



MONTANA
ADMINISTRATIVE
REGISTER



DEPARTMENT OF LABOR AND INDUSTRY

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2026-141.1

Summary

Hearing Aid Dispenser Program fee reduction and implementation of House Bill 246 on substantial equivalency

Hearing Date and Time

Thursday, July 30, 2026, at 11:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/87083824314>

Meeting ID: 870 8382 4314; Password: 9316787616

Dial by Telephone: +1 646 558 8656

Meeting ID: 870 8382 4314; Password: 9316787616

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, August 7, 2026, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, July 23, 2026, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444-5466
laborlegal@mt.gov
Montana Relay: 711

Rulemaking Actions

AMEND

The rule proposed to be amended is as follows, stricken matter interlined, new matter underlined:

24.151.401 FEE SCHEDULE

- (1) Application
 - (a) Hearing aid dispenser \$~~300~~ 250
 - (b) Trainee ~~600~~ 250
- (2) Active renewal - Hearing aid dispenser ~~550~~ 200
- (3) Additional standardized fees are in ARM 24.101.403.
- (4) All fees are nonrefundable.
- (5) Examination fees are set by the examination administrator and paid by the applicant directly to the examination administrator.

Authorizing statute(s): 37-16-202, MCA

Implementing statute(s): 37-16-402, MCA

Reasonable Necessity Statement

The Department of Labor and Industry proposes to amend ARM 24.151.401 to reduce hearing aid dispenser program fees. The amendment reduces the regular hearing aid dispenser application fee from \$300 to \$250, reduces the trainee application fee from \$600 to \$250, and reduces the active renewal fee from \$550 to \$200.

The department is proposing the fee reductions because the hearing aid dispenser program's expenses have decreased significantly since the program changed from a board to a department-administered program in Fiscal Year (FY) 2024. Although revenue has remained steady over the last five years, the program is currently above its allowable cash balance. The department has determined that reducing fees is necessary to align program revenue with anticipated program costs and to help ensure the program remains below the statutory cash-balance limit of two times the program's annual appropriation.

The department has also abated renewal fees for FY 2026 to reduce the existing cash balance. The proposed ongoing fee reductions are reasonably necessary to prevent the program from continuing to collect fees in excess of the amount needed to administer the program, while maintaining sufficient revenue to cover licensing administration, compliance, and related legal and operating expenses. The amendment will reduce costs for applicants and licensees and better match fees to the current cost of regulating hearing aid dispensers in Montana.

ADOPT

The rule proposed to be adopted is as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The department adopts and incorporates by reference the 2026 substantial equivalency list for the Hearing Aid Dispenser Program publication. The publication is available on the department's website.
- (2) The department intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-16-202, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed House Bill (HB) 246 which was signed by the Governor April 3, 2025, and became effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the department is proposing to adopt NEW RULE 1 as it pertains to the Hearing Aid Dispenser Program. The department has compared current licensure standards of the fifty United States for hearing aid dispenser licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the department's initial approved list of states having substantially equivalent licensing standards. The list will be published on the department's website. The department will analyze other states' licensing standards annually, and update the published list as needed.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are hearing aid dispensers. The department has determined that the proposed rule changes will not create a negative significant and direct impact on these small businesses. The department has determined that the proposed rule changes will have a positive impact on small businesses by encouraging individuals to enter Montana and join the Montana workforce.

The fee reduction changes to small businesses in Montana which dispense hearing aids will have positive impacts to business entities and individuals applying for licensure. The department identified 84 licensees who will pay a reduced renewal fee, resulting in a savings of \$350 per licensee and a total of \$29,400. The department further anticipates reduced revenues of \$4,350 based on the number of applications each year.

Bill Sponsor Notification

The primary bill sponsor was notified by email on June 4, 2026.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Jennifer Stallkamp

Approval

Sarah Swanson, Commissioner