

## Murdo, Patricia

---

**Subject:** FW: Bill language

Begin forwarded message:

**From:** Alfred McLees  
**Date:** March 26, 2014 at 7:29:41 AM MDT  
**To:** Elsie Arntzen <[emarntzen@gmail.com](mailto:emarntzen@gmail.com)>  
**Subject:** RE: Bill language

Thanks for your support. The board has not written the proposed statute changes to address our problems yet. There is a board meeting scheduled for April 8th. We know our problems are of our creation and we would like the chance to fix them.

We will be proposing that the board become completely autonomous or self governing. This board will ask that our membership be 4 licensed hearing aid dispensers and 1 member of the public who is a hearing aid user. The past disputes between audiologists and hearing aid dispensers has been part of the board's problem. When the audiologists left to form their own board, some of the attitudes and bad blood was left behind. We are working to fix that situation. So a change in statute is needed to change the membership of the board and complete the atmosphere change.

Next we are proposing statute changes to help make the board financially stable. In the past investigating and prosecuting violators of state statutes regarding hearing aids and the actions of hearing aid dispensers has fallen on the shoulders of the hearing aid dispensers board. With the MOJ with the Department of Justice, a small percentage of those complaints will be handled by the Office of Consumer Affairs. The vast majority of complaints will still be handled by the board but in a drastically different way.

The problem with how board complaints were handled in the past involves the cost of prosecution and the penalties assessed. The board will be proposing statute changes to address both issues. First the cost of prosecution will be added to the penalties of hearing aid dispensers found guilty of the complaints against them. The board has eaten those expenses in the past. This will allow the board to "break even" on complaints filed against our members. Next the penalties for some one found guilty of an offense in the past have involved probation of license and a small fine usually not more than \$1000 per offense. It is my understanding that how the present statute is written, the hearing aid dispenser board doesn't receive any of the monetary penalty from any cases. So we shoulder the obligation to investigate and prosecute violators, but again have no means to recoup any. We feel that if the board is allowed to keep a small percentage of the fines, board financial stability could be achieved. At the end of the fiscal year the financial status of the board could be reviewed and any excess finances could be redistributed to current licensed dispensers or used as a means to reduce the cost of license renewal each year.

Penalties for repeat offenders will also be addressed. For first time offenders, the current penalties will stay the same. Second offenders will see a substantial increase in penalties. Third offenders will face penalties which could include suspension of license for a period of time. The board has not determined the exact nature of the increased penalties yet. They are to be discussed at our April 8th meeting.

As you can see many things are being proposed to keep the Hearing Aid Dispenser Board functioning. We feel that we provide a vital service to the people of Montana and it can not be completely addressed by eliminating our board and profession. No offense to the audiologists, but they can not address by audiologists alone.

We will have specific statute changes for the committee very shortly. We ask that we be given time to get our house back in order. We feel that we have a good sound path to achieve this. Then in two years, we will not be in need for so much of your attention.  
Thank you