

**Table 12: Manufactured Home Shipments**

	DECEMBER			Year through DECEMBER		
	2013	2014	% Change	2013	2014	% Change
<b><i>New England</i></b>						
Connecticut	7	1	-85.7%	98	82	-16.3%
Maine	24	23	-4.2%	339	380	12.1%
Massachusetts	7	9	28.6%	133	161	21.1%
New Hampshire	20	8	-60.0%	263	257	-2.3%
Rhode Island	0	0	-	5	11	120.0%
Vermont	10	3	-70.0%	114	136	19.3%
Subtotal (region)	68	44	-35.3%	952	1,027	7.9%
<b><i>Middle Atlantic</i></b>						
New Jersey	11	22	100.0%	203	284	39.9%
New York	60	60	0.0%	1,388	1,313	-5.4%
Pennsylvania	61	78	27.9%	1,278	1,322	3.4%
Subtotal (region)	132	160	21.2%	2,869	2,919	1.7%
<b><i>East North Central</i></b>						
Illinois	52	69	32.7%	732	922	26.0%
Indiana	51	51	0.0%	1,138	823	-27.7%
Michigan	83	216	160.2%	1,598	2,230	39.5%
Ohio	59	86	45.8%	971	1,070	10.2%
Wisconsin	9	10	11.1%	306	260	-15.0%
Subtotal (region)	254	432	70.1%	4,745	5,305	11.8%
<b><i>West North Central</i></b>						
Iowa	19	12	-36.8%	313	323	3.2%
Kansas	26	15	-42.3%	356	328	-7.9%
Minnesota	28	12	-57.1%	437	407	-6.9%
Missouri	44	66	50.0%	800	893	11.6%
Nebraska	7	3	-57.1%	244	122	-50.0%
North Dakota	34	66	94.1%	774	914	18.1%
South Dakota	33	24	-27.3%	387	425	9.8%
Subtotal (region)	191	198	3.7%	3,311	3,412	3.1%
<b><i>South Atlantic</i></b>						
Delaware	14	24	71.4%	261	310	18.8%
District of Columbia	0	0	-	0	0	-
Florida	236	311	31.8%	3,002	3,780	25.9%
Georgia	100	117	17.0%	1,407	1,529	8.7%
Maryland	5	11	120.0%	246	145	-41.1%
North Carolina	221	182	-17.6%	2,626	2,333	-11.2%
South Carolina	137	153	11.7%	2,039	2,063	1.2%
Virginia	73	86	17.8%	1,051	989	-5.9%
West Virginia	51	61	19.6%	1,033	1,073	3.9%
Subtotal (region)	837	945	12.9%	11,665	12,222	4.8%

(continued)

Introduced Version

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**SENATE BILL No. 447**

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DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-14-3-5; IC 25-23.7.

**Synopsis:** Manufactured home installers. Requires the bureau of motor vehicles to provide information concerning titles for manufactured homes to the manufactured home installer licensing board (board). Requires manufactured home installers to make quarterly reports to the board. Requires the board to investigate violations by manufactured home installers. Creates the licensed manufactured home installer safety compliance fund, and continually appropriates money in the fund.

**Effective:** July 1, 2013.

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**Yoder**

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January 10, 2013, read first time and referred to Committee on Commerce, Economic Development & Technology.

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Introduced

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

## SENATE BILL No. 447

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-14-3-5, AS AMENDED BY P.L.125-2012,  
2 SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2013]: Sec. 5. (a) Except as provided in subsection (b), (d), or  
4 (e), the bureau shall prepare and deliver information on titles,  
5 registrations, and licenses and permits upon the request of any person.  
6 All requests must be:  
7 (1) submitted in writing; or  
8 (2) made electronically through the computer gateway  
9 administered under IC 4-13.1-2-2(a)(5) by the office of  
10 technology;  
11 to the bureau and, unless exempted under IC 9-29, must be  
12 accompanied by the payment of the fee prescribed in IC 9-29-2-2.  
13 (b) The bureau shall not disclose:  
14 (1) the Social Security number;  
15 (2) the federal identification number;  
16 (3) the driver's license number;  
17 (4) the digital image of the driver's license applicant;

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- 1 (5) a reproduction of the signature secured under IC 9-24-9-1 or  
2 IC 9-24-16-3; or  
3 (6) medical or disability information;  
4 of any person except as provided in subsection (c).  
5 (c) The bureau may disclose any information listed in subsection  
6 (b):  
7 (1) to a law enforcement officer;  
8 (2) to an agent or a designee of the department of state revenue;  
9 (3) for uses permitted under IC 9-14-3.5-10(1), IC 9-14-3.5-10(4),  
10 IC 9-14-3.5-10(6), and IC 9-14-3.5-10(9); or  
11 (4) for voter registration and election purposes required under  
12 IC 3-7 or IC 9-24-2.5.  
13 (d) As provided under 42 U.S.C. 1973gg-3(b), the bureau may not  
14 disclose any information concerning the failure of an applicant for a  
15 motor vehicle driver's license to sign a voter registration application,  
16 except as authorized under IC 3-7-14.  
17 (e) The bureau may not disclose any information concerning the  
18 failure of an applicant for a title, registration, license, or permit (other  
19 than a motor vehicle license described under subsection (d)) to sign a  
20 voter registration application, except as authorized under IC 3-7-14.  
21 (f) **The bureau shall provide information concerning titles for**  
22 **manufactured homes to the manufactured home installer licensing**  
23 **board established by IC 25-23.7-3-1. The manufactured home**  
24 **installer licensing board shall use the information in administering**  
25 **IC 25-23.7.**  
26 SECTION 2. IC 25-23.7-5-5 IS ADDED TO THE INDIANA CODE  
27 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
28 1, 2013]: **Sec. 5. (a) Beginning April 1, 2014, a licensee shall submit**  
29 **to the board a quarterly report, due fifteen (15) days after the end**  
30 **of the quarter, for each immediately preceding quarter. The report**  
31 **must contain the following information:**  
32 (1) **Contact information for the individuals for whom the**  
33 **installation was made, including each individual's:**  
34 (A) name;  
35 (B) address; and  
36 (C) telephone number.  
37 (2) **Name of the licensee.**  
38 (3) **Date of the installation.**  
39 (4) **Address at which the manufactured home was installed on**  
40 **the date of installation.**  
41 (5) **Certification that the manufactured home was installed as**  
42 **follows:**

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1 (A) For a new manufactured home, to the manufacturer's  
2 installation instructions.

3 (B) For a used manufactured home, to the manufacturer's  
4 installation instructions, if available, or to the American  
5 National Standard Institute (ANSI) standard A225.1.

6 (b) If two (2) or more licensees are involved in the same  
7 installation, each licensee shall list the installation in the licensee's  
8 quarterly report.

9 (c) A licensee shall file quarterly reports required under this  
10 section even if no manufactured homes were installed by the  
11 licensee.

12 (d) The board shall adopt rules under IC 4-22-2 to implement  
13 this section.

14 SECTION 3. IC 25-23.7-7-4.5 IS ADDED TO THE INDIANA  
15 CODE AS A NEW SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2013]: Sec. 4.5. (a) For purposes of this  
17 section, "fund" refers to the licensed manufactured home installer  
18 safety compliance fund established by subsection (e).

19 (b) The board shall obtain information from the bureau of  
20 motor vehicles concerning manufactured home title transactions.

21 (c) The board shall compare the title data obtained under  
22 subsection (b) and installation data submitted under  
23 IC 25-23.7-5-5. If the board determines that a manufactured home  
24 has been installed by an unlicensed installer or if there is a  
25 violation of this article by a licensee, the board may impose and  
26 collect a civil penalty not to exceed one thousand dollars (\$1,000)  
27 against the unlicensed installer or the licensee. Fees collected under  
28 this subsection shall be deposited in the fund.

29 (d) A licensee or unlicensed installer who is investigated by the  
30 board, and found by the board to have violated this article, may  
31 appeal the determination of the board under IC 4-21.5.

32 (e) The licensed manufactured home installer safety compliance  
33 fund is established to provide funds for administering and  
34 enforcing this article. The fund shall be administered by the board.  
35 The fund consists of:

- 36 (1) fines and civil penalties collected under this article; and  
37 (2) appropriations.

38 The treasurer of state shall invest the money in the fund not  
39 currently needed to meet the obligations of the fund in the same  
40 manner as other public money may be invested. Interest that  
41 accrues from these investments shall be deposited in the fund.  
42 Money in the fund at the end of a state fiscal year does not revert

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1 to the state general fund. Money in the fund is continually  
2 appropriated to the board for purposes of this section.

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**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 6723**

**BILL NUMBER: SB 447**

**NOTE PREPARED: Jan 1, 2013**

**BILL AMENDED:**

**SUBJECT:** Manufactured Home Installers.

**FIRST AUTHOR:** Sen. Yoder

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:**  GENERAL  
 DEDICATED  
 FEDERAL

**IMPACT:** State

**Summary of Legislation:** *BMV*- The bill requires the Bureau of Motor Vehicles (BMV) to provide information concerning titles for manufactured homes to the Manufactured Home Installer Licensing Board.

**Quarterly Reports**- The bill requires manufactured home installers to make quarterly reports to the Board. The bill requires the Board to investigate violations by manufactured home installers.

**Compliance Fund**- The bill creates the Licensed Manufactured Home Installer Safety Compliance Fund (Compliance Fund), and continually appropriates money in the Compliance Fund.

**Effective Date:** July 1, 2013.

**Explanation of State Expenditures:** *BMV*- Under current law, all motor vehicles, trailers, mobile homes, and recreational vehicles must be titled. The BMV already provides title information to persons that submit the proper request (written or via the Office of Technology computer gateway) and pay the required fee. Additionally, the BMV keeps track of manufactured homes that are transferred to real estate. Therefore, depending on the format that the information is reported, it is likely the BMV could provide title information, required under the bill, to the Manufactured Home Installer Licensing Board within existing resources.

**Quarterly Reports**- Although the bill states that the Board would obtain the title information from the BMV and compare the title data with the installation data from the quarterly reports from licensees, the Professional Licensing Agency (PLA) would provide the administrative services to the Board to accomplish this provision. Based on the current number of licensed manufactured home installers, the PLA would have to review and

**APPENDIX IV – JCC Handouts – Manufactured Home Installer Licensing Board**

compare the BMV data with approximately 1,100 reports annually. Currently, the PLA has two case managers that serve the Board. Additionally, they also provide licensing administrative services to accountants, auctioneers, and private investigator/security guards. If additional staff were needed to process and analyze the quarterly reports from manufactured home installers, a COMOT III-level staff member would require expenditures of approximately \$38,700 in the first year of employment. The estimate includes base salary, fringe benefits, and other indirect costs such as office supplies and a computer.

**Rules Adoption-** The Board would be required to adopt rules in order to implement the requirements of the bill. The Board would likely be able to adopt rules within the course of a regular meeting of the Board. The Board, to date, is scheduled to meet three times during CY 2013.

**Compliance Fund-** The establishment of a compliance fund would provide funding for the administration of quarterly reports and the enforcement actions taken against licensees that commit violations.

**Explanation of State Revenues: Compliance Fund-** The Compliance Fund would consist of civil penalties/fines and appropriations. The maximum penalty that could be assessed by the Board, under the bill, would be \$1,000 per violator. Money in the Compliance Fund would not revert to the state General Fund at the end of a state fiscal year.

A 2% noncompliance rate, with each violation assessed the maximum penalty of \$1,000, might generate approximately \$22,100 annually.

**Background Information-** As of September 19, 2012, there were 227 manufactured home installers holding an active Indiana license. Multiplying the number of active licensees by four would yield the expected number of annual reports to be filed in the first year of implementation at 1,108.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Bureau of Motor Vehicles; Manufactured Home Installer Licensing Board.

**Local Agencies Affected:**

**Information Sources:** Professional Licensing Agency; Bureau of Motor Vehicles.

**Fiscal Analyst:** Chris Baker, 317-232-9851.

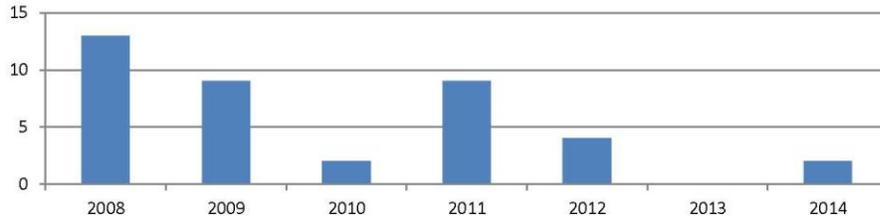
**Table 16: Production of Manufactured Homes by State (Ranked from Highest to Lowest)  
Year through DECEMBER 2014**

State	TOTAL			SINGLE-SECTION			MULTI-SECTION		
	Production	% of Total	Rank	Production	% of Total	Rank	Production	% of Total	Rank
Texas	17,319	26.9%	1	10,519	34.8%	1	6,800	19.9%	1
Tennessee	9,481	14.7%	2	4,320	14.3%	2	5,161	15.1%	2
Alabama	8,135	12.7%	3	3,791	12.5%	3	4,364	12.8%	3
Indiana	5,056	7.9%	4	3,164	10.5%	4	1,892	5.5%	8
Pennsylvania	4,047	6.3%	5	1,712	5.7%	5	2,335	6.8%	4
Georgia	3,291	5.1%	6	1,108	3.7%	7	2,183	6.4%	5
Florida	2,678	4.2%	7	718	2.4%	8	1,960	5.7%	7
North Carolina	2,590	4.0%	8	1,217	4.0%	6	1,373	4.0%	9
California	2,275	3.5%	9	233	0.8%	13	2,042	6.0%	6
Arizona	1,774	2.8%	10	517	1.7%	9	1,257	3.7%	11
Oregon	1,631	2.5%	11	297	1.0%	11	1,334	3.9%	10
Minnesota	946	1.5%	12	463	1.5%	10	483	1.4%	13
Idaho	810	1.3%	13	236	0.8%	12	574	1.7%	12
Nebraska	265	0.4%	14	198	0.7%	14	67	0.2%	14
States with *	4,013	6.2%		1,725	5.7%		2,288	6.7%	
<b>Total Home Production</b>	<b>64,331</b>	<b>100.0%</b>		<b>30,218</b>	<b>100.0%</b>		<b>34,113</b>	<b>100.0%</b>	
<b>Product Mix</b>		<b>100.0%</b>			<b>47.0%</b>			<b>53.0%</b>	

States with less than three active manufacturers are indicated with an asterisk (\*). Production figures for these states are suppressed to protect proprietary information. Total production for these states is reported on the line labeled "States With \*".

**Manufactured Home Installers  
2008 to 2014**

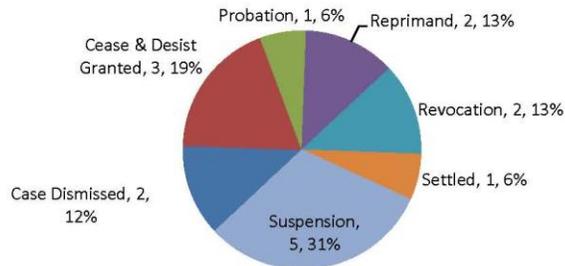
**Complaints Received**



**Results of Investigations**

Alleged Violation	Duplicate	No Violation	Out of Business	Insufficient Evidence	Settled	Warning Letter	Litigation File Opened	Totals
Breach of Contract		1				1	2	4
Failure to Complete CE							6	6
Fraud				1				1
Professional Incompetence		5		3	1		6	15
Unlicensed Practice			1				1	2
Unprofessional Conduct	1	4						5
Totals	1	10	1	4	1	1	15	33

**Disposition of Litigation**



**A Report to the Job Creation Committee  
on the  
Licensing of Private Investigators and Security  
Guards**

**For the JCC Review Scheduled for February 19, 2015**



**Presented by**

**The Indiana Association of Professional Investigators**

**and**

**The Indiana Society of Professional Investigators**



**A Report to the Job Creation Committee on the Licensing of Private Investigators and Security Guards  
For the JCC Review Scheduled for February 19, 2015**

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**A Report to the Job Creation Committee on the Licensing of Private Investigators and Security Guards  
For the JCC Review Scheduled for February 19, 2015  
Presented by the Indiana Association of Professional Investigators and the Indiana Society of  
Professional Investigators**

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**Executive Summary**

The associations believe that the licensing of private investigators (PI) and security guard (SG) companies is necessary to protect the public from unscrupulous, predatory and unqualified operators and to provide a necessary level of quality assurance to business owners and the public at large.

We see no economic value to the state or to the public in the deregulation of the PI and SG sectors, and in fact we believe it could lead to negative consequences in a substantial increase in consumer frauds and additional burdens on our law enforcement communities. Our present codes require only that one individual be eligible for licensing for each business, and those eligibility standards are minimal and the licensing fee insignificant as a part of start-up costs (\$75 per year).

We routinely handle sensitive business and personal matters for our clients, which require the use and protection of confidential and proprietary information and the safeguarding of valuable client assets and personnel. In the absence of licensing, any individual could present himself to the public at large as a “private investigator” and make outrageous claims as to what they could do. In the absence of licensing the public would be in constant danger of exploitation by fraudsters, sexual predators and scam artists. Most guard company owners have a law enforcement background and are skilled in the protection of personnel and assets. Without licensing and regulation, individuals without any experience or training could offer guard services, placing the public and business owners in danger.

Although the associations believe that our codes could be enhanced to provide great assurances to the public and business communities, we equally believe that our minimum licensing standards must be maintained in the interest of public safety.

**A Brief History of Private Investigation and Security Guard Services**

Today’s professional private investigators trace their beginnings back to the early 19<sup>th</sup> century, when Eugene Francois Vidocq founded the first modern detective agency and credit bureau in Paris. Vidocq later helped create the *Sûreté*, the detective bureau of the French police. During that period and well into the early 20<sup>th</sup> century, however, private detectives and security guards were largely unlicensed and unregulated.

The best known of the early private detectives in the U.S. is, of course, Allan Pinkerton and his Pinkerton National Detective Agency, which also provided security services. A major competitor to the Pinkerton agency in the early 20<sup>th</sup> century was the William J. Burns International Detective Agency. William Burns served as director of the federal agency which preceded the Federal Bureau of Investigation.<sup>1</sup> For many years during the 19<sup>th</sup> century and the early 20<sup>th</sup> century, private detectives and security guards, often

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<sup>1</sup> See the FBI’s web site, at <http://www.fbi.gov/about-us/history/directors/burns>. Burns was succeeded by J. Edgar Hoover in 1924.

times the same individuals, provided valuable services to the public and businesses across the country, which could not often depend on local police departments to solve crimes and provide protection and patrol services. Local and state police departments, if they existed at all, were unorganized, untrained and poorly funded.

However, the national detective agencies often times became part of the problem, rather than the solution, especially during the labor unrest in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries, when security guards and undercover investigators were used by large corporations to counter union movements. Licensing was soon to follow, in order to protect the public and business sectors from unscrupulous tactics and provide some assurance of qualification. Regulation of the private security industry began in California in 1915<sup>2</sup>, and by the late 1960s Indiana began licensing security guards and private detectives, originally under the auspices of the Indiana State Police. Licensing moved to the Professional Licensing Agency when it was formed in 1989, under the Private Detective Licensing Codes which covered detectives and security guards. Since the revised codes of 2007, we have been known as private investigators and security guards have been regulated under separate codes, both under the oversight of the Private Investigator and Security Guard Licensing Board.

By the 1980s, the Pinkerton and Burns agencies were primarily involved in providing security guard services, and in 2003 both companies were purchased by an international firm, Securitas AB, based in Sweden. Although a Pinkerton investigation division still exists, it remains part of Securitas. However, smaller private investigation firms and contract security agencies continued to grow around the U.S.

Presently, there are 45 states which regulate private investigators and security guards through a state agency, a state's attorney general or a state police department. Pennsylvania regulates private investigators through its various county Courts of Common Pleas, and Wyoming licenses investigators through many local jurisdictions and municipal governments. Private security firms in Wyoming have to register with the Secretary of State and in some municipalities. Alaska requires a business license, except in Fairbanks which requires separate licensing of PI firms. Bills to license investigators in Alabama and Mississippi were filed this year in the respective state legislatures.<sup>3</sup> The states yet to have any form of licensing are Idaho and South Dakota.<sup>4</sup>

#### **A Brief History of the Private Investigation Associations in Indiana**

There are two non-profit associations in Indiana representing professional investigators, the Indiana Society of Professional Investigators (INspi) and the Indiana Association of Private Investigators (IAPI). The groups originated around the same time in the 1990s; yet, ironically, each set of founding members was unaware that another group was forming until after the charters were established. The Indiana

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<sup>2</sup> From the web site of the California Department of Consumer Affairs, Bureau of Security & Investigative Services, found at [http://www.bsis.ca.gov/about\\_us/history.shtml](http://www.bsis.ca.gov/about_us/history.shtml).

<sup>3</sup> An article in an Alabama newspaper details why private investigators wanted licensing; see [http://www.annistonstar.com/news/article\\_3c0dc7d6-7f44-11e4-b5c0-3f1b39f7a6c0.html](http://www.annistonstar.com/news/article_3c0dc7d6-7f44-11e4-b5c0-3f1b39f7a6c0.html). The Mississippi bill can be found at <https://legiscan.com/MS/bill/HB713/2015>.

<sup>4</sup> From information sent to PISG Licensing Board chairman, Don C. Johnson, by Laurel Rudd, executive director of the [International Association of Security and Investigative Regulators \(IASIR\)](#), on December 19, 2014. IASIR is comprised of regulatory and licensing agencies from over 35 states, Canadian provinces and the United Emirates.

Society of Professional Investigators is comprised of both licensed private investigators and security guard companies and the Indiana Association of Private Investigators is comprised of licensed private investigators and certified specialists in various fields, such as polygraph examiners, accident reconstructionists, hand writing experts, etc. Over the years the associations have worked together on common interests, such as legislative advocacy on the state and national fronts. Although merger has been discussed among the two associations, differences remain in structure and governance. Yet, both associations have a great amount of respect for one another and continue to work together for their members' business interests and in the best interests of the public and business community at large.

But just as our interests are common, so are the challenges we face in recruiting members. Our combined membership numbers total approximately 120 private investigation firms and security guard agencies (which includes several overlapping memberships).<sup>5</sup> By year's end 2014, there were 518 Private Investigator licenses and 395 Security Guard agencies in Indiana, according to figures provided by the Professional Licensing Agency.<sup>6</sup> Thus, the associations represent only 13 percent of the combined license holders in the state, or only 23 percent of the licensed private investigators. We are volunteer organizations and have no ability to compel memberships. Our licensing codes provide for no continuing education for license renewals, a mechanism other state associations use to gain memberships by providing those credits in regularly scheduled seminars and conferences. Although both INspi and IAPI provide seminars and networking events, only a small number of our members regularly attend.

#### **Why the Associations Support Licensing of Private Investigators and Security Guards**

We believe that to understand why licensing is necessary we need to illustrate the kinds of services provided by professional private investigators in today's modern world, and, to a degree embedded in the obvious, why guard services must be regulated.

**Private Investigation Clients.** Although attorneys and businesses comprise the majority of our clients, we also do work for the public, the average consumer, if you will. Even when we work for an attorney, we are most times acting on behalf of a consumer, for example a personal injury victim or a criminal defendant. The kinds of special cases we handle for attorneys, insurance companies, businesses and individual members of the public include but are not limited to:

1. **Personal Injury and Negligence Cases.** We review accident reports, conduct scene inspections and evidence examinations. We interview witnesses and vet expert witnesses. We provide support to counsel during depositions and trial preparation.
2. **Criminal Defense Cases.** We develop incident time lines for counsel; review police and other first responder reports; locate and interview witnesses and escort defense witnesses to trial; and other litigation support services, including background investigations of potential jurors and expert witnesses.

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<sup>5</sup> There is no separate state association for security guard agencies in Indiana. [ASIS International](#) (formerly American Society for Industrial Security) has state chapters in Indiana, but its membership is comprised mostly of corporate security directors. Corporate security forces do not require licensing. There are few contract guard providers in the ASIS ranks.

<sup>6</sup> From an email to PISG Licensing Board chairman, Don C. Johnson, from the board's staff director, Amy Hall, on December 18, 2014. No more licenses were issued before year's end.

3. **Insurance Defense Investigations.** We conduct surveillance and other investigative activities in insurance fraud cases. We conduct background and asset investigations on subrogation targets for insurance defense attorneys and insurance company special investigation units.
4. **Estate and Probate Investigations.** We conduct background investigations on caregivers and others who have inserted themselves into the life of a senior citizen. We search for missing or unknown heirs on an estate, either for a family or an executor needing due diligence for probate purposes.
5. **Family Law Investigations.** Although we have the occasional request from a wronged spouse to identify an unknown co-respondent, most family law cases involve petitions for modification in child custody arrangements, when a former spouse may be in violation of a dissolution decree. When a member of the public does contact us, we operate under the premise of “Know your client.” Indiana is of course a no fault divorce state and we must always operate with a high degree of caution in these matters.
6. **Business Matters.** Many of us provide special investigation services to businesses, small and large. These services can include pre-employment and background screening, which require special knowledge of relevant federal and state employment laws. We also conduct workplace investigations on suspected stalking, sexual harassment and disability cases. We also conduct due diligence investigations on mergers and acquisitions. We work on intellectual property investigations into copyright and trademark infringement. We conduct investigations on compliance violations in franchise agreements.
7. **Property Services.** These investigations include mortgage fraud investigations and other real estate and personal property services, such as fraudulent transfer and stolen property.
8. **Computer Forensic Examinations.** These cases require the services of a qualified forensic specialist, knowledgeable of the rules of digital evidence preservation. We also need to know state and federal laws on access to devices during an investigation.
9. **Electronic Countermeasures.** Technical Surveillance Countermeasures (TSCM) also require the services of a highly qualified examiner, usually not found at the hands of an individual offering a scan with a handheld device purchased on the internet for a hundred dollars.<sup>7</sup>
10. **Miscellaneous, Personal Cases.** Those of us who have been in the PI business for a few years can share stories of the random case, the frantic call from someone who hears strange noises in the attic, someone who has lost a pet, or someone who had something stolen and they believe they’ve had no satisfaction from the police. These matters require special handling, both in terms of what you can or cannot promise a client and dealing with results that run counter to your client’s belief. Also requiring careful handling are online dating investigations and individuals who are trying to locate lost loves or missing children. Again, you must “Know Your Client.”

**Security Guard Licensing.** The associations believe the licensing of contract security guard companies is absolutely essential. We have detailed below many of the harms brought to the marketplace in the

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<sup>7</sup> The Indiana PISG codes do not regulate computer forensic examiners and TSCM specialists. Most PI firms will have at their disposal the services of an expert in these fields, either on staff or by contract.

**APPENDIX IV – JCC Handouts – Private Investigator and Security Guard Licensing Board**

absence of licensing.<sup>8</sup> Our present codes impose minimum regulation in the licensing of SG agencies. We license only the SG agency “Qualifier,” the individual who must meet the minimum standards for licensing: two years of qualifying experience, a clean background check and a certificate of professional liability insurance. We do not license or register the employees of SG agencies or PI firms. Those requirements were eliminated when the codes were revamped in 2007. The PI and SG businesses are required to maintain fingerprint cards on file for each employee and conduct their own background checks. Although the state can conduct random audits to check for compliance, we are not aware that is a standard practice.

There is ample anecdotal evidence of the danger not only of unlicensed security guard operations but problems with licensed guard companies whose practices endanger the public safety, in particular in the absence of stronger codes which require specific training of employees and minimum standards for guard uniforms, for example. In an administrative law hearing last month before the Indiana Private Investigator and Security Guard Licensing Board, a Petition for Summary Suspension filed by the Office of the Attorney General was heard; reference Cause Number PISG 15-01, in the matter of Security Watch Alert Team, LLC d/b/a MyPrivatePolice.com. After a hearing that lasted over nine hours, the board found for the Petitioner and the guard company’s license was suspended for 90 days for practices that endangered the public safety.<sup>9</sup>

**Few Applications for Licensure Denied.** In a memo to the association presidents, the chairman of the Private Investigator and Security Guard, Don C. Johnson, provided the following figures, from his meeting notes, on the number of licenses granted and denied during 2014:<sup>10</sup>

**Meeting Month Licenses Issued Denied Tabled**

January	PI	5	1	
	SG	1	1	
March	PI	14	1	1
	SG	9	0	1
May	PI	10	0	
	SG	3	0	1

<sup>8</sup> Ray Myszak is a former Hammond police detective and guard company owner. He sent this message to us on February 5<sup>th</sup>: “When I ran my guard company, I had 200-250% turnover in guards every year. High turnovers are common among guard companies. Even though 20% of my guards were with me for years, 80% had to be replaced twice a year, or more. Without licensing and proper operating procedures, unscrupulous guard companies would refrain from providing optimum security for their clients. In fact, many disservices would result without licensing.”

<sup>9</sup> News coverage of the hearing can be found online at <http://www.theindychannel.com/news/local-news/carmel-company-accused-of-impersonating-police> and <http://www.indystar.com/story/news/2015/01/15/carmel-security-firms-license-suspended-impersonating-police-allegations/21804879/>

<sup>10</sup> The totals of licenses issued in 2014 (46 PIs, 19 SGs) were confirmed by Amy Hall, PLA’s staff director of the PISG Licensing Board. In most instances on an application denial, the qualifier did not have the minimum number of hours of documented experience. Often times when an application is tabled for that reason, the applicant will produce additional documents to meet the minimum requirements.

**APPENDIX IV – JCC Handouts – Private Investigator and Security Guard Licensing Board**

July	PI	5	0	1
	SG	3	0	
September	PI	5	0	
	SG	1	0	
November	PI	7	0	
	SG	2	1	

**What Is the Harm in the Absence of Licensing?**

The licensing of private investigator firms and security guard agencies in Indiana is essential and necessary for two primary reasons:

1. Public Safety
2. Consumer Assurance

**Risks to Public Safety.** Without licensing or regulation of the PI and SG business sectors, anyone can “hang a shingle” and offer these services. This would include individuals who are predicated towards or who have been convicted of serious felony and misdemeanor crimes, to include, but not limited to:

- Sexual offenses and predatory practices such as stalking;
- Domestic violence and battery;
- Homicide or manslaughter;
- Assault with a deadly weapon;
- Theft or receiving stolen property;
- Identity fraud and cyber crimes;
- Deceptive consumer practices.

Our present licensing system requires background checks for applicants. Without licensing, anyone convicted of a sex offense or violent crime would be able to promote himself as a “private investigator.” An unlicensed security guard would have access to a company’s facilities, employees and property.

**Risks to Consumer Assurance.** Without licensing, the public and business sectors have no assurance that someone claiming to be a private investigator or security guard has a minimum qualifying experience. Prior experience in law enforcement or in the private sectors gives an individual valuable experience in the critical areas of asset and data protection, compliance with state and federal laws and regulations governing critical areas of responsibility, including but not limited to:

- Privacy Rights and Access to Personal Identifying Information (PIN);
- Civil and Criminal Law Rules of Evidence;
- Pre-employment and Post-employment Background Investigations;
- Protection of Personnel and Facilities;
- Business Practices and Protocols.

An unlicensed PI or guard contractor is more likely to avoid state and federal taxes by paying employees “off the books” and issuing 1099s at the end of the year for those it wrongly treats as sub-contractors. This white paper does not address in detail how a consumer would seek redress if an unlicensed PI takes money and does not provide the service. We all know the civil courts are crowded and a judgment in hand is not worth much if you can’t collect on it. Many unlicensed PIs will avoid carrying liability insurance, just as they will avoid paying any payroll taxes. The licensing and regulation of PI and SG services give consumers an additional option for redress for civil and criminal wrongs.

**Are there Acceptable Alternatives to Licensing?**

The associations do not believe there is an acceptable alternative to licensing. We are not capable of the administrative and financial burden that would be imposed if the state requested we assume oversight. As noted above, we are volunteer, non-profit organizations and we continue to face the challenges of membership attrition and recruitment.

Furthermore, we believe the concept of “self-certification” would be equally untenable. As we understand it, self-certification is a “*private and voluntary certification as a complement to other state-authorized occupational licensing regimes*” that does not impose an absolute obligation under law for registration.<sup>11</sup>

Furthermore, there are no national associations or organizations which provide a certification for PI firms or SG agencies that would not impose significant financial burdens on Hoosier business owners who would choose to seek those certifications. Only one organization, ASIS International, provides certifications for both sectors which might otherwise be considered were it not for the cost of examination and re-certification. The eligibility requirements for these examinations impose minimum standards and experience beyond what our present codes require, adding a further financial burden in achieving those levels. Other associations provide certifications in narrow fields of investigation, which most business owners would not seek in light of those restrictions and the additional financial burden of examination and re-certification.<sup>12</sup>

**How Can the PI and SG Licensing Codes Be Improved?**

Our present codes impose absolutely minimum standards for licensing, especially when compared to all the states surrounding us and many of the others which require licensing. We believe that the present renewal cycle of four years provides some relief to business owners who had to renew on two year cycles in the codes prior to 2007. However, an increase in the renewal cycle might impose a financial burden on the Professional Licensing Agency in tracking the compliance of license holders and add to the administrative costs of an increased volume in renewals during the same calendar year.

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<sup>11</sup> Reference the SEA 421 Report on self-certification at [http://www.in.gov/pla/files/IPLA\\_Legislative\\_Report\\_-\\_Self-Certification\\_Registration.pdf](http://www.in.gov/pla/files/IPLA_Legislative_Report_-_Self-Certification_Registration.pdf). We respectively refer the JCC to pages 5 and 6 of this report, in regards to the licensing of certain occupations and professions “...to protect the health and safety of consumers” and the factors to use when considering the necessity of full licensure. We believe these factors dictate licensure over certification for the PI and SG sectors.

<sup>12</sup> For details on the ASIS certifications, go to [www.asisonline.org](http://www.asisonline.org). Additional but narrow certifications are provided by the [National Association of Legal Investigators](#) and the [Association of Certified Fraud Examiners](#).

However, the associations have always taken the position that continuing education is an essential component of good business practices, considering the nature of the services we provide, as detailed above. Our present codes have no such requirement.

**Continuing Education for License Renewals.** The associations realize the problem of imposing additional financial burdens on business owners, which most likely makes untenable requiring continuing education credits for license renewals at this time. However, as noted above, the associations routinely schedule continuing education events at locations around the state. The Indiana Association of Professional Investigators holds monthly meetings in Indianapolis and regularly schedules training components in those meetings. The IAPI also holds an annual seminar in the fall of each year. The IAPI is a LETB (Law Enforcement Training Board) Certified Training Provider making their annual seminar an option to law enforcement officers and support personnel for satisfying in-service training requirements through the ILEA (Indiana Law Enforcement Academy). The Indiana Society of Professional Investigator holds quarterly meetings and seminars around the state, including most recently in South Bend and before that at the French Lick Hotel. The society is hosting a conference in Indianapolis in April at the Holiday Inn in Carmel, “Associations One 2015 Investigation and Security Conference,” co-sponsored by associations from Michigan, Ohio, Illinois and Kentucky. Members of the IAPI are invited to that event, now in its 16<sup>th</sup> year.<sup>13</sup> The Associations One conferences and other seminars hosted by INspi have been recognized by the National Association of Legal Investigators for continuing education credits for Certified Legal Investigators.<sup>™</sup>

The annual dues for our associations are \$100 for the business owners and associate memberships are offered to employees at a reduced rate. Our regular seminar and meeting fees are in the \$20-\$25 range. Our members believe these minimum dues and fees are money well spent and provide a desired level of confidence for our clients. A sampling of topics covered in our continuing education events:

- Changes in civil and criminal laws and rules of evidence;
- Changes in state and federal laws regulating pre-employment screening;
- Changes in technology, computer security, and digital evidence recovery and examination;
- Best practices and procedures in the service of process;
- Interview and interrogation techniques;
- Asset investigation and judgment recovery;
- Premises liability and negligence issues for security companies and investigators;
- Accident scene inspection and documentation.
- Best business practices, including human resource issues.

**Reconsideration of How We License Out-of-State Companies.** Our codes do not require that out-of-state PI firms and SG agencies have an office in Indiana when applying for licensure here. Under the codes prior to 2007, if an out-of-state company applied for a license, they had to either have an office in Indiana or a “Registered Agent,” a license holder in the state who could be held responsible for the out-of-state firm’s actions and where the out-of-state company had to maintain a copy of its Indiana license.

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<sup>13</sup> Details can be found at [www.associationsone.net](http://www.associationsone.net).

APPENDIX IV – JCC Handouts – Private Investigator and Security Guard Licensing Board

The PISG Licensing Board regularly licenses out-of-state firms with no easy mechanism for PLA to track how many employees they are sending into Indiana. These firms on occasion will use an out-of-state sub-contractor who is not licensed in Indiana. These are companies that are taking jobs from Hoosier-based firms without the same regulatory oversight and that do not pay taxes in Indiana.

**Enhanced Rules and Regulations for Security Guards.** Again, we recognize the problem of a financial burden that additional rules and regulations might impose on SG agency owners. However, we would be remiss if we did not note that we consider the rules and regulations governing the operation of SG agencies as wholly insufficient for the protection of the public. The recent incident referenced above illustrates that point, when it was learned that an employee of that guard company had a criminal history. In that same hearing, we saw that some guard company uniforms can be confused with the uniform of a police officer. Responsible guard companies, such as Securitas, outfit their guards in uniform colors and embroideries that a member of the public could clearly identify as belonging to a security company and not a local police department. Uniforms are an initial expense for any guard company. While grandfathering present SG agencies, we believe that new rules and regulations requiring minimum standards in uniform design, for example, would impose no additional cost.

**In Conclusion ...**

The associations appreciate this opportunity to share with the Job Creation Committee this overview of the private investigator and security guard business sectors. We hope that our report provides an increased understanding of what it is that we do, as well as an illustration of the value to the public in knowing that the great Hoosier state requires licensure for PI firms and SG agencies. We know that you share our belief that, when considering the operation and licensure of any occupation or profession, ensuring the safety of the public is paramount.

We will be glad to answer any questions that you may have.

Respectfully,

The Indiana Association of Professional Investigators:



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Kim Ridding, President

[info@legworkinvestigations.com](mailto:info@legworkinvestigations.com)

The Indiana Society of Professional Investigators:



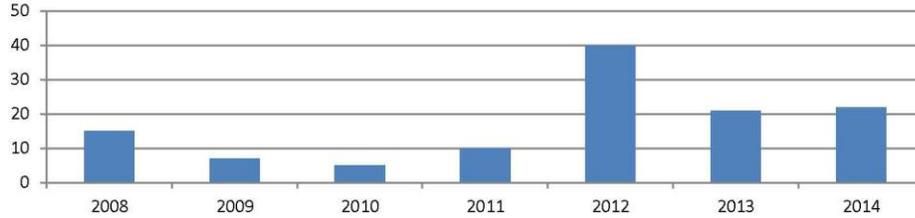
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Brandy Lord, President

[pi@integrityinvestigationsinc.com](mailto:pi@integrityinvestigationsinc.com)

**Private Investigators and Security Guards  
2008 to 2014**

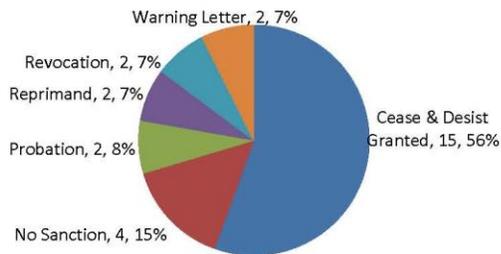
**Complaints Received**



**Results of Investigations**

Alleged Violation	Duplicate	No Violation	Referred to Another Agency	Insufficient Evidence	Settled	Warning Letter	Litigation File Opened	Totals
Application or Renewal Fraud		1						1
Criminal Activity		4						4
Employing Unlicensed Practitioner		2						2
Fraud		1		1				2
Nonsanctionable Action		2	1	1				4
Professional Incompetence	1	8		3	1	1		14
Unlicensed Practice	1	17		5	5	7	8	43
Unprofessional Conduct	1	19	1	5		1	1	28
<b>Totals</b>	<b>3</b>	<b>54</b>	<b>2</b>	<b>15</b>	<b>6</b>	<b>9</b>	<b>9</b>	<b>98</b>

**Disposition of Litigation**





**Indiana Funeral Directors Association**

1305 W. 96<sup>th</sup> St. Suite A  
Indianapolis, IN 46260  
Phone 317-846-2448 Fax 317-846-6534  
[www.infda.org](http://www.infda.org)

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IFDA is a trade and professional association representing 470 independent, family-owned funeral homes and approximately 1100 individual funeral director licensees in Indiana.

Funeral service is not a growing segment of the economy due to changes in funeral customs which has led to a decrease in the number of funeral homes.

The manner in which funeral service is practiced is vital to the health, welfare, and safety of the citizens of Indiana.

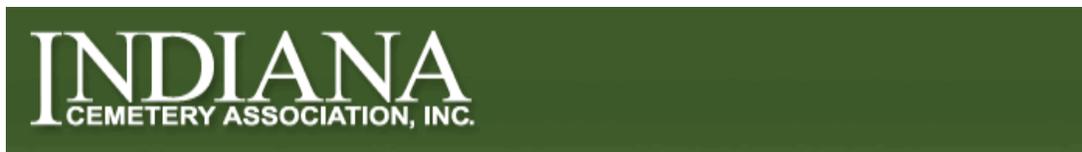
Regulation of funeral service through formal licensing of funeral homes and funeral directors has been the practice in Indiana and 48 other states for decades. The rationale for doing so is still valid. (Colorado, the one exception, recently saw the need to increase their regulatory level.)

Reasons for licensing:

- The purchase of a funeral is a unique transaction under trying circumstances. The public needs to know that the person they have placed their trust in has met certain educational requirements and complies with strict licensing standards.
- The handling of human remains requires a knowledge of infectious disease and requires safe handling protocols.
- Money paid in advance and held for future use deserves state protection that only licensing can provide.
- The public is best served when a licensing board is in place to handle consumer complaints.
- Only a licensing board can take immediate and emergency action against a practitioner to protect the public in rare cases where it is warranted.

Recommendations:

1. Increase the entry level educational standard to a bachelor's degree to be in line with a growing number of other states as well as other comparable professions. (Indiana is falling behind and pay differential could cost us good candidates.)
2. Increase in the number of continuing education hours for re-licensure to help insure up-to-date practices and legal compliance.
3. Retention of current size and structure of board, but streamlining of complaint process.
4. Better and sooner "triage" of complaints by a practitioner.
5. Fines used towards enforcement with an increase of inspections and inspectors.



Casey Miller, Executive Director of the Indiana Cemetery Association, submitted these bullet points to the JCC to aid his testimony:

**11. Provide an introduction and overview of the industry, your involvement and the role licensure plays to benefit practitioners and consumers. Economic impact of the industry on the state? Does licensure support/facilitate economic growth? Why or why not? What’s the average wage of professionals in the industry? What’s the average income? What is the salary range of the practitioners (BLS data)?**

- As the Executive Director of the Indiana Cemetery Association, I represent approximately 125 of both large and small cemeteries in Indiana and these 125 cemeteries perform approximately 60% of the burials in Indiana. I presently manage the Catholic Cemetery in Fort Wayne and also manage the Indiana Cemetery Association on behalf of its Board of Directors. I was appointed to the State Board of Funeral and Cemetery service by then Gov. Evan Bayh and served for two, 4 year terms. I was the Chairman of the State Board for two years. Funeral and Cemetery Licensure is absolutely critical to guarantee compliance with trusting laws and to insure public safety when visiting Indiana funeral homes. Licensure of cemeteries and funeral homes does not negatively impact economic growth and are not burdensome. Management level employees earn \$65,000.00 on average and fully licensed funeral directors earn approximately \$55,000.00 on average.

**12. Explain why licensure is needed for the industry. Could certifications be used as an alternative? Why or why not? Provide additional background information for why the profession should be regulated.**

- I will defer to the Indiana Funeral Directors Association on this question.

**13. Recommendations for legislative or administrative changes to the licensure structure? If recommendations are needed, how will these benefit consumers and practitioners?**

- I will defer to the Indiana Funeral Directors Association on this question.

**14. Is the current board structure satisfactory? Is the agency structure satisfactory for managing the regulations of the industry and informing**

**licensees?**

- The present structure of the State Board is certainly adequate and I would not recommend any changes. Further, my dealings with IPLA have been excellent and have found the staff informative when asked questions and responding to my needs.

**15. Are the fees fair? Why or why not?**

- The fee structure is not excessive.

**16. Are the pre-licensure educational requirements and continuing education requirements appropriate?**

- Again, I will defer to the Indiana Funeral Directors Association.

**17. Should the renewal cycle change? Could it be structured differently to be more centered on competency?**

- Again, I will defer to the Indiana Funeral Directors Association.

**18. Should the board be simplified? Is the number of board members appropriate? Should the board be combined with another similarly regulated profession?**

- I would like to discuss the reasoning behind the Board composition that became law on July 1st, 1991 and give reasoning as to why the makeup of the Board is still effective today. The Board should not be combined with any other professional group or Board.

**APPENDIX IV – JCC Handouts – State Board of Funeral and Cemetery Service**

**FUNERAL FEES IN SURROUNDING STATES**

**ILLINOIS**

License Fees:

Funeral Director - \$100  
Funeral Director by reciprocity - \$200  
Funeral Director Intern - \$50  
CE Sponsor - \$500

Renewal Fees:

Funeral Director - \$50  
Funeral Director Intern - \$25  
CE Sponsor - \$125

Misc.

Restoration - \$50 + all lapsed renewal fees not to exceed \$300  
Duplicate License - \$20  
Certification of License - \$20

**KENTUCKY**

License Fees:

Funeral Director - \$125  
Embalmer - \$75  
Embalmer by Reciprocity - \$125  
Courtesy Card - \$75  
Funeral Home - \$150

Renewal Fees:

Funeral Director - \$75  
Embalmer - \$75  
Funeral Home - \$150  
Courtesy Card - \$75

**MICHIGAN**

License Fees:

Funeral Director - \$60 (even year) \$100 (odd year)  
Trainee - \$45  
Courtesy Card - \$270 (odd year) \$405 (even year)

**APPENDIX IV – JCC Handouts – State Board of Funeral and Cemetery Service**

Funeral Home - \$170 (even year) \$225 (odd year)

Renewal Fees:

Funeral Director - \$120  
Trainee - \$65  
Courtesy Card - \$425  
Funeral Home - \$245

**OHIO**

License Fees:

Funeral Director - \$150  
Apprentice - \$25  
Embalmer - \$150  
Funeral Home - \$350  
Courtesy Card - \$150

Renewal Fees:

Funeral Director - \$150  
Apprentice - \$25  
Embalmer - \$150  
Funeral Home - \$350  
Courtesy Card - \$150

**APPENDIX IV – JCC Handouts – State Board of Funeral and Cemetery Service**

**PRENEED CONSUMER PROTECTION FUND PAYMENT INFORMATION AS OF 2/05/15**

REQUESTOR	DATE	AMOUNT GRANTED
<i>Highlight indicates payment made to a funeral home or cemetery that provided the service without charging the family at the time of need.</i>		

**BROOKS MEMORIAL CHAPEL, FH89200006** (Anderson, Facility Closed)

<b>L.C. MAY FUNERAL HOME</b>		
FOR OSHIA HESTER	2/7/08	\$3985.37

**CHRISTOPHER FUNERAL HOME, FH19500025** (License revoked for failure to place preneed funds in trust)

CONNIE SWIDER FOR GEORGIA MYERS	4/3/08	\$6746.00
ELSA MERCADO FOR BERNICE MCKAMEY	4/3/08	\$3848.50
NOEMI OTERO for PAULA OTERO	10/4/12	\$2815.33

**GREENE FUNERAL HOME, FH83003815 AND DANIEL GREENE, FD01000653** (Funeral home closed and licenses revoked.)

CHARLES STEVENS	1/1/04	\$4985.00
JANET RAMSEY	11/4/04	\$6568.75
PHILIP RAMSEY	11/4/04	\$6150.50
MARTHA ANDERSON	11/4/04	\$4223.00
GINGER LOVEALL	12/2/04	\$2290.00
LOIS M. SMITH	4/14/05	\$800.00
PAUL DAY	6/1/06	\$5309.29
DELEIA APPLE	10/4/07	\$542.66
DANA DAME	6/5/08	\$17,376.71

**GRANDVIEW MEMORIAL GARDENS, CM40100006, JAMES HOLT, FD01006382** (Madison, Ownership Change, Funds Missing. Ownership still in question and being sorted out via the legal system.)

<b>MORGAN AND NAY FUNERAL HOME FOR MARTHA BOYD</b>	2/7/08	\$723.16
MILFORD M. WILLIAMS	2/7/08	\$1777.99
CAROL MUNSON	12/6/07	\$2805.28
RICHARD LAUDERBAUGH	12/6/07	\$4314.21
JOHN J. JAYNES	12/6/07	\$5275.00
JOLENE CARVIN (Father)	12/6/07	\$648.40
BRENDA BARGER	12/6/07	\$2038.56
<b>KEITH MEFFORD (Grandview Cemetery)</b>	2/5/09	\$8865.00
INGRID PETERS	4/2/09	\$3493.06
PATSY TURNER	4/2/09	\$889.15
RETTA CARLSON	6/4/09	\$2285.00
JOLENE CARVIN (Mother)	6/4/09	\$1482.64
CARROLL HAMILTON	6/4/09	\$590.00
CHARLES HOOVER	6/4/09	\$3584.04
DENNIS LORY	6/4/09	\$787.96
BERNARD SCHAFER	6/4/09	\$758.50
WARE FUNERAL HOME	6/4/09	\$960.00
RICHARD WATTERSON	6/4/09	\$2869.74
LILLIAN WHITE	6/4/09	\$2525.63
KEVIN & DONNA WOOD	6/4/09	\$6204.30

**APPENDIX IV – JCC Handouts – State Board of Funeral and Cemetery Service**

DONNA CARSON for ANNA LAUDERBAUGH	12/3/09	\$1958.88
JOHN D. TODD for ROSEMARY TODD	12/3/09	\$3805.00
DANA G. SMITH for LARY L. SMITH	12/3/09	\$1334.61
DOROTHY JOANN GAY for JOHN HAYES	6/3/10	\$2575.50
VIRGINIA DURHAM for CARLOS DURHAM	10/3/13	\$9,748.00
VIRGINIA DURHAM for MORRIS DURHAM	10/3/13	\$10,241.54

**HALL FUNERAL HOME, FH10000108** (Closed)

CAROL LINDLEY for DOROTHY LINDLEY	12/5/13	\$2519.22
SANDERS FUNERAL CARE for PHYLLIS GOSSETT	2/5/15	\$12,344.82

**JOHN HAUCK, FD01001617, VANDIVIER-PARSLEY FUNERAL HOME, FH83002283** (Closed, failed to place preneed funds in trust.)

PAUL ST. PIERRE (Wilson St. Piere Funeral Home)	12/4/08	\$9101.87
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**KELLOGG FUNERAL HOME, FH83004170** (Revoked. Owner in prison for insurance fraud for cashing in policies using a false death claim.)

DEBRA MCCLURE FOR JAMES WILLIAM BRUNSON	4/12/12	\$8886.53
PATSY QUISENBERRY FOR CATHERINE R. ELLISON	4/12/12	\$10,724.05

**LANG FUNERAL HOME, FD8300508, ROBERT LANG, FD08600644** (License Revoked. Owner in prison for insurance fraud for cashing in policies using false death claims and forgery.)

KEITH WILTFANG	1/4/07	\$5778.68
LARRY STEINKE FOR STEINKE FUNERAL HOME	10/4/07	\$10,113.83
KAREN HENKE FOR VELDA HAMANN	4/3/08	\$10,100.46
MCMULLAN-STITZ FUNERAL HOME	6/5/08	\$13,117.97
NORMA G. PAJDA	4/2/09	\$5464.80
LARRY STEINKE FOR STEINKE FUNERAL HOME FOR BETHAL L. KENDALL	12/2/10	\$5954.07
LARRY STEINKE FOR STEINKE FUNERAL HOME FOR GARNITA WEBB	12/5/13	\$13,015.77
LARRY STEINKE FOR STEINKE FUNERAL HOME FOR MARGARET ALLEN	12/5/13	\$11,274.36
LARRY STEINKE FOR MAMIE S. BABBITT	4/3/14	\$8901.15
LARRY STEINKE FOR DONALD SPURGEON	6/12/14	\$6250.42

**MARVIN BOATRIGHT, FD01019032** (License Revoked and the Facility Closed.)

CLARENCE HIGHBAUGH SR. FOR MARSHALL HIGHBAUGH	2/5/09	\$1404.00
JANICE L. GIBSON FOR FLORENCE WITHERS	8/6/09	\$722.13
CHARLES CHAPMAN FOR		

**APPENDIX IV – JCC Handouts – State Board of Funeral and Cemetery Service**

ZENOPHIA CHAPMAN	10/1/09	\$767.61
LAVENIA SMITH & SUMMERS HOME FOR FUNERALS FOR U. Z. TINKER & THELMA L. DEDMON	3/4/10	\$5466.50
ELLIS MORTUARY, INC. FOR SARAH A. MARTIN	12/4/14	\$6672.70

**MCKEON FUNERAL HOME, FH19900063** (Closed)

GEISEN-CARLISLE FUNERAL HOME for RALPH RENCH	10/4/12	\$6176.70
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**MCMULLAN FUNERAL HOME, FH83007194** (Closed)

BUSSELL AND BELL FAMILY FUNERALS for LUCRETIA A. KELSHAW	12/6/12	\$202.39
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**NORTHEAST INDIANA CREMATION SOCIETY (GONYEA)** (Closed Facility)

MIDWEST FUNERAL HOME & CREMATION SOCIETY for:	8/5/10	
Mary Merz		\$1905.85
Louis McNett		\$1897.00
William H. Mayer		\$1800.00
Monica J. Daniels		\$1678.00
Elizabeth Poorman		\$1678.00

MIDWEST FUNERAL HOME & CREMATION SOCIETY for:	8/4/11	
JAMES MCQUEEN SR.		\$1059.82
MARGARET E. OSBORN		\$1464.50
GEORGE I. MARTIN		\$1226.29
MARY CATHERINE EAKIN		\$1300.00

PATRICIA LORAIN for BONNIE PARRISH	8/4/11	\$2942.70
P. JOSEPH OMO for LEROY JOSEPH OMO	12/1/11	\$1280.36
BRYON HEALTH CENTER for BETTY JOYCE BURNS	12/1/11	\$1207.27
KATHLEEN FORTE AND JANET VAWTER For EMMA HOBBS	12/1/11	\$2568.78
MICHAEL POORMAN for RALPH POORMAN	2/9/12	\$1297.55
JAMES WHITLOCK for MILDRED WHITLOCK	12/5/13	\$1980.53

**PAUL V. SHRADER FUNERAL HOME, FH83005037** (Facility Closed)

GERALD OBERHAUSEN FOR BERTHA V. GLAZE	2/4/10	\$4575.29
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**PYKE FUNERAL HOME, HENRYVILLE, FH89200005** (Closed. Owner in prison for insurance fraud for cashing in policies using false death claims and forgery.)

KAREN CAMPBELL FOR JAMES L. SIGMA	4/12/12	\$6780.48
ANN HARBESON FOR		

**APPENDIX IV – JCC Handouts – State Board of Funeral and Cemetery Service**

MARTHA HARBESON 4/12/12 \$1007.00

**PYKE – ALLOWAY FUNERAL SERVICE, MULLINEAUX CHAPEL, FH10100011** (Closed. Owner in prison for insurance fraud for cashing in policies using false death claims and forgery.)

KATHY A. SIMS for  
MARTHA OVERFELT 4/7/11 \$8349.73  
SALLY KNICKERBOCKER FOR  
DANIEL M. KANTLEHNER 4/12/12 \$1536.76  
CHAPMAN FUNERAL HOME for  
DON HODGES SR. 08/02/12 \$1006.76  
ERIC STROUD for HELLA STROUD 2/6/14 \$1086.09

**R.D. PYKE FUNERAL SERVICE, FH89200005** (Closed. Owner in prison for insurance fraud for cashing in policies using false death claims and forgery.)

GARR FUNERAL SERVICES for  
ARLENE CHAPMAN 6/3/10 \$7396.30  
KATHY SMITH for  
ELDRIDGE DEE MULLINS 4/7/11 \$9626.93  
BERNARD OWEN PULLEN JR. for  
TIMOTHY OWEN PULLEN 6/2/11 \$1010.04  
WILLIAM GATHERIDGE for  
ROWENA GATHERIDGE 2/9/12 \$6843.43  
ROBERT GATHERIDGE for  
WILLIAM GATHERIDGE 8/7/14 \$6867.32

**VANDIVIER-PARSLEY FUNERAL HOME, FH83002283** (Closed)

FLINT & MAGUIRE FUNERAL HOME for  
MARIE WALKER 10/4/12 \$6651.78

**YUILL-SHOEMAKER FUNERAL HOME, FH83000508** (Closed)

CANDACE L. DRAKE FOR  
MAGDALENE HANCOCK 4/12/12 \$7051.03  
PERRY WASHBURN for  
THOMAS WASHBURN 12/6/12 \$1643.40  
KATIE BUTTS for  
THELMA L. GRAVES 12/6/12 \$8389.21  
MIKE PAXTON for  
RAY PAXTON 12/5/13 \$2996.12  
INA ANSTETT for  
MINNIE TARTER 12/5/13 \$10,398.95

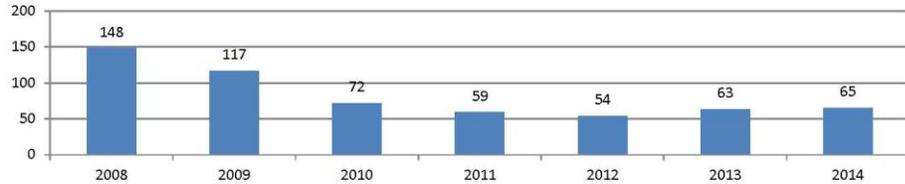
**UNKNOWN**

SHARON HALLGRATH HENDERSON 4/06 \$7905.00

APPENDIX IV – *JCC Handouts – State Board of Funeral and Cemetery Service*

**Funeral Directors and Cemeteries  
2008 to 2014**

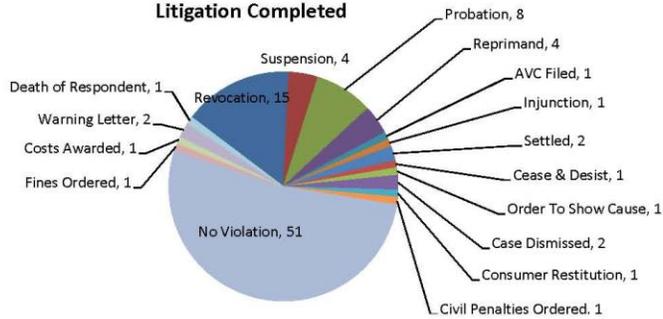
**Complaints Received**



**Investigations Completed**

Alleged Violation	Duplicate	No Violation	Death of Respondent	Out of Business	Insufficient Evidence	Warning Letter	Settled	Litigation File Opened	Totals
Nonsanctionable Action		17		1	2			5	25
Unlicensed Practice		17			7	4	2	11	41
Employing Unlicensed Practitioner		3						2	5
False Advertising		1							1
Breach of Contract		1							1
Billing Dispute	2	4						4	10
Fraud	1	21	3		1	1	3	15	45
Criminal Activity								1	1
Unprofessional Conduct		50		1	11	1	8	18	89
Professional Incompetence	6	190	2	6	18	27	26	65	340
Totals	9	304	5	8	39	33	39	121	558

**Litigation Completed**



## COLORADO HEARING SOCIETY

March 3, 2015

To Whom It May Concern:

In 1986 the Colorado State Legislature determined that regulation for hearing aid dispensers and audiologists was not necessary because of the very few complaints received regarding our profession each year.

The Colorado Hearing Society testified before several legislative committees urging them not to de-regulate our profession. However, the legislature felt that we policed ourselves well and did not need further regulation and they voted to sunset our regulations.

Once this de-regulation occurred, our state began attracting the worst of our profession. This resulted in a huge influx of unscrupulous, untrained, and incapable people dispensing hearing aids. The number of dispensers rose dramatically.

Individuals who previously had their licenses revoked or had numerous complaints in other states were free to set up shop and scam a new set of victims here.

The state thought we didn't need regulation, however, it quickly became apparent that we did as increased numbers of complaints against dispensers and audiologists began to pour into the state.

Some individuals opened storefront offices; others worked from their cars making home visits. They were there to make the sale but impossible to find when the customer needed service. A number of these people had absolutely NO training at all. This caused immeasurable damage to Colorado consumers physically, mentally, and financially.

State agencies eventually became involved and prosecuted several of these people. In most cases consumers were unable to obtain financial compensation.

In 1996 The State of Colorado again enacted registration and eventually licensing for all hearing aid providers and audiologists. We now have laws in place to handle disciplinary actions against those who do not comply with Colorado law.

It took 15 years to get these undesirable people out of the profession. It has taken much longer to regain the trust of the consumers in our state.

I urge you not to follow the path that Colorado took, the unexpected fall-out takes many years to recover from.

Sincerely,

*Cynthia L. Hoest*

Cynthia L Hoest, BC-HIS  
President Colorado Hearing Society

Chapter One  
Of The International Hearing Society



Dedicated To  
Serving The Hearing Impaired

**Silicone Impression Material  
in the Middle Ear**

**Kipp Robins, M.D.  
Richard Harris, Ph.D.  
Brigham Young University, Provo, UT  
(Posted April 23, 1999)**

*Hearing aid specialists (dealers) and dispensing audiologists are afforded a wide range of ethyl methacrylate monomer/polymer and silicone ear impression materials. Considerable professional skill and care must be exercised in selecting the size, material and placement of the oto-block within the external ear canal. Block materials include the traditional cotton and the newer polyfoam. Because of its compressibility, the latter ear dam material is often a poor choice for use with viscous, high density silicone impression materials. Impression material insertion techniques have advanced from hand-packing to include syringes and silicone "guns" which include stabilizer and impression material in separate barrels, mixed on injection. Material mix consistency and injection force are also critical variables in the impression-taking process. Friable and monomerically scarred tympanic membranes and surgically altered ears are at particular risk. This case study, contributed by Kipp Robins, M.D. and Richard Harris, Ph.D., FAAA, Brigham Young University, Provo, UT, demonstrates the profound otic impact of improper ear impression-taking technique. Dr. Robins provides detailed notes of the surgical treatment and follow-up. Audiometric data are unavailable.*

*Roy F. Sullivan, Ph.D.  
Editor, Video Otoscopy Forum*

A 91 year old male was seen by a local hearing aid specialist for hearing aids in May, 1998. The hearing aid specialist took ear impressions using silicone material injected using a gun. Details on the use of an ear dam are unavailable. According to the patient, the specialist placed the tip of the gun deeply into the ear canal and kept injecting silicone. The impression material, injected under pressure, apparently perforated the tympanic membrane and filled the majority of the tympanic cavity AND the auditory tube.

The patient was seen subsequently by a local Otolaryngologist (Dr. Robins) to remove the solidified impression from the tympanic cavity. During the initial visit an image (Fig. 1) was recorded using an in-office video otoscope system. A traumatic perforation can be seen in the inferior portion of the tympanic membrane. The patient was scheduled for surgical removal of the tympanic cavity impression and a series of emulsion photographs (Figs. 2 - 12) were recorded before, during and after surgery.

The otolaryngologist reported that the silicone material had almost completely filled the tympanic cavity and that the material was wrapped around the ossicular chain on three sides and also filled the auditory tube. The material was removed without physical damage to the ossicular chain.



Figure 1. Video otoscopic image of "tympanic cavity impression" taken in ENT office. Click image for full size view.

The vivid blue cast visible through the tympanic membrane in Figure 1 is the residual silicone impression material filling the middle ear space in intimate contact with the medial surface of the TM. Injection of the material caused a traumatic inferior perforation of the tympanic membrane and subsequently filled the tympanic cavity. Note the hematoma in anterior inferior auditory meatus, probably traumatically induced by the injection gun tip placement.



Figure 2. Photo taken in operating room prior to surgery for excision of silicone impression material from the middle ear cavity. Click image for full size view.

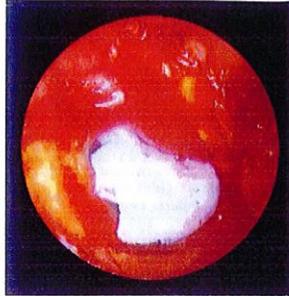
The risks of surgery were discussed with the patient and family. These risks included possible disruption of the ossicular chain, injury to the tympanic membrane or the inner ear. Both patient and family desired to proceed with the surgical removal of the impression material. Figure 2 was taken 24 hours after Fig.1, via a surgical microscope using emulsion photography. Some separation of the impression material from the medial surface of the TM is noted.

The following photographs, operative and follow-up notes were provided by otolaryngologist Dr. Robins.

**Surgical Procedure:**

*The patient was taken to the operating room, on May 7, 1998, where general endotracheal anesthesia was induced without complication. The left ear was prepped and draped in the usual sterile fashion. Under microscopic visualization, an extended*

*tympanomeatal flap was made. This extended from the superior aspect of the drum posteriorly down to approximately 7 o'clock. The drum was elevated forward. Further photo documentation was obtained at this point (Figure 3). The KTP laser was used at a setting of 2 watts to attempt to cut and dissect the silicon. This seemed to heat the silicon, but did not appear to be effective at cutting. The myringotomy knife was used to make several slices through the silicon inferiorly where it was felt to be safe. Ultimately, the straight-cut forceps were found to be best for removal of the silicon piecemeal. It did break away without significant tension using the straight-cut forceps.*



**Figure 3. Initial surgical exposure shows residual impression material in the operative field.**  
*Click image for full size view.*

*It was initially felt visually that the incudostapedial complex was encased in silicon. As the silicon was retracted inferiorly from this area, however, it was seen that the silicon extended to/and abutted against the incudostapedial complex but did not surround and encase the ossicles. The ossicular chain was therefore able to be kept intact throughout the procedure. All posterior and inferior areas of the tympanum were able to be cleaned of the silicon using this piecemeal removal. At this point additional photographs (Figures 4-6) were taken.*



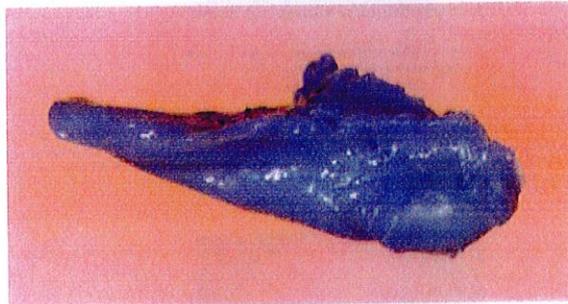
**Figure 4. Material excised from posterior and inferior tympanum**  
*Click image for full size view.*

*The anterior tympanum was still filled with the rubber material. This was not able to be retrieved deep to the malleus. Further extension of the incision anteriorly allowed the drum to be retracted posteriorly and the remainder of the silicon was able to be removed in this fashion.*



*Figure 5. Material has been removed from anterior tympanum and Eustachian tube. Click image for full size view.*

*There was an extension which appears to have gone down into the eustachian tube which came out as a single large piece.*



*Impression material cast of the Eustachian tube, removed intact.*

*At this point, the tympanic membrane was replaced to its original position. A Gelfilm graft was placed over the inferior perforation and some of the macerated areas of the drum.*



*Figure 7. Tympanic membrane replaced in original position.  
Click image for full size view.*

*Next, Gelfoam was packed in the lateral ear canal and a cotton ball covered with ointment and a Band-Aide were placed over the ear. The patient tolerated the procedure well and was awakened, extubated and taken to the recovery room in stable condition. Because of the tedious nature of the surgery, approximately two hours was involved in removal of the foreign body with repair of the ear drum.*

Post-Operative follow up notes:

05/18/98

S - No problems with the ears since surgery.

O - Left ear packing still in place. Everything looks appropriate at this time.

R - Recheck in one month.

07/03/98

- No problems since last visit.

Ø - Right ear remains healthy. Packing from the left ear canal is removed. The eardrum is well visualized. The posterior annulus appears to have retracted somewhat from its canal, leaving two separate posterior perforations between bony wall and annulus.

R - We will watch these. I will see him back in 2 months. I did approve wearing a hearing aid now in both ears. There is, incidentally, a small fleck of silicone still deep in the eardrum, which should not have any bad consequences.



**Figure 8. Postop color-edited photo taken 7-3-98 showing annulus pulled away from tympanic sulcus which resulted in 2 posterior inferior perforations.  
Click image for unedited full size view.**

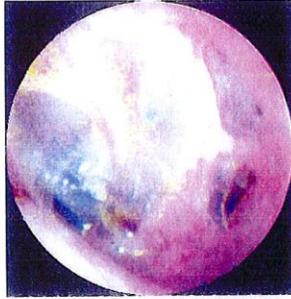
APPENDIX IV – JCC Handouts – Committee of Hearing Aid Dealer Examiners

09/04/98

*S - No problems since last visit. He is having some troubles properly putting his hearing aid in on the right. There was apparently a malfunction of his left hearing aid and it is being fixed.*

*0 - Right eardrum healthy. Left eardrum now has one smaller perforation posteroinferiorly. The annulus remains pulled away from the bony [meatus]. I again photographed it today.*

*R - Recheck three months. I again gave him approval to wear a hearing aid on the left.*



*Figure 9. Post-operative color-edited photo taken 9-4-98  
Click image for unedited full size view.*

03/17/99

*S - No reported problems since last visit. His step-son comes in again with him today.*

*0 - Right ear healthy. Left ear has otorrhea. On further questioning, he states that he has noticed some moisture in the ear canal for quite sometime. I suctioned this. He now again has two perforations, but they are much smaller than before. I am uncertain whether the single perforation that he had last time has now closed centrally creating two much smaller holes.*

*R - Cipro drops for four days. Recheck two weeks. It sounds as if they have signed a contract with the adjuster at \*\*\*\*\* ending all payments. This is certainly not appropriate until the eardrum is back to its pre-trauma state.*

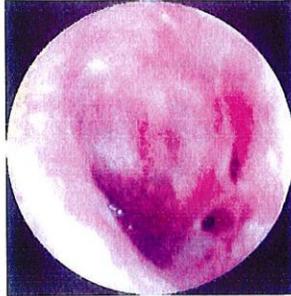


Figure 10. Post-operative color-edited photo taken 3-17-99.  
Click image for unedited full size view.

03/31/99

*S - No otorrhea since last visit. He has been faithful in using the drops.*

*O - One of the two small holes is now gone. The inferior hole has enlarged. I photographed this (Figure 11).*

*R - Drops twice a week. Recheck two months still with the hopes that the perforations will close spontaneously.*



Figure 11. Postop photo taken 3-31-99.  
Click image for unedited full size view.

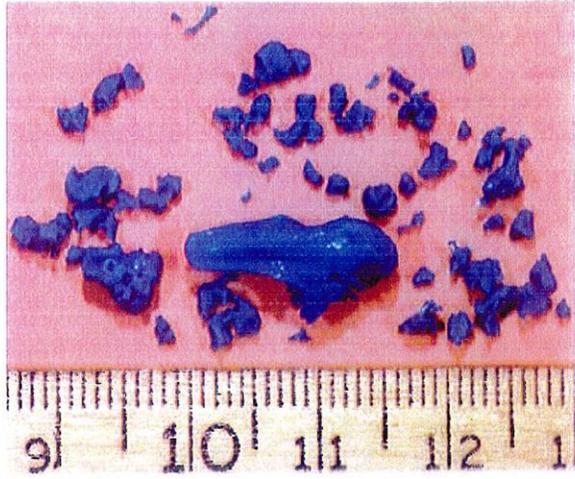


Figure 12. Remnants of silicone impression material surgically removed from middle ear spaces.

## **A PROFESSIONAL PRACTICE PROFILE FOR HEARING HEALTH PROFESSIONALS**

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*The International Hearing Society has adopted the following practice profile as a comprehensive declaration of dispensing characteristics and expectations that define the unique role of the hearing instrument practitioner.*

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Hearing instrument dispensing includes several professions that overlap. There are traditional hearing aid dispensers, Board Certified hearing health professionals, hearing aid practitioners, hearing instrument specialists, audioprosthologists, audiologists, doctors of audiology, otolaryngologists and other doctors of medicine. This document summarizes the scope of dispenser services as defined by the 1999 NBC-HIS Role Delineation Study of Hearing Aid Dispensers (D'Costa, 1999). It does not replace or supersede current state and federal regulations governing the practice of hearing instrument dispensing, but is specific to the training and legitimate professional activities of those practitioners licensed in hearing instrument dispensing.

Simply put, the purposes of this document are twofold: to provide a model hearing instrument dispenser practice plan for state/provincial licensing boards and to provide consumers, government agencies and other interested parties official information about the specific services and understandings a patient has the right to expect from a competent hearing health professional.

The following guiding principles and assumptions were used in the development of this profile:

- Only those professionals who hold professional licenses which allow hearing aid dispensing and who have appropriate training and experience may provide specific procedures.
- Safety and health of the patient are the most important considerations in all practice decisions and actions.
- All dispensing procedures are performed in a manner as to prevent bodily injury and infection.
- Hearing aids may be only part of the answer for improved communication; therefore, it is important to recognize and to encourage the use of other assistive listening devices for patients.
- Hearing healthcare requires a team effort. Dispensers must work with other professionals, as needed, to maximize patient care and interprofessional collaboration.
- Dispensers form a partnership with each of their patients to help achieve total communication with their own world, thus enabling their development and participation in all aspects of their life.
- All equipment must be maintained according to the manufacturer's specifications and recommendations. Equipment must be properly calibrated and necessary records maintained.
- Decontamination, cleaning and disinfection of multiple-use equipment must be carried out according to facility-specific infection-control policies and manufacturer's guidelines.
- Ambient noise levels in the test environment must be appropriate to the practice setting.
- Documentation must be maintained in accordance with local regulations and in keeping with good professional practice.

The NBC-HIS 1999 Role Delineation Study analyzed the responses of survey responders to 100 tasks in terms of the frequency with which each task was performed, and in terms of the level of supervision occurring with each task performance. Sixteen broad procedures were identified using statistical clustering of the tasks and are listed below.

1. **Elicit patient/client case histories**, including medical, otological, pharmacological, previous amplification history and patient attitudes and expectations.
2. **Administer otoscopy** for the purpose of identifying possible otological conditions, including but not limited to the FDA red flag conditions that may indicate the need for medical referral or which may have a bearing on needed rehabilitative measures, outcomes and/or recommendations.
3. **Administer cerumen management** in the course of examining ears, taking ear impressions and/or fitting of hearing instruments.
4. **Administer and interpret tests of human hearing**, including appropriate objective and subjective methodology and measures.
5. **Determine candidacy for hearing instruments**, assistive devices or referral for cochlear implant evaluation or other clinical/rehabilitative/medical intervention.
6. **Prescribe, select and fit appropriate hearing instruments and assistive devices** including appropriate technology, electroacoustic targets, programming parameters and special applications as indicated.
7. **Assess hearing instrument efficacy** utilizing appropriate fitting verification methodology, including all available fitting validation methods.
8. **Take and prepare ear impressions for prosthetic adaptation** of hearing instruments, assistive devices, telecommunications applications, ear protection and other related applications.
9. **Design and modify earmolds and auditory equipment** requisite to meet individual patient needs.
10. **Provide rehabilitative advice and counseling** in the use and care of hearing instruments and assistive devices and in effectively utilizing communication coping strategies and other approaches to foster optimal patient rehabilitation.
11. **Counsel family member(s) and other interested parties relative to psychosocial and rehabilitative considerations** for optimal patient outcomes.
12. **Provide long-term patient care**, including periodic audiometric updates and recommendations for modifying rehabilitation programs to help meet patients' changing needs over time.
13. **Refer and cooperate with other allied professionals** in meeting the needs of the hearing impaired.
14. **Provide supervision and in-service training** of those entering the dispensing profession.
15. **Maintain and update knowledge and skills in current and future diagnostic and technological advancements** within the hearing industry.
16. **Consult with industry in the development of products and services** relating to aiding hearing impairment.

The sixteen procedures listed above were then grouped into six major areas as follows:

1. Assess patient presenting problem and needs
2. Test and analyze patient hearing
3. Prescribe and analyze hearing aid
4. Fit, adjust, program and service hearing aid
5. Counsel and help rehabilitate patient
6. Manage office and practice

The following section addresses the expected outcomes, indication for procedure and procedure methods for each of the six categories.

### **ASSESS PRESENTING PROBLEM AND NEEDS**

#### **Expected Outcomes:**

- Identification of factors in the patient's background that may put him/her at risk for hearing problems.
- Identification of FDA red flags that would require a referral for medical evaluation.
- Identification of other medical problems that may have an impact on the methods used for procedures and/or expected outcomes of hearing aid fitting.
- Identification of family members' concerns regarding patient's hearing difficulties.
- Exploration of patient attitudes and expectations of amplification.
- Identification of problems with hearing and understanding.
- Identification of daily activities and impact of hearing loss on lifestyle.
- Identification of impact of hearing loss on family, friends and in the workplace.

#### **Indication for Procedure:**

- Individuals being seen for either hearing screening or hearing evaluation

#### **Procedure Methods:**

- Typically consists of a combination of written answers to a series of questions, elaboration of those answers by oral questioning and behavioral observation.
- Areas covered include but are not limited to: family history of hearing loss; incidence and duration of childhood hearing-related illnesses; information regarding dizziness, loss of balance or tinnitus; current medication/drug history; and history of noise exposure and acoustic trauma. In addition, it is critical to elicit family members' concerns about the patient's hearing difficulties, the patient's attitudes and expectations regarding amplification, and the patient's own assessment of their hearing difficulties.
- Additional areas that must be covered include but are not limited to questions regarding history of ear surgeries, diseases and treatments; information regarding past experiences with amplification; and questions and observations regarding ear deformity, pain, sudden hearing loss, ear infection, disease, drainage or blockage requiring medical referral.

### **TEST AND ANALYZE HEARING**

#### **Expected Outcomes:**

- Basic hearing evaluation is conducted to quantify and qualify hearing loss on the basis of perceptual responses to acoustic stimuli and to describe any associated communication disorders.
- Results of the evaluation may result in recommendations for more advanced testing, medical referral, amplification consultation, assistive listening device consultation or follow-up recommendations.
- Speech discrimination tests are performed for additional information about a hearing loss.
- Evaluation may result in recommendation for a medical referral, amplification, aural rehabilitation and/or counseling.
- Determine need for medical referral based on audiometric air-bone gap results.
- Determine degree, type and configuration of hearing loss from test results.
- Hearing instrument efficacy will be determined by pre-post audiometric measures.

#### **Indications for Procedure:**

- Hearing evaluation may be done when a hearing screening is failed.
- Hearing evaluation is generally prompted by self-referral, family referral, failure of an occupational hearing test or referral from other professionals.

#### **Procedure Methods:**

- Hearing evaluation is preceded by eliciting the hearing history and assessing the hearing problem. This is followed by examination of the external ear canal and cerumen management if necessary.
- The standard audiometric tests consist of pure-tone air and bone conduction testing with appropriate masking using the TDH-39 standard. It is our recommendation that all providers move to the EAR-3 or equivalent insert earphones standard by July 1, 2005. Some professionals also choose to do loudness growth testing at this time.
- Speech testing includes speech awareness and/or speech reception threshold tests, speech discrimination tests and establishing MCL and UCL thresholds (appropriate masking used as required). In addition, further information can be gained by doing unaided and aided sound field discrimination tests and by testing binaurally as well as monaurally.
- Special audiometric tests are performed for additional information about a hearing loss.
- Evaluation may result in recommendation for a medical referral, amplification, aural rehabilitation and/or counseling.
- Procedures such as immittance audiometry (tympanometry and reflexes) are quite common.
- Procedures to assess cochlear versus retrocochlear (i.e., eighth cranial nerve, brainstem or cortical) auditory disorders include acoustic reflex threshold, tone decay testing and PiPb rollover testing.
- Special procedures for testing infants and children as appropriate to licensure or evaluating tinnitus are also sometimes called for.
- Evaluate the reliability and validity of the test results.
- Evaluate test results to determine the presence of collapsed ear canals.
- Evaluate aided sound field measures and/or real-ear aided performance measures or live speech mapping.

**PRESCRIBE AND ANALYZE HEARING AID**

**Expected Outcomes:**

- In consultation with the patient and family (taking into account their lifestyle, special needs, hearing aid style, technology and price category preferences), selecting the hearing aid that will best fit their needs.
- Provide measurable results of improved hearing thresholds and ease of communication.
- The appropriate specifications for the hearing aid will be selected.

**Indication for Procedure:**

- Individuals identified with hearing loss who have reached a level of acceptance regarding their loss and are ready to seek help from amplification.

**Procedure Method:**

- Determine hearing aid needed for severity, type and configuration of hearing loss, keeping in mind the patient's history, lifestyle and audiogram.
- Discuss with patient the various levels of technology and their different price categories to aid in determination of hearing aid prescription.
- Identify physical limitations affecting hearing instrument selection.
- Prior to dispensing the hearing aid, verification of hearing aid performance is conducted via a listening check to rule out excessive circuit noise, intermittency and/or poor sound quality.
- Perform electroacoustic analysis to determine if hearing aid is performing according to manufacturer's specifications.
- Confirm telecoil function.
- Programmable and digital hearing aids should be programmed prior to patient's arrival to ensure integrity of programming system and hearing aids.

**FIT, ADJUST AND SERVICE HEARING AID**

**Expected Outcomes:**

- Appropriate earmold/hearing aid shell configuration and material will be selected for maximum comfort and hearing aid performance.
- Alleviation of a problem with physical or acoustic comfort (i.e., occlusion, loudness, discomfort).
- Restore the aid to manufacturer's specifications.

**Indications for Procedure:**

- Patient is being fitted for new amplification.
- Patient or family reports a problem with the function, comfort or benefit being received from the hearing aid.

**Procedure Methods:**

- Assess ear canal for ear impression vis-à-vis size, length and direction.
- Perform proper ear impression procedures, e.g. otoblock placement.
- Determine earmold/hearing aid shell configuration and material.
- Examine surface of earmold and instrument for damage and sharp edges.
- Perform physical fitting of coupler and instrument.
- Appropriateness of physical fit should be assessed through ease of insertion and removal, cosmetic appeal, comfort, absence of feedback, placement of microphone port(s) and ease of volume control use when present.

- Program selected hearing aids to patient's baseline audiometric data.
- Adjust/modify hearing instrument electronics based on patient feedback.
- Make venting modifications as needed for reduction of occlusion effect and/or to control feedback. Modify shell or earmold for improved, more comfortable fit.
- In the event the patient returns with a malfunctioning hearing aid, conduct in-office internal inspection of earmold and instrument and take appropriate corrective action (suctioning wax and debris from receiver and microphone ports, cleaning corrosion from battery contacts, replacing earmold tubing, etc.). Conduct electric current drain measurement of hearing aid. If in-office repair is not possible, return aid to manufacturer for repair and offer the patient a loaner hearing aid to use while his/hers is being repaired.
- If the hearing aid needs to go to the factory for repair and it is out of warranty, inform the patient of the charges and repair warranty.
- Validation of fitting should be done with sound field testing using frequency specific thresholds and/or aided speech discrimination and speech reception thresholds or with real-ear aided measurements or with live speech mapping.
- Reprogram hearing aids based on patient feedback.

#### **COUNSELING AND AURAL REHABILITATION**

##### **Expected Outcomes:**

- Dispensers assist patients in coming to grips with the reality of their hearing loss and in the process of accepting amplification or other assistive listening devices.
- Dispensers educate the family and the patient in the ramifications of a hearing loss and what is a reasonable expectation for improved communication with amplification.
- To facilitate listening in various acoustic environments.
- To provide alerting systems to: augment the benefits of the hearing aids, establish procedures for follow-up and provide information to allied healthcare professionals.

##### **Indications for Procedure:**

- Individuals who have had their hearing evaluated.
- Individuals who are being fitted with amplification.
- Individuals who need more help than their hearing aids can provide in various situations.

##### **Procedure Methods:**

- Explain otoscopic examination and audiometric assessment to patient.
- Discuss patient's reactions to hearing instruments.
- Discuss with patient various treatment options, e.g., different levels of technology, different styles of hearing instruments.
- Provide patient with hearing rehabilitation exercises.
- Explain hearing instrument use in different listening environments.
- Instruct patient on proper instrument insertion and removal techniques.
- Counsel patient on cerumen management.
- Counsel patient regarding care and use of instrument.
- Counsel patient on battery life and insertion/removal techniques.
- Counsel patient on telephone usage with hearing instruments and assistive listening device coupling as necessary.

- Counsel patient on amplification expectations and limitations:
  - discussion of appropriate expectations for amplification include improved communication, freedom from unwanted feedback, minimization of the occlusion effect and more auditory benefit in quiet than in noise
  - patient is advised of their legal rights for hearing aid adjustment, replacement and return
  - self-assessment tools that measure degree of hearing handicap and/or pre- and post-fitting satisfaction are an appropriate tool for measuring patient satisfaction
  - instruct patient/family in effective listening techniques with hearing aids
  - counsel family members about patient's adjustment and use of hearing aids
  - provide patient with information concerning environmental modifications that can ease communication
  - may provide patient with information on speech reading or other aural rehabilitation classes
  - may include demonstration and information on devices to enhance telephone usage; listening to television; listening in church; listening in restaurants and other difficult listening environments; listening in the classroom or auditoriums; and telephone, doorbell and smoke alarm alerting systems
  - formulate long-term treatment program
  - establish methods for recording care from treatment to rehabilitation
  - counsel patient on importance of follow-up visits
  - provide physician, with patient's permission according to HIPAA standards, your audiometric evaluation and recommendations and communicate with other allied health professionals as appropriate.

#### **OFFICE AND PRACTICE MANAGEMENT**

##### **Expected Outcomes:**

- Equipment will be maintained according to sanitary guidelines and manufacturer's specifications.
- Records will be maintained in an organized and efficient manner.
- Clinical/professional knowledge and skills will be current.

##### **Indications for Procedure:**

- To standardize professional standards and practices.

##### **Procedure Methods:**

- Maintain equipment to standards of sanitation and cleanliness.
- Supervise sanitization and cleanliness of office personnel.
- Maintain equipment according to manufacturer's specifications.
- Conduct biologic check of audiometric equipment.
- Perform cerumen management procedures using standard techniques/equipment.
- Recruit, train and develop professional and administrative staff.
- Establish supervisory procedures to ensure quality care.
- Develop marketing and advertising plans.
- Provide certification to patient to receive amplified telephone systems where appropriate.