eligible for reexamination after a-period-of-2-years and or the--completion--of--additional training--or--education--recognized--by--the--board,--or--both UNLESS THE BOARD, BY RULE, PROVIDES FOR ADDITIONAL EDUCATION AND TRAINING BEFORE THE REEXAMINATION MAY BE TAKEN A THIRD TIME."

Section 2. Section 37-16-407, MCA, is amended to read:

"37-16-407. Renewal of license -- fee -- inactive status. (1) A person who practices the fitting of hearing aids and related devices shall annually pay to the department a fee as set by the board for a license renewal of-his-license. The fee must be fixed by the board to be

1 commensurate with board costs in administering licensure and
2 related board functions. The fee must be increased 10% for
3 each month or major portion thereof of a month that the
4 payment of the renewal fee is delayed after the expiration
5 date. The maximum fee for a delayed renewal may not exceed
6 twice the normal renewal fee as set by the board. A person
7 applying for renewal whose license was suspended for failure
8 to renew is required to submit to the examinations described
9 in 37-16-403 as a condition of renewal for a 3-year period
10 after suspension.

11 (2) Each applicant for license renewal shall submit
12 evidence showing completion of--4--hours of continuing
13 education completed during the preceding 12 months. The
14 requirements of the continuing education programs are to be
15 determined by the board by rule.

16 (3) (a) The board may set standards and fees for
17 issuing licenses that designate inactive status.

18 (b) An inactive licensee may be reinstated to active
19 practice if he the licensee:

20 (i) applies for reinstatement;

21 (ii) pays a fee set by the board; and

22 (iii) produces proof satisfactory to the board of
23 completion of the continuing education requirements
24 established by the board."

25 NEW SECTION. Section 3. Effective date. [This act] is

1 effective on passage and approval.

-End-

HOUSE STANDING COMMITTEE REPORT

February 1, 1993

Page 1 of 3

Mr. Speaker: We, the committee on Human Services and Aging report that Senate Bill 80 (third reading copy -- blue) be concurred in as amended.

Signed: _____

Wm E Boharski

Bill Boharski, Chair

And, that such amendments read:

Carried by: Rep. Dowell

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: "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

Committee Vote:

Yes 16, No 0.

February 1, 1993
Page 2 of 3

HOUSE
SB 80

February 1, 1993
Page 3 of 3

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

SENATE BILL NO. 80
INTRODUCED BY KENNEDY

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE NUMBER OF TIMES AN APPLICANT FOR A LICENSE TO DISPENSE HEARING AIDS IS ALLOWED TO TAKE THE PRACTICAL EXAMINATION; REVISING THE FORM OF SUPERVISION UNDER WHICH THE APPLICANT MAY BE REEXAMINED; REVISING THE CONTINUING EDUCATION REQUIREMENTS FOR HEARING AID DISPENSERS; AMENDING SECTIONS 37-16-403, 37-16-405, AND 37-16-407, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

STATEMENT OF INTENT

THIS BILL REQUIRES A STATEMENT OF INTENT BECAUSE IT REQUIRES RULEMAKING BY THE BOARD OF HEARING AID DISPENSERS TO ALLOW A LICENSE APPLICANT TO BE REEXAMINED A THIRD SECOND TIME. IT IS THE INTENT OF THE LEGISLATURE THAT THE BOARD ADOPT RULES TO IMPLEMENT 37-16-403(2) THAT CLEARLY ESTABLISH ADDITIONAL EDUCATION AND TRAINING REQUIREMENTS THAT MUST BE MET BEFORE A THIRD SECOND REEXAMINATION MAY BE TAKEN.

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

Section 1. Section 37-16-403, MCA, is amended to read:

"37-16-403. Examination -- time and place -- number of failures allowed. (1) An applicant for a license who is notified by the department that he--has--fulfilled the

requirements of 37-16-402 have been fulfilled shall appear at a time and place designated by the board to be examined by written and practical tests in order to demonstrate that he the applicant is qualified to practice the fitting of hearing aids and related devices.

(2) An applicant who fails the first examination may be reexamined at a subsequent 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 payment of another examination fee, UNLESS THE TAKING OF THE EXAMINATION--AT--THAT--TIME--IS--WAIVED--BY--THE--BOARD. An applicant who fails two--successive--practical--examinations reexaminations is NO LONGER eligible for reexamination after a--period--of--2--years and or the completion of additional training or education--recognized--by--the--board,--or--both UNLESS THE BOARD, BY RULE, PROVIDES FOR ADDITIONAL EDUCATION AND TRAINING--BEFORE THE REEXAMINATION MAY BE TAKEN A THIRD TIME. 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."

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.

1 (6) A person licensed as an audiologist under the
2 provisions of Title 37, chapter 15, is exempt from the
3 12-month training period but is required to pass the
4 examinations prescribed in this chapter.

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

9 (8) For the purposes of this section:

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

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

20 **Section 3.** Section 37-16-407, MCA, is amended to read:

21 "37-16-407. Renewal of license -- fee -- inactive
22 status. (1) A person who practices the fitting of hearing
23 aids and related devices shall annually pay to the
24 department a fee as set by the board for a license renewal
25 of his license. The fee must be fixed by the board to be

1 commensurate with board costs in administering licensure and
2 related board functions. The fee must be increased 10% for
3 each month or major portion thereof of a month that the
4 payment of the renewal fee is delayed after the expiration
5 date. The maximum fee for a delayed renewal may not exceed
6 twice the normal renewal fee as set by the board. A person
7 applying for renewal whose license was suspended for failure
8 to renew is required to submit to the examinations described
9 in 37-16-403 as a condition of renewal for a 3-year period
10 after suspension.

11 (2) Each applicant for license renewal shall submit
12 evidence showing completion of ~~4~~ hours of continuing
13 education ~~completed~~ during the preceding 12 months. The
14 requirements of the continuing education programs are to be
15 determined by the board by rule.

16 (3) (a) The board may set standards and fees for
17 issuing licenses that designate inactive status.

18 (b) An inactive licensee may be reinstated to active
19 practice if he the licensee:

20 (i) applies for reinstatement;

21 (ii) pays a fee set by the board; and

22 (iii) produces proof satisfactory to the board of
23 completion of the continuing education requirements
24 established by the board."

25 **NEW SECTION. Section 4.** Effective date. [This act] is

SB 0080/03

1 effective on passage and approval.

-End-