



Legislative Background Brief

for the
Economic Affairs Interim Committee

January 2014

Board of Hearing Aid Dispensers

Prepared by Pat Murdo, Legislative Research Analyst

Board = 5 members of whom: 2 are to be licensed hearing aid dispensers for at least 5 years, possess a current audiologist license issued under Title 37, chapter 15, and have at least a master's degree; 2 must be a licensed dispenser and fitter of hearing aids for 5 years but not have a master's level college degree in audiology; and 1 public member who is either an otolaryngologist or a person who regularly uses a hearing aid because of a hearing impairment and who is not a licensed hearing aid dispenser or licensed audiologist. Terms are 3 years. Originated in 1969. (Term end listed in parentheses.)

<i>Hearing Aid Dispenser, No Masters</i>	<i>Hearing Aid Dispenser w/ masters/certification</i>
Alfred McLees, Billings (7/1/2015), chair	Mary Eve Tolbert, St. Ignatius (7/1/2014)
vacant (7/1/2015)	Helen Hallenbeck, Missoula (7/1/2016)
Public Member: Wyman McDonald, Ronan (7/1/2014)	

of Licensees, FY2014 - 56 **FY 2011** - 111 **FY 2010** - 111 **FY 2009** - 100

Application Fee (covers exam) - \$500 Original License - \$300
 Application Fee for Trainee - \$600 Renewal Active License - \$1,000 (proposed at \$1,500)

Revenues/Expenditures FY2009-2010 plus projected Expenditures for FY2012-2013

	Revenues	Expenditures
FY 2009	\$39,793	\$38,297
FY 2010	\$63,635	\$44,231
FY 2011	\$52,900	\$62,242
FY 2012		\$83,879
FY 2013		
FY 2014-2015 Budget in HB 2 - \$170,604		

Expenditures, FY 2010	Direct	Indirect	
		Admin	Div. IT/Bureau
Personal Services, incl. per diem (Dir = \$20,614 in FY 2010; Indir=\$3,607 of which Admin = \$1,373, Div IT/Bureau = \$2,234)	Admin: \$16,267 Compliance : \$11,536	\$2,162	\$1,270 / \$1,045

Operating Expenses		
Consulting, Printing, IT, Other	\$2,603	\$756
Supplies, incl. Computer	\$680	\$451
Postage, mailing, IT network, voice srv	\$717	\$538
Travel for Board Members	\$2,419	--
Rent and other expenses*	\$1,593	\$4,261
Legal and hearings (FY 2010 of \$7,743)	\$35,808	

*Includes computer & office equipment repair of \$46 and dues, education & training, and fee collection expense of \$1,547 for direct expenses. Indirect expenses include: DLI OIT expense of \$1,823, Indirect agency of \$2,393, and other of \$40.

Number of Complaints		Disciplinary Action (may be from other years)	
2009	2	FY 09	3 dismissed (13 investigations)
2010	9	FY 10	
2011	6	FY 11	
2012	3		
2013	3		Zero investigations in 2012 and 2013

Scope of Practice

37-16-102(7): "Practice of selling, 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, adaptation, sale, dispensing, or fitting 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.

Physicians exempted. Audiologists now are exempted under SB 132. An audiologist's scope of practice includes making ear impressions, fitting hearing protection or prosthetic devices, and monitoring the continuous use of hearing aids. (24.222.525 ARM).

2011 Legislation that Became Law and Impacts Board or Profession

- HB 94, sponsored by Rep. Arntzen at the request of the Department of Labor and Industry, generally revises reciprocity and other board functions.
- SB 132, sponsored by Sen. Essman, allows audiologists to sell hearing aids without hearing aid dispenser license.

Summary of Responses from Survey as made as of November 27, 2013:

8 responses from licensees.

Main issues:

- Concern about licensing fees being too high, which was associated with audiologists as of 2011 legislative changes no longer having to have a license from the Hearing Aid Dispensers Board, thus a fewer number of licensees sharing the costs.
- Differences between audiologists who specialize in hearing but not necessarily being specifically trained for hearing aid fitting and equipment.
- Appreciation for board's ability to monitor profession on behalf of licensees.
- Concern about refunding being allowed for any reason. One respondent noted that in Wyoming and Washington the reasons for a refund include malfunction, medical issues, and malpractice. That respondent noted "very unfriendly small business practices from MT".
- Concern about competitors on board with personal agendas (same person as above).

See separate sheet for other comments.