



**Economic Affairs Interim Committee**  
**63rd Montana Legislature**

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KRISTINA LIMING, Secretary

May 13, 2014

Adam de Yong  
Administrator, Business Standards Division  
Department of Labor and Industry

VIA E-MAIL AND INTEROFFICE MAIL

Dear Mr. de Yong:

The Economic Affairs Interim Committee this summer will be wrapping up the work required under 37-1-142, MCA, which was generated by House Bill No. 525 in the 2011 Legislature. That statute calls for review of licensing boards and recommendations on whether to retain or repeal them. Additionally, the department is required under 37-1-101(9)(c) to "review the need for a board and make recommendations to the legislative interim committee with monitoring responsibility for the boards for legislation revising the board's operations to achieve fiscal solvency".

The Economic Affairs Committee would like you to bring some suggestions to its July 14-15 meeting regarding improvements for the fiscal solvency of the the Board of Funeral Services, the Board of Private Alternative Adolescent Residential and Outdoor Programs, the Board of Hearing Aid Dispensers and the Athletic Program, plus any other boards that in the Department's opinion are having trouble remaining fiscally solvent.

In particular, the Committee asks that you look at the following possibilities for revising or revitalizing these boards and provide information as to alternate approaches:

- 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.

- 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.
- 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.
- 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?
- 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.

The Committee recognizes that you are involved in various discussions with the boards and other Departments regarding these boards, but Committee members would appreciate getting an update in July and possibly hearing legislation at its September 12, 2014, meeting to address some of the solvency concerns related to these boards and programs.

On behalf of the full Economic Affairs Committee, thank you for your attention to these issues.

Sincerely,



Senator Bruce Tutvedt, presiding officer

cc: Pam Bucy, Commissioner of Labor