



## Economic Affairs Interim Committee

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### 63rd Montana Legislature

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as of June 26, 2014

### Update for Licensing Board Issues

The bullet points under the following licensing boards and programs are issue areas for which the Economic Affairs Committee requested in a May letter either comment or information from the Business Standards Division in the Department of Labor and Industry, which handles administrative functions for licensing boards. Comments, along with some staff suggestions, are included under separate subsections.

#### ***Board of Funeral Services***

- Determine the cost savings if regulation of funeral services, cremations, and cemeteries were to be handled by the Department of Public Health and Human Services or another state agency for safety related to:
  - handling of pacemakers and any radiation-containing components inserted into a body that ought not to remain inside if the body is to be cremated;
  - safe disposal of human remains; and
  - safe use of embalming fluids.
- Provide potential alternative licensure options if the board were to be eliminated and a program used for licensure. Include a determination of whether the monitoring of professional services now provided by the Board of Funeral Services could be adequately handled by statute and the Attorney General's Office of Consumer Protection or by a national or local association.

#### *Comments:*

- The Department of Public Health and Human Services was notified by way of a "cc" to the letter sent to the Business Standards Division, which is to say that the process involved an informal request for information.
- The Board of Funeral Services has proposed a large revision of its rules.

#### ***Board of Private Alternative Adolescent Residential and Outdoor Programs***

- Determine if the Department of Public Health and Human Services can provide the structural regulation of the Board of Private Alternative Adolescent Residential and Outdoor Programs in a way that does not burden these programs with too much paperwork, auditing, or regulation yet provides safety for troubled teens who may benefit from outdoor enrichment programs and the other programs now provided by these licensed facilities.
- Recommend whether the definitions of those facilities now licensed by the PAARP board ought to be expanded in a way that removes exemptions but still provides assurance that youth participants in the program are protected and that there is no interference with religion for religious-oriented facilities.

#### *Comments:*

- The Department of Public Health and Human Services was notified by way of a "cc" to the letter sent to the Business Standards Division, which is to say that the

process involved an informal request for information.

### ***Board of Hearing Aid Dispensers***

- Determine if a board that combines audiologists and speech pathologists with hearing aid dispensers would be financially viable in a way that limits the licensing costs of hearing aid dispensers but does not largely increase the licensing costs for audiologists and speech pathologists.
- Provide an analysis from the Board of Hearing Aid Dispensers of what impact dissolution of the Board of Hearing Aid Dispensers would have on the industry, particularly if statutes were to remain in place regarding licensing requirements and complaints were handled by the DOJ's Office of Consumer Protection.
- Provide a financial analysis by the Department of the cost of licensing hearing aid dispensers within a program if the board were to be dissolved.

#### ***Comments***

- Review of the finances for the Board of Hearing Aid Dispensers ought to be done in the next interim with close attention to whether the Memorandum of Understanding with the Department of Justice has helped to resolve some of the recurring adjudication problems.
- If the Business Standards Division suspends service, then the corollary ought to be that the Division makes no charges against the board or program except for the cost of taking licensing applications and renewals, or whatever services the Division still provides. In essence, no services should equal no indirect costs.

### ***Athletic Program (Boxing)***

- Provide a financial estimate of the cost to the general fund or to the private sector of handling the Department's costs of running the Athletic Program. If the combined assessments and percentage of gate receipts that are supposed to pay for the Athletic Program do not now cover costs, then what are those costs and who could better handle coverage of payment, if anyone?
- Provide an analysis of whether there is a way of maintaining the structure of the Athletic Program, including protective statutory regulations, if compliance oversight is given to a local government or other entity.

#### ***Comments:***

- If the Business Standards Division suspends service, then the corollary ought to be that the Division makes no charges against the board or program except for the cost of those taking licensing applications and renewals, or whatever services the Division still provides. Again, no services should equal no indirect costs.

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Response to EIAC inquiry, May 13, 2014

1. Cost saving if regulation of funeral services, cremations, and cemeteries were handled by DPHHS
  - a. *If the regulations and licensure of facilities was moved to DPHHS the impact to DLI would be a reduction in revenue with limited reduction in expenses (see the attached cost breakdown – FS EAIC Response 6-30-14).*
  - b. *DPHHS is providing an estimate of the cost to assume these responsibilities.*
2. Potential alternative licensure options if the board of Funeral Services was eliminated and a program used for licensure. Could monitoring of professional services be handled by the Attorney General's office or by national or local associations
  - a. *National Funeral Directors Association – The role of this association is to promote the businesses and the profession to the general public/customers*
  - b. *The International Conference of Funeral Service Examining Boards - Is a not-for-profit voluntary association providing examination services, information, and regulatory support to funeral service licensing boards and educators, governmental bodies and other regulatory agencies.*
  - c. *Mortician – Intern program exists, must go to an approved school, complete hours for internship, and test. Then they qualify for licensure*
  - d. *Crematory Operator – requires a High School education and training under a licensed operator.*
3. Can DPHHS provide structural regulation of PAARP.
  - a. *DPHHS and the PAARP board are set to meet to discuss this opportunity. In initial meetings with DPHHS the general consensus was that regulation within DPHHS could be structured in a way that would not be overly burdensome and would also provide greater oversight and options to take action against facilities that do not meet outline operating requirements.*
4. Recommend whether the definition of PAARP facilities could be expanded to include religious oriented facilities
  - a. *The Department feels that this is a policy decision, and thus outside or administrative role, so we will not provide a recommendation.*
5. Determine if HAD and Speech Pathologists can be combined, would it be financially viable and what would the financial impacts be.
  - a. *This is outlined in an attached document provided by DLI.*
6. Provide an analysis on what the impacts dissolution of the HAD board would have on the industry, particularly if the statutes were to remain in place regarding licensing requirements and complaints were handled by DOJ.

- a. The Division is unable to provide what the impact the dissolution of the board would have on the industry. However we can comment that in our research we determined that states without a HAD board did not have HAD within the state.*
  - b. Trainee – Nationally developed written and practical exam and 1000 hours under either a licensed Hearing Aid dispenser. (37-16-405)*
  - c. National Certification – Certification requirements are: minimum of 2 years of full time dispensing in last 5 years, current dispensing license or registration, or have graduated from 1 of 7 specific colleges*
7. What would the costs of licensure be within a program.
  - a. These numbers are provided in the attached document.*
8. Financial estimate of the cost to the general fund, or the private sector, to run the Athletics Program.
  - a. These numbers are provided in the attached document.*
9. Analysis of a way of maintaining the structure of the Athletics program if oversight is given to another entity.
  - a. For a fight to be sanctioned by the American Boxing Commission the commission putting on the fight has to be recognized by the ABC as a legal representative of that commission. To our knowledge the ABC requires the commission to be attached to State Government. It is possible for a sanctioning body from another state to sanction a fight in Montana, however this has proven to be challenging to accomplish in the past. The ABC has also, upon petition, sanctioned bouts within states that do not have a commission.*

