

BEFORE THE BOARD OF HEARING AID DISPENSERS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ) NOTICE OF PUBLIC HEARING ON  
ARM 24.150.401 fees, 24.150.501 ) PROPOSED AMENDMENT AND  
examination, and the repeal of ARM ) REPEAL  
24.150.2101 renewals )

TO: All Concerned Persons

1. On May 21, 2015, at 9:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Hearing Aid Dispensers (board) no later than 5:00 p.m., on May 15, 2015, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsddhad@mt.gov (board's e-mail).

3. The rules proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

<u>24.150.401 FEES</u> (1) The fees shall be as follows:	
(a) <del>Application fee (includes initial written and practical examination)</del>	\$500
(b) <u>(a) Application fee for hearing aid trainee (includes initial written jurisprudence and practical examination)</u>	<u>\$600</u>
(c) <u>(b) Application fee for licensees from other states (includes initial jurisprudence examination)</u>	500
(d) <del>Reexamination – written</del>	200
(e) <u>(c) Reexamination – practical examination</u>	550
(f) <u>(d) Reexamination – jurisprudence examination</u>	<u>50</u>
(f) through (i) remain the same, but are renumbered (e) through (h). (2) and (3) remain the same.	
<u>(4) The written examination fee and reexamination fee is set by the examination administrator and is paid by the applicant directly to the examination administrator.</u>	

AUTH: 37-1-131, 37-1-134, 37-16-202, MCA  
IMP: 37-1-131, 37-1-134, 37-1-141, 37-16-402, 37-16-405, 37-16-406,  
MCA

REASON: In 2011, the Montana legislature enacted Senate Bill 132 that allowed audiologists to sell hearing aids without obtaining a hearing aid dispenser license. It is reasonably necessary for the board to strike (1)(a), the application fee for licensing audiologists. Applicants are now licensed either as trainees or those having a dispenser license in another state. It is reasonable to make the change now because, following a period of limited financial resources, the board is now fiscally able to engage in responsible rulemaking.

After concluding that processing jurisprudence reexaminations requires time and staff involvement, the board noted the absence of a fee to recoup these costs. The board concluded it is reasonably necessary to establish a \$50 jurisprudence reexamination fee to comply with 37-1-134, MCA, and maintain fees commensurate with board costs. The board estimates the proposed fee changes will affect approximately four persons and increase annual board revenue by \$200.

In addition, the examination administrator, the International Hearing Society (IHS), has changed to a computerized test provided by IHS, and board staff will no longer proctor the exam. The board is further amending this rule to delete the fees associated with the former written examination, and accurately set forth the revised examination fees and processes. These changes will have no fiscal impact to the board, as the board only collected fees and forwarded them to IHS and never retained any portion of the collected money.

24.150.501 EXAMINATION - PASS/FAIL POINT ~~(1) All applications for examination must be received in the board office 15 days prior to the examination date.~~

~~(2)~~ (1) The written and practical examination will be provided by the International Hearing Society (IHS). The board may, in its discretion, approve and adopt another equivalent examination for hearing aid dispensers.

~~(3)~~ (2) The A trainee applicant must achieve a passing score on the written examination is the national passing score or 75 percent, whichever is greater as set by the IHS. An applicant who fails may retake the examination by paying the exam fees referenced in ARM 24.150.401.

~~(4)~~ (3) A trainee applicant must complete a practical examination administered by the board. An applicant must achieve a passing score on each section of the practical examination as set by the IHS. An applicant who fails any section only has to retake the section(s) failed, and but must pay the full reexamination fee.

~~(5)~~ (4) All applicants, original or licensed in other states, shall be required to pass a jurisprudence examination on Montana laws and rules, administered by the board. The passing score on the jurisprudence examination is 75 percent. In the event of failure, the applicant may retake the examination by paying the exam fees referenced in ARM 24.150.401.

AUTH: 37-1-131, 37-16-202, MCA  
IMP: 37-16-405, 37-16-406, MCA

REASON: The board determined it is reasonably necessary to update this rule to clearly represent current examination processes. Because the examination administrator, IHS, has changed to a computerized test provided by an examination service, board staff will no longer proctor this examination. The board is further amending this rule to align with current examination processes and reflect the reexamination fees that are being established in ARM 24.150.401 of this notice.

4. The rule proposed to be repealed is as follows:

24.150.2101 RENEWALS found at ARM page 24-14301

AUTH: 37-1-131, 37-16-202, MCA

IMP: 37-1-131, 37-1-141, MCA

REASON: The board is repealing this unnecessary rule because the department administers a standardized renewal process for all professional and occupational licensure boards, and this rule merely references the department rules on renewals.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsddhad@mt.gov](mailto:dlibsddhad@mt.gov), and must be received no later than 5:00 p.m., May 29, 2015.

6. An electronic copy of this notice of public hearing is available at [www.hearingaid.mt.gov](http://www.hearingaid.mt.gov) (department and board's web site). The department strives to make the electronic copy of this notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-

mailed to dlibsddhad@mt.gov; or made by completing a request form at any rules hearing held by the agency.

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

9. With regard to the requirements of 2-4-111, MCA, the board has determined that the amendments of ARM 24.150.401 and 24.150.501, and the repeal of ARM 24.150.2101 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determinations is available upon request to the Board of Hearing Aid Dispensers, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to dlibsddhad@mt.gov.

10. Gene Allison, attorney, has been designated to preside over and conduct this hearing.

BOARD OF HEARING AID DISPENSERS  
ALFRED MCLEES, PRESIDING OFFICER

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State April 20, 2015