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HOUSE BILL 1762

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State of Washington

56th Legislature

1999 Regular Session

By Representatives Linville and Cody

Read first time . Referred to Committee on .

1 AN ACT Relating to licensure of audiologists and speech-language  
2 pathologists; amending RCW 18.35.010, 18.35.010, 18.35.020, 18.35.020,  
3 18.35.030, 18.35.040, 18.35.040, 18.35.050, 18.35.060, 18.35.060,  
4 18.35.080, 18.35.090, 18.35.090, 18.35.095, 18.35.100, 18.35.100,  
5 18.35.105, 18.35.105, 18.35.110, 18.35.120, 18.35.120, 18.35.140,  
6 18.35.140, 18.35.150, 18.35.161, 18.35.161, 18.35.172, 18.35.172,  
7 18.35.175, 18.35.185, 18.35.185, 18.35.190, 18.35.190, 18.35.195,  
8 18.35.205, 18.35.205, 18.35.230, 18.35.230, 18.35.240, 18.35.240,  
9 18.35.250, 18.35.250, 18.35.260, and 18.35.260; reenacting and amending  
10 RCW 18.35.110; providing an effective date; and providing an expiration  
11 date.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13 **Sec. 1.** RCW 18.35.010 and 1996 c 200 s 2 are each amended to read  
14 as follows:

15 As used in this chapter, unless the context requires otherwise:

16 (1) "Assistive listening device or system" means an amplification  
17 system that is specifically designed to improve the signal to noise  
18 ratio for the listener, reduce interference from noise in the  
19 background, and enhance hearing levels at a distance by picking up

1 sound from as close to source as possible and sending it directly to  
2 the ear of the listener, excluding hearing instruments as defined in  
3 this chapter.

4 (2) "~~(Certified)~~ Licensed audiologist" means a person who is  
5 ~~((certified))~~ licensed by the department to engage in the practice of  
6 audiology and meets the qualifications in this chapter.

7 (3) "Audiology" means the application of principles, methods, and  
8 procedures related to hearing and the disorders of hearing and to  
9 related language and speech disorders, whether of organic or nonorganic  
10 origin, peripheral or central, that impede the normal process of human  
11 communication including, but not limited to, disorders of auditory  
12 sensitivity, acuity, function, processing, or vestibular function, the  
13 application of aural habilitation, rehabilitation, and appropriate  
14 devices including fitting and dispensing of hearing instruments, and  
15 cerumen management to treat such disorders.

16 (4) "Board" means the board of hearing and speech.

17 (5) "Department" means the department of health.

18 (6) "Direct supervision" means that the supervisor is physically  
19 present and in the same room with the hearing instrument  
20 fitter/dispenser permit holder, observing the nondiagnostic testing,  
21 fitting, and dispensing activities of the hearing instrument  
22 fitter/dispenser permit holder at all times.

23 (7) "Establishment" means any permanent site housing a person  
24 engaging in the practice of fitting and dispensing of hearing  
25 instruments by a hearing instrument fitter/dispenser or audiologist;  
26 where the client can have personal contact and counsel during the  
27 firm's business hours; where business is conducted; and the address of  
28 which is given to the state for the purpose of bonding.

29 (8) "Facility" means any permanent site housing a person engaging  
30 in the practice of speech-language pathology and/or audiology,  
31 excluding the sale, lease, or rental of hearing instruments.

32 (9) "Fitting and dispensing of hearing instruments" means the sale,  
33 lease, or rental or attempted sale, lease, or rental of hearing  
34 instruments together with the selection and modification of hearing  
35 instruments and the administration of nondiagnostic tests as specified  
36 by RCW 18.35.110 and the use of procedures essential to the performance  
37 of these functions; and includes recommending specific hearing  
38 instrument systems, specific hearing instruments, or specific hearing  
39 instrument characteristics, the taking of impressions for ear molds for

1 these purposes, the use of nondiagnostic procedures and equipment to  
2 verify the appropriateness of the hearing instrument fitting, and  
3 hearing instrument orientation. The fitting and dispensing of hearing  
4 instruments as defined by this chapter may be equally provided by a  
5 licensed hearing instrument fitter/dispenser or (~~certified~~) licensed  
6 audiologist.

7 (10) "Good standing" means a licensed hearing instrument  
8 fitter/dispenser (~~or certified~~), licensed audiologist, or licensed  
9 speech-language pathologist whose license (~~or certificate~~) has not  
10 been subject to sanctions pursuant to chapter 18.130 RCW or sanctions  
11 by other states, territories, or the District of Columbia in the last  
12 two years.

13 (11) "Hearing instrument" means any wearable prosthetic instrument  
14 or device designed for or represented as aiding, improving,  
15 compensating for, or correcting defective human hearing and any parts,  
16 attachments, or accessories of such an instrument or device, excluding  
17 batteries and cords, ear molds, and assistive listening devices.

18 (12) "Hearing instrument fitter/dispenser" means a person who is  
19 licensed to engage in the practice of fitting and dispensing of hearing  
20 instruments and meets the qualifications of this chapter.

21 (13) "Hearing instrument fitter/dispenser permit holder" means a  
22 person who practices under the direct supervision of a licensed hearing  
23 instrument fitter/dispenser or (~~certified~~) licensed audiologist.

24 (14) "Secretary" means the secretary of health.

25 (15) "~~Certified~~) Licensed speech-language pathologist" means a  
26 person who is (~~certified~~) licensed by the department to engage in the  
27 practice of speech-language pathology and meets the qualifications of  
28 this chapter.

29 (16) "Speech-language pathology" means the application of  
30 principles, methods, and procedures related to the development and  
31 disorders, whether of organic or nonorganic origin, that impede oral,  
32 pharyngeal, or laryngeal sensorimotor competencies and the normal  
33 process of human communication including, but not limited to, disorders  
34 and related disorders of speech, articulation, fluency, voice, verbal  
35 and written language, auditory comprehension, cognition/communication,  
36 and the application of augmentative communication treatment and devices  
37 for treatment of such disorders.

1       **Sec. 2.** RCW 18.35.010 and 1998 c 142 s 1 are each amended to read  
2 as follows:

3       As used in this chapter, unless the context requires otherwise:

4       (1) "Assistive listening device or system" means an amplification  
5 system that is specifically designed to improve the signal to noise  
6 ratio for the listener, reduce interference from noise in the  
7 background, and enhance hearing levels at a distance by picking up  
8 sound from as close to source as possible and sending it directly to  
9 the ear of the listener, excluding hearing instruments as defined in  
10 this chapter.

11       (2) "~~(Certified)~~ Licensed audiologist" means a person who is  
12 ~~((certified))~~ licensed by the department to engage in the practice of  
13 audiology and meets the qualifications in this chapter.

14       (3) "Audiology" means the application of principles, methods, and  
15 procedures related to hearing and the disorders of hearing and to  
16 related language and speech disorders, whether of organic or nonorganic  
17 origin, peripheral or central, that impede the normal process of human  
18 communication including, but not limited to, disorders of auditory  
19 sensitivity, acuity, function, processing, or vestibular function, the  
20 application of aural habilitation, rehabilitation, and appropriate  
21 devices including fitting and dispensing of hearing instruments, and  
22 cerumen management to treat such disorders.

23       (4) "Board" means the board of hearing and speech.

24       (5) "Department" means the department of health.

25       (6) "Direct supervision" means that the supervisor is physically  
26 present and in the same room with the interim permit holder, observing  
27 the nondiagnostic testing, fitting, and dispensing activities at all  
28 times.

29       (7) "Establishment" means any permanent site housing a person  
30 engaging in the practice of fitting and dispensing of hearing  
31 instruments by a hearing instrument fitter/dispenser or audiologist;  
32 where the client can have personal contact and counsel during the  
33 firm's business hours; where business is conducted; and the address of  
34 which is given to the state for the purpose of bonding.

35       (8) "Facility" means any permanent site housing a person engaging  
36 in the practice of speech-language pathology and/or audiology,  
37 excluding the sale, lease, or rental of hearing instruments.

38       (9) "Fitting and dispensing of hearing instruments" means the sale,  
39 lease, or rental or attempted sale, lease, or rental of hearing

1 instruments together with the selection and modification of hearing  
2 instruments and the administration of nondiagnostic tests as specified  
3 by RCW 18.35.110 and the use of procedures essential to the performance  
4 of these functions; and includes recommending specific hearing  
5 instrument systems, specific hearing instruments, or specific hearing  
6 instrument characteristics, the taking of impressions for ear molds for  
7 these purposes, the use of nondiagnostic procedures and equipment to  
8 verify the appropriateness of the hearing instrument fitting, and  
9 hearing instrument orientation. The fitting and dispensing of hearing  
10 instruments as defined by this chapter may be equally provided by a  
11 licensed hearing instrument fitter/dispenser or (~~certified~~) licensed  
12 audiologist.

13 (10) "Good standing" means a licensed hearing instrument  
14 fitter/dispenser (~~or certified~~), licensed audiologist, or licensed  
15 speech-language pathologist whose license (~~or certificate~~) has not  
16 been subject to sanctions pursuant to chapter 18.130 RCW or sanctions  
17 by other states, territories, or the District of Columbia in the last  
18 two years.

19 (11) "Hearing instrument" means any wearable prosthetic instrument  
20 or device designed for or represented as aiding, improving,  
21 compensating for, or correcting defective human hearing and any parts,  
22 attachments, or accessories of such an instrument or device, excluding  
23 batteries and cords, ear molds, and assistive listening devices.

24 (12) "Hearing instrument fitter/dispenser" means a person who is  
25 licensed to engage in the practice of fitting and dispensing of hearing  
26 instruments and meets the qualifications of this chapter.

27 (13) "Interim permit holder" means a person who holds the permit  
28 created under RCW 18.35.060 and who practices under the direct  
29 supervision of a licensed hearing instrument fitter/dispenser (~~or~~  
30 ~~certified~~), licensed speech-language pathologist, or (~~certified~~)  
31 licensed audiologist.

32 (14) "Secretary" means the secretary of health.

33 (15) "~~Certified~~ Licensed speech-language pathologist" means a  
34 person who is (~~certified~~) licensed by the department to engage in the  
35 practice of speech-language pathology and meets the qualifications of  
36 this chapter.

37 (16) "Speech-language pathology" means the application of  
38 principles, methods, and procedures related to the development and  
39 disorders, whether of organic or nonorganic origin, that impede oral,

1 pharyngeal, or laryngeal sensorimotor competencies and the normal  
2 process of human communication including, but not limited to, disorders  
3 and related disorders of speech, articulation, fluency, voice, verbal  
4 and written language, auditory comprehension, cognition/communication,  
5 and the application of augmentative communication treatment and devices  
6 for treatment of such disorders.

7       **Sec. 3.** RCW 18.35.020 and 1996 c 200 s 3 are each amended to read  
8 as follows:

9       No person shall engage in the fitting and dispensing of hearing  
10 instruments or imply or represent that he or she is engaged in the  
11 fitting and dispensing of hearing instruments unless he or she is a  
12 licensed hearing instrument fitter/dispenser or a ((certified))  
13 licensed audiologist or holds a hearing instrument fitter/dispenser  
14 permit or audiology interim permit issued by the department as provided  
15 in this chapter and is an owner or employee of an establishment that is  
16 bonded as provided by RCW 18.35.240. The owner or manager of an  
17 establishment that dispenses hearing instruments is responsible under  
18 this chapter for all transactions made in the establishment name or  
19 conducted on its premises by agents or persons employed by the  
20 establishment engaged in fitting and dispensing of hearing instruments.  
21 Every establishment that fits and dispenses shall have in its employ at  
22 least one licensed hearing instrument fitter/dispenser or ((certified))  
23 licensed audiologist at all times, and shall annually submit proof that  
24 all testing equipment at that establishment that is required by the  
25 board to be calibrated has been properly calibrated.

26       **Sec. 4.** RCW 18.35.020 and 1998 c 142 s 2 are each amended to read  
27 as follows:

28       No person shall engage in the fitting and dispensing of hearing  
29 instruments or imply or represent that he or she is engaged in the  
30 fitting and dispensing of hearing instruments unless he or she is a  
31 licensed hearing instrument fitter/dispenser or a ((certified))  
32 licensed audiologist or holds an interim permit issued by the  
33 department as provided in this chapter and is an owner or employee of  
34 an establishment that is bonded as provided by RCW 18.35.240. The  
35 owner or manager of an establishment that dispenses hearing instruments  
36 is responsible under this chapter for all transactions made in the  
37 establishment name or conducted on its premises by agents or persons

1 employed by the establishment engaged in fitting and dispensing of  
2 hearing instruments. Every establishment that fits and dispenses shall  
3 have in its employ at least one licensed hearing instrument  
4 fitter/dispenser or (~~certified~~) licensed audiologist at all times,  
5 and shall annually submit proof that all testing equipment at that  
6 establishment that is required by the board to be calibrated has been  
7 properly calibrated.

8       **Sec. 5.** RCW 18.35.030 and 1996 c 200 s 4 are each amended to read  
9 as follows:

10       Any person who engages in fitting and dispensing of hearing  
11 instruments shall provide to each person who enters into an agreement  
12 to purchase a hearing instrument a receipt at the time of the agreement  
13 containing the following information:

14       (1) The seller's name, signature, license, (~~certificate,~~) or  
15 permit number, address, and phone number of his or her regular place of  
16 business;

17       (2) A description of the instrument furnished, including make,  
18 model, circuit options, and the term "used" or "reconditioned" if  
19 applicable;

20       (3) A disclosure of the cost of all services including but not  
21 limited to the cost of testing and fitting, the actual cost of the  
22 hearing instrument furnished, the cost of ear molds if any, and the  
23 terms of the sale. These costs, including the cost of ear molds, shall  
24 be known as the total purchase price. The receipt shall also contain  
25 a statement of the purchaser's rescission rights under this chapter and  
26 an acknowledgment that the purchaser has read and understands these  
27 rights. Upon request, the purchaser shall also be supplied with a  
28 signed and dated copy of any hearing evaluation performed by the  
29 seller.

30       (4) At the time of delivery of the hearing instrument, the  
31 purchaser shall also be furnished with the serial number of the hearing  
32 instrument supplied.

33       **Sec. 6.** RCW 18.35.040 and 1996 c 200 s 5 are each amended to read  
34 as follows:

35       (1) An applicant for licensure as a hearing instrument  
36 fitter/dispenser must have the following minimum qualifications and  
37 shall pay a fee determined by the secretary as provided in RCW

1 43.70.250. An applicant shall be issued a license under the provisions  
2 of this chapter if the applicant:

3 (a)(i) Satisfactorily completes the hearing instrument  
4 fitter/dispenser examination required by this chapter; or

5 (ii) Holds a current, unsuspended, unrevoked license from another  
6 jurisdiction if the standards for licensing in such other jurisdiction  
7 are substantially equivalent to those prevailing in this state;

8 (b) After December 31, 1996, has at least six months of  
9 apprenticeship training that meets requirements established by the  
10 board. The board may waive part or all of the apprenticeship training  
11 in recognition of formal education in fitting and dispensing of hearing  
12 instruments or in recognition of previous licensure in Washington or in  
13 another state, territory, or the District of Columbia;

14 (c) Is at least twenty-one years of age; and

15 (d) Has not committed unprofessional conduct as specified by the  
16 uniform disciplinary act.

17 The applicant must present proof of qualifications to the board in  
18 the manner and on forms prescribed by the secretary and proof of  
19 completion of a minimum of four clock hours of AIDS education and  
20 training pursuant to rules adopted by the board.

21 (2) An applicant for (~~certification~~) licensure as a speech-  
22 language pathologist or audiologist must have the following minimum  
23 qualifications:

24 (a) Has not committed unprofessional conduct as specified by the  
25 uniform disciplinary act;

26 (b) Has a master's degree or the equivalent, or a doctorate degree  
27 or the equivalent, from a program at a board-approved institution of  
28 higher learning, which includes completion of a supervised clinical  
29 practicum experience as defined by rules adopted by the board; and

30 (c) Has completed postgraduate professional work experience  
31 approved by the board.

32 All qualified applicants must satisfactorily complete the speech-  
33 language pathology or audiology examinations required by this chapter.

34 The applicant must present proof of qualifications to the board in  
35 the manner and on forms prescribed by the secretary and proof of  
36 completion of a minimum of four clock hours of AIDS education and  
37 training pursuant to rules adopted by the board.

1       **Sec. 7.** RCW 18.35.040 and 1998 c 142 s 3 are each amended to read  
2 as follows:

3       (1) An applicant for licensure as a hearing instrument  
4 fitter/dispenser must have the following minimum qualifications and  
5 shall pay a fee determined by the secretary as provided in RCW  
6 43.70.250. An applicant shall be issued a license under the provisions  
7 of this chapter if the applicant:

8       (a)(i) Satisfactorily completes the hearing instrument  
9 fitter/dispenser examination required by this chapter; or

10       (ii) Holds a current, unsuspended, unrevoked license from another  
11 jurisdiction if the standards for licensing in such other jurisdiction  
12 are substantially equivalent to those prevailing in this state;

13       (b) Satisfactorily completes a minimum of a two-year degree program  
14 in hearing instrument fitter/dispenser instruction. The program must  
15 be approved by the board; and

16       (c) Has not committed unprofessional conduct as specified by the  
17 uniform disciplinary act.

18       The applicant must present proof of qualifications to the board in  
19 the manner and on forms prescribed by the secretary and proof of  
20 completion of a minimum of four clock hours of AIDS education and  
21 training pursuant to rules adopted by the board.

22       (2) An applicant for (~~certification~~) licensure as a speech-  
23 language pathologist or audiologist must have the following minimum  
24 qualifications:

25       (a) Has not committed unprofessional conduct as specified by the  
26 uniform disciplinary act;

27       (b) Has a master's degree or the equivalent, or a doctorate degree  
28 or the equivalent, from a program at a board-approved institution of  
29 higher learning, which includes completion of a supervised clinical  
30 practicum experience as defined by rules adopted by the board; and

31       (c) Has completed postgraduate professional work experience  
32 approved by the board.

33       All qualified applicants must satisfactorily complete the speech-  
34 language pathology or audiology examinations required by this chapter.

35       The applicant must present proof of qualifications to the board in  
36 the manner and on forms prescribed by the secretary and proof of  
37 completion of a minimum of four clock hours of AIDS education and  
38 training pursuant to rules adopted by the board.

1       **Sec. 8.** RCW 18.35.050 and 1996 c 200 s 6 are each amended to read  
2 as follows:

3       Except as otherwise provided in this chapter an applicant for  
4 license (~~or certification~~) shall appear at a time and place and  
5 before such persons as the department may designate to be examined by  
6 written or practical tests, or both. Examinations in hearing  
7 instrument fitting/dispensing, speech-language pathology, and audiology  
8 shall be held within the state at least once a year. The examinations  
9 shall be reviewed annually by the board and the department, and revised  
10 as necessary. The examinations shall include appropriate subject  
11 matter to ensure the competence of the applicant. Nationally  
12 recognized examinations in the fields of fitting and dispensing of  
13 hearing instruments, speech-language pathology, and audiology may be  
14 used to determine if applicants are qualified for licensure (~~or~~  
15 ~~certification~~). An applicant who fails an examination may apply for  
16 reexamination upon payment of a reexamination fee. The hearing  
17 instrument fitting/dispensing reexamination fee for hearing instrument  
18 fitter/dispensers and audiologists shall be set by the secretary under  
19 RCW 43.70.250.

20       **Sec. 9.** RCW 18.35.060 and 1997 c 275 s 3 are each amended to read  
21 as follows:

22       (1) The department shall issue a hearing instrument  
23 fitting/dispensing permit to any applicant who has shown to the  
24 satisfaction of the department that the applicant:

25       (a) Is at least twenty-one years of age;

26       (b) If issued a hearing instrument fitter/dispenser permit, would  
27 be employed and directly supervised in the fitting and dispensing of  
28 hearing instruments by a person licensed (~~or certified~~) in good  
29 standing as a hearing instrument fitter/dispenser or audiologist for at  
30 least two years unless otherwise approved by the board;

31       (c) Has complied with administrative procedures, administrative  
32 requirements, and fees determined as provided in RCW 43.70.250 and  
33 43.70.280;

34       (d) Has not committed unprofessional conduct as specified by the  
35 uniform disciplinary act; and

36       (e) Is a high school graduate or the equivalent.

37       The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall  
38 apply to any person issued a hearing instrument fitter/dispenser

1 permit. Pursuant to the provisions of this section, a person issued a  
2 hearing instrument fitter/dispenser permit may engage in the fitting  
3 and dispensing of hearing instruments without having first passed the  
4 hearing instrument fitter/dispenser examination provided under this  
5 chapter.

6 (2) The hearing instrument fitter/dispenser permit shall contain  
7 the names of the employer and the licensed (~~(or certified)~~) supervisor  
8 under this chapter who are employing and supervising the hearing  
9 instrument fitter/dispenser permit holder and those persons shall  
10 execute an acknowledgment of responsibility for all acts of the hearing  
11 instrument fitter/dispenser permit holder in connection with the  
12 fitting and dispensing of hearing instruments.

13 (3) A hearing instrument fitter/dispenser permit holder may fit and  
14 dispense hearing instruments, but only if the hearing instrument  
15 fitter/dispenser permit holder is under the direct supervision of a  
16 licensed hearing instrument fitter/dispenser or (~~(certified)~~) licensed  
17 audiologist under this chapter in a capacity other than as a hearing  
18 instrument fitter/dispenser permit holder. Direct supervision by a  
19 licensed hearing instrument fitter/dispenser or (~~(certified)~~) licensed  
20 audiologist shall be required whenever the hearing instrument  
21 fitter/dispenser permit holder is engaged in the fitting or dispensing  
22 of hearing instruments during the hearing instrument fitter/dispenser  
23 permit holder's employment. The board shall develop and adopt  
24 guidelines on any additional supervision or training it deems  
25 necessary.

26 (4) The hearing instrument fitter/dispenser permit expires one year  
27 from the date of its issuance except that on recommendation of the  
28 board the permit may be reissued for one additional year only.

29 (5) No (~~(certified)~~) licensed audiologist or licensed hearing  
30 instrument fitter/dispenser under this chapter may assume the  
31 responsibility for more than one hearing instrument fitter/dispenser  
32 permit holder at any one time.

33 (6) The department, upon approval by the board, shall issue an  
34 interim permit authorizing an applicant for speech-language pathologist  
35 (~~(certification)~~) licensure or audiologist (~~(certification)~~) licensure  
36 who, except for the postgraduate professional experience and the  
37 examination requirements, meets the academic and practicum requirements  
38 of RCW 18.35.040 to practice under interim permit supervision by a  
39 (~~(certified)~~) licensed speech-language pathologist or (~~(certified)~~)

1 licensed audiologist. The interim permit is valid for a period of one  
2 year from date of issuance. The board shall determine conditions for  
3 the interim permit.

4 **Sec. 10.** RCW 18.35.060 and 1998 c 142 s 4 are each amended to read  
5 as follows:

6 The department, upon approval by the board, shall issue an interim  
7 permit authorizing an applicant for speech-language pathologist  
8 ((certification)) licensure or audiologist ((certification)) licensure  
9 who, except for the postgraduate professional experience and the  
10 examination requirements, meets the academic and practicum requirements  
11 of RCW 18.35.040(2) to practice under direct supervision. The interim  
12 permit is valid for a period of one year from date of issuance. The  
13 board shall determine conditions for the interim permit.

14 **Sec. 11.** RCW 18.35.080 and 1997 c 275 s 4 are each amended to read  
15 as follows:

16 ((~~(1)~~)) The department shall license ((~~or certify~~)) each qualified  
17 applicant who satisfactorily completes the required examinations for  
18 his or her profession and complies with administrative procedures and  
19 administrative requirements established pursuant to RCW 43.70.250 and  
20 43.70.280. Every person holding an audiology certificate or a speech-  
21 language pathology certificate on the effective date of this act shall  
22 be issued the appropriate audiology license or speech-language  
23 pathology license.

24 ((~~(2)~~)) ~~The board shall waive the examination and grant a speech-~~  
25 ~~language pathology certificate to a person engaged in the profession of~~  
26 ~~speech-language pathology in this state on June 6, 1996, if the board~~  
27 ~~determines that the person meets commonly accepted standards for the~~  
28 ~~profession, as defined by rules adopted by the board. Persons eligible~~  
29 ~~for certification under this subsection must apply for a certificate~~  
30 ~~before July 1, 1997.~~

31 ~~(3) The board shall waive the examinations and grant an audiology~~  
32 ~~certificate to a person engaged in the profession of audiology in this~~  
33 ~~state on June 6, 1996, if the board determines that the person meets~~  
34 ~~the commonly accepted standards for the profession and has passed the~~  
35 ~~hearing instrument fitter/dispenser examination. Persons eligible for~~  
36 ~~certification under this subsection must apply for a certificate before~~  
37 ~~July 1, 1997.~~

1       ~~(4) The board shall grant an audiology certificate to a person~~  
2 ~~engaged in the profession of audiology, who has not been licensed as a~~  
3 ~~hearing instrument fitter/dispenser, but who meets the commonly~~  
4 ~~accepted standards for the profession of audiology and graduated from~~  
5 ~~a board approved program after January 1, 1993, and has passed sections~~  
6 ~~of the examination pertaining to RCW 18.35.070 (3), (4), and (5).~~  
7 ~~Persons eligible for certification under this subsection must apply for~~  
8 ~~a certificate before July 1, 1997.~~

9       ~~(5) Persons engaged in the profession of audiology who meet the~~  
10 ~~commonly accepted standards for the profession of audiology and~~  
11 ~~graduated from a board approved program prior to January 1, 1993, and~~  
12 ~~who have not passed the hearing instrument fitter/dispenser examination~~  
13 ~~shall be granted a temporary audiology certificate (nondispensing) for~~  
14 ~~a period of two years from June 6, 1996, during which time they must~~  
15 ~~pass sections of the hearing instrument fitter/dispenser examination~~  
16 ~~pertaining to RCW 18.35.070 (1)(c), (2)(e) and (f), (3), (4), and (5).~~  
17 ~~The board may extend the term of the temporary certificate upon review.~~  
18 ~~Persons eligible for certification under this subsection must apply for~~  
19 ~~a certificate before July 1, 1997.)~~

20       **Sec. 12.** RCW 18.35.090 and 1997 c 275 s 5 are each amended to read  
21 as follows:

22       Each person who engages in practice under this chapter shall comply  
23 with administrative procedures and administrative requirements  
24 established under RCW 43.70.250 and 43.70.280 and shall keep the  
25 license(~~(, certificate,)~~) or permit conspicuously posted in the place  
26 of business at all times. The secretary may establish mandatory  
27 continuing education requirements and/or continued competency standards  
28 to be met by licensees (~~(or certificate)~~) or permit holders as a  
29 condition for license(~~(, certificate,)~~) or permit renewal.

30       **Sec. 13.** RCW 18.35.090 and 1998 c 142 s 5 are each amended to read  
31 as follows:

32       Each person who engages in practice under this chapter shall comply  
33 with administrative procedures and administrative requirements  
34 established under RCW 43.70.250 and 43.70.280 and shall keep the  
35 license(~~(, certificate,)~~) or interim permit conspicuously posted in the  
36 place of business at all times. The secretary may establish mandatory  
37 continuing education requirements and/or continued competency standards

1 to be met by licensees (~~(or certificate)~~) or interim permit holders as  
2 a condition for license(~~(, certificate,)~~) or interim permit renewal.

3 **Sec. 14.** RCW 18.35.095 and 1996 c 200 s 12 are each amended to  
4 read as follows:

5 (1) A hearing instrument fitter/dispenser licensed under this  
6 chapter and not actively practicing may be placed on inactive status by  
7 the department at the written request of the licensee. The board shall  
8 define by rule the conditions for inactive status licensure. In  
9 addition to the requirements of RCW 43.24.086, the licensing fee for a  
10 licensee on inactive status shall be directly related to the costs of  
11 administering an inactive license by the department. A hearing  
12 instrument fitter/dispenser on inactive status may be voluntarily  
13 placed on active status by notifying the department in writing, paying  
14 the remainder of the licensing fee for the licensing year, and  
15 complying with subsection (2) of this section.

16 (2) Hearing instrument fitter/dispenser inactive licensees applying  
17 for active licensure shall comply with the following: A licensee who  
18 has not fitted or dispensed hearing instruments for more than five  
19 years from the expiration of the licensee's full fee license shall  
20 retake the practical or the written, or both, hearing instrument  
21 fitter/dispenser examinations required under this chapter and other  
22 requirements as determined by the board. Persons who have inactive  
23 status in this state but who are actively licensed and in good standing  
24 in any other state shall not be required to take the hearing instrument  
25 fitter/dispenser practical examination, but must submit an affidavit  
26 attesting to their knowledge of the current Washington Administrative  
27 Code rules and Revised Code of Washington statutes pertaining to the  
28 fitting and dispensing of hearing instruments.

29 (3) A speech-language pathologist or audiologist (~~(certified)~~)  
30 licensed under this chapter and not actively practicing either speech-  
31 language pathology or audiology may be placed on inactive status by the  
32 department at the written request of the (~~(certificate)~~) license  
33 holder. The board shall define by rule the conditions for inactive  
34 status (~~(certification)~~) licensure. In addition to the requirements of  
35 RCW 43.24.086, the fee for a (~~(certificate)~~) license on inactive status  
36 shall be directly related to the cost of administering an inactive  
37 (~~(certificate)~~) license by the department. A person on inactive status  
38 may be voluntarily placed on active status by notifying the department

1 in writing, paying the remainder of the fee for the year, and complying  
2 with subsection (4) of this section.

3 (4) Speech-language pathologist or audiologist inactive  
4 (~~certificate~~) license holders applying for active (~~certification~~)  
5 licensure shall comply with requirements set forth by the board, which  
6 may include completion of continuing competency requirements and taking  
7 an examination.

8 **Sec. 15.** RCW 18.35.100 and 1996 c 200 s 13 are each amended to  
9 read as follows:

10 (1) Every hearing instrument fitter/dispenser, audiologist, speech-  
11 language pathologist, hearing instrument fitter/dispenser permit  
12 holder, or interim permit holder, who is regulated under this chapter,  
13 shall notify the department in writing of the regular address of the  
14 place or places in the state of Washington where the person practices  
15 or intends to practice more than twenty consecutive business days and  
16 of any change thereof within ten days of such change. Failure to  
17 notify the department in writing shall be grounds for suspension or  
18 revocation of license(~~(certificate)~~) or permit.

19 (2) The department shall keep a record of the places of business of  
20 persons who hold licenses(~~(certificates)~~) or permits.

21 (3) Any notice required to be given by the department to a person  
22 who holds a license(~~(certificate)~~) or permit may be given by mailing  
23 it to the address of the last establishment or facility of which the  
24 person has notified the department, except that notice to a licensee  
25 (~~or certificate~~) or permit holder of proceedings to deny, suspend, or  
26 revoke the license(~~(certificate)~~) or permit shall be by certified or  
27 registered mail or by means authorized for service of process.

28 **Sec. 16.** RCW 18.35.100 and 1998 c 142 s 6 are each amended to read  
29 as follows:

30 (1) Every hearing instrument fitter/dispenser, audiologist, speech-  
31 language pathologist, or interim permit holder, who is regulated under  
32 this chapter, shall notify the department in writing of the regular  
33 address of the place or places in the state of Washington where the  
34 person practices or intends to practice more than twenty consecutive  
35 business days and of any change thereof within ten days of such change.  
36 Failure to notify the department in writing shall be grounds for

1 suspension or revocation of the license(~~(certificate)~~) or interim  
2 permit.

3 (2) The department shall keep a record of the places of business of  
4 persons who hold licenses(~~(certificates)~~) or interim permits.

5 (3) Any notice required to be given by the department to a person  
6 who holds a license(~~(certificate)~~) or interim permit may be given by  
7 mailing it to the address of the last establishment or facility of  
8 which the person has notified the department, except that notice to a  
9 licensee (~~(or certificate)~~) or interim permit holder of proceedings to  
10 deny, suspend, or revoke the license(~~(certificate)~~) or interim  
11 permit shall be by certified or registered mail or by means authorized  
12 for service of process.

13 **Sec. 17.** RCW 18.35.105 and 1996 c 200 s 14 are each amended to  
14 read as follows:

15 Each licensee and (~~(certificate and)~~) permit holder under this  
16 chapter shall keep records of all services rendered for a minimum of  
17 three years. These records shall contain the names and addresses of  
18 all persons to whom services were provided. Hearing instrument  
19 fitter/dispensers, audiologists, and permit holders shall also record  
20 the date the hearing instrument warranty expires, a description of the  
21 services and the dates the services were provided, and copies of any  
22 contracts and receipts. All records, as required pursuant to this  
23 chapter or by rule, shall be owned by the establishment or facility and  
24 shall remain with the establishment or facility in the event the  
25 licensee (~~(or certificate holder)~~) changes employment. If a contract  
26 between the establishment or facility and the licensee (~~(or certificate~~  
27 ~~holder)~~) provides that the records are to remain with the licensee (~~(or~~  
28 ~~certificate holder)~~), copies of such records shall be provided to the  
29 establishment or facility.

30 **Sec. 18.** RCW 18.35.105 and 1998 c 142 s 7 are each amended to read  
31 as follows:

32 Each licensee and (~~(certificate and)~~) interim permit holder under  
33 this chapter shall keep records of all services rendered for a minimum  
34 of three years. These records shall contain the names and addresses of  
35 all persons to whom services were provided. Hearing instrument  
36 fitter/dispensers, audiologists, and interim permit holders shall also  
37 record the date the hearing instrument warranty expires, a description

1 of the services and the dates the services were provided, and copies of  
2 any contracts and receipts. All records, as required pursuant to this  
3 chapter or by rule, shall be owned by the establishment or facility and  
4 shall remain with the establishment or facility in the event the  
5 licensee (~~(or certificate holder)~~) changes employment. If a contract  
6 between the establishment or facility and the licensee (~~(or certificate~~  
7 ~~holder)~~) provides that the records are to remain with the licensee (~~(or~~  
8 ~~certificate holder)~~), copies of such records shall be provided to the  
9 establishment or facility.

10 **Sec. 19.** RCW 18.35.110 and 1996 c 200 s 15 and 1996 c 178 s 1 are  
11 each reenacted and amended to read as follows:

12 In addition to causes specified under RCW 18.130.170 and  
13 18.130.180, any person licensed or holding a permit (~~(or certificate)~~)  
14 under this chapter may be subject to disciplinary action by the board  
15 for any of the following causes:

16 (1) For unethical conduct in dispensing hearing instruments.  
17 Unethical conduct shall include, but not be limited to:

18 (a) Using or causing or promoting the use of, in any advertising  
19 matter, promotional literature, testimonial, guarantee, warranty,  
20 label, brand, insignia, or any other representation, however  
21 disseminated or published, which is false, misleading or deceptive;

22 (b) Failing or refusing to honor or to perform as represented any  
23 representation, promise, agreement, or warranty in connection with the  
24 promotion, sale, dispensing, or fitting of the hearing instrument;

25 (c) Advertising a particular model, type, or kind of hearing  
26 instrument for sale which purchasers or prospective purchasers  
27 responding to the advertisement cannot purchase or are dissuaded from  
28 purchasing and where it is established that the purpose of the  
29 advertisement is to obtain prospects for the sale of a different model,  
30 type, or kind than that advertised;

31 (d) Falsifying hearing test or evaluation results;

32 (e)(i) Whenever any of the following conditions are found or should  
33 have been found to exist either from observations by the licensee or  
34 (~~(certificate or)~~) permit holder or on the basis of information  
35 furnished by the prospective hearing instrument user prior to fitting  
36 and dispensing a hearing instrument to any such prospective hearing  
37 instrument user, failing to advise that prospective hearing instrument  
38 user in writing that the user should first consult a licensed physician

1 specializing in diseases of the ear or if no such licensed physician is  
2 available in the community then to any duly licensed physician:

3 (A) Visible congenital or traumatic deformity of the ear, including  
4 perforation of the eardrum;

5 (B) History of, or active drainage from the ear within the previous  
6 ninety days;

7 (C) History of sudden or rapidly progressive hearing loss within  
8 the previous ninety days;

9 (D) Acute or chronic dizziness;

10 (E) Any unilateral hearing loss;

11 (F) Significant air-bone gap when generally acceptable standards  
12 have been established as defined by the food and drug administration;

13 (G) Visible evidence of significant cerumen accumulation or a  
14 foreign body in the ear canal;

15 (H) Pain or discomfort in the ear; or

16 (I) Any other conditions that the board may by rule establish. It  
17 is a violation of this subsection for any licensee (~~or certificate~~  
18 ~~holder~~) or that licensee's (~~or certificate holder's~~) employees and  
19 putative agents upon making such required referral for medical opinion  
20 to in any manner whatsoever disparage or discourage a prospective  
21 hearing instrument user from seeking such medical opinion prior to the  
22 fitting and dispensing of a hearing instrument. No such referral for  
23 medical opinion need be made by any licensed hearing instrument  
24 fitter/dispenser, (~~certified~~) licensed audiologist, or permit holder  
25 in the instance of replacement only of a hearing instrument which has  
26 been lost or damaged beyond repair within twelve months of the date of  
27 purchase. The licensed hearing instrument fitter/dispenser,  
28 (~~certified~~) licensed audiologist, or permit holder or their employees  
29 or putative agents shall obtain a signed statement from the hearing  
30 instrument user documenting the waiver of medical clearance and the  
31 waiver shall inform the prospective user that signing the waiver is not  
32 in the user's best health interest: PROVIDED, That the licensed  
33 hearing instrument fitter/dispenser, (~~certified~~) licensed  
34 audiologist, or permit holder shall maintain a copy of either the  
35 physician's statement showing that the prospective hearing instrument  
36 user has had a medical evaluation within the previous six months or the  
37 statement waiving medical evaluation, for a period of three years after  
38 the purchaser's receipt of a hearing instrument. Nothing in this  
39 section required to be performed by a licensee or (~~certificate or~~)

1 permit holder shall mean that the licensee or (~~certificate or~~) permit  
2 holder is engaged in the diagnosis of illness or the practice of  
3 medicine or any other activity prohibited under the laws of this state;

4 (ii) Fitting and dispensing a hearing instrument to any person  
5 under eighteen years of age who has not been examined and cleared for  
6 hearing instrument use within the previous six months by a physician  
7 specializing in otolaryngology except in the case of replacement  
8 instruments or except in the case of the parents or guardian of such  
9 person refusing, for good cause, to seek medical opinion: PROVIDED,  
10 That should the parents or guardian of such person refuse, for good  
11 cause, to seek medical opinion, the licensed hearing instrument  
12 fitter/dispenser or (~~certified~~) licensed audiologist shall obtain  
13 from such parents or guardian a certificate to that effect in a form as  
14 prescribed by the department;

15 (iii) Fitting and dispensing a hearing instrument to any person  
16 under eighteen years of age who has not been examined by an audiologist  
17 who holds at least a master's degree in audiology for recommendations  
18 during the previous six months, without first advising such person or  
19 his or her parents or guardian in writing that he or she should first  
20 consult an audiologist who holds at least a master's degree in  
21 audiology, except in cases of hearing instruments replaced within  
22 twelve months of their purchase;

23 (f) Representing that the services or advice of a person licensed  
24 to practice medicine and surgery under chapter 18.71 RCW or osteopathic  
25 medicine and surgery under chapter 18.57 RCW or of a clinical  
26 audiologist will be used or made available in the selection, fitting,  
27 adjustment, maintenance, or repair of hearing instruments when that is  
28 not true, or using the word "doctor," "clinic," or other like words,  
29 abbreviations, or symbols which tend to connote a medical or  
30 osteopathic medicine and surgery profession when such use is not  
31 accurate;

32 (g) Permitting another to use his or her license(~~certificate~~)  
33 or permit;

34 (h) Stating or implying that the use of any hearing instrument will  
35 restore normal hearing, preserve hearing, prevent or retard progression  
36 of a hearing impairment, or any other false, misleading, or medically  
37 or audiologically unsupportable claim regarding the efficiency of a  
38 hearing instrument;

1 (i) Representing or implying that a hearing instrument is or will  
2 be "custom-made," "made to order," "prescription made," or in any other  
3 sense specially fabricated for an individual when that is not the case;  
4 or

5 (j) Directly or indirectly offering, giving, permitting, or causing  
6 to be given, money or anything of value to any person who advised  
7 another in a professional capacity as an inducement to influence that  
8 person, or to have that person influence others to purchase or contract  
9 to purchase any product sold or offered for sale by the hearing  
10 instrument fitter/dispenser, audiologist, or permit holder, or to  
11 influence any person to refrain from dealing in the products of  
12 competitors.

13 (2) Engaging in any unfair or deceptive practice or unfair method  
14 of competition in trade within the meaning of RCW 19.86.020.

15 (3) Aiding or abetting any violation of the rebating laws as stated  
16 in chapter 19.68 RCW.

17 **Sec. 20.** RCW 18.35.110 and 1998 c 142 s 8 are each amended to read  
18 as follows:

19 In addition to causes specified under RCW 18.130.170 and  
20 18.130.180, any person licensed or holding an interim permit (~~or~~  
21 ~~certificate~~) under this chapter may be subject to disciplinary action  
22 by the board for any of the following causes:

23 (1) For unethical conduct in dispensing hearing instruments.  
24 Unethical conduct shall include, but not be limited to:

25 (a) Using or causing or promoting the use of, in any advertising  
26 matter, promotional literature, testimonial, guarantee, warranty,  
27 label, brand, insignia, or any other representation, however  
28 disseminated or published, which is false, misleading or deceptive;

29 (b) Failing or refusing to honor or to perform as represented any  
30 representation, promise, agreement, or warranty in connection with the  
31 promotion, sale, dispensing, or fitting of the hearing instrument;

32 (c) Advertising a particular model, type, or kind of hearing  
33 instrument for sale which purchasers or prospective purchasers  
34 responding to the advertisement cannot purchase or are dissuaded from  
35 purchasing and where it is established that the purpose of the  
36 advertisement is to obtain prospects for the sale of a different model,  
37 type, or kind than that advertised;

38 (d) Falsifying hearing test or evaluation results;

1 (e)(i) Whenever any of the following conditions are found or should  
2 have been found to exist either from observations by the licensee or  
3 (~~certificate or~~) interim permit holder or on the basis of information  
4 furnished by the prospective hearing instrument user prior to fitting  
5 and dispensing a hearing instrument to any such prospective hearing  
6 instrument user, failing to advise that prospective hearing instrument  
7 user in writing that the user should first consult a licensed physician  
8 specializing in diseases of the ear or if no such licensed physician is  
9 available in the community then to any duly licensed physician:

10 (A) Visible congenital or traumatic deformity of the ear, including  
11 perforation of the eardrum;

12 (B) History of, or active drainage from the ear within the previous  
13 ninety days;

14 (C) History of sudden or rapidly progressive hearing loss within  
15 the previous ninety days;

16 (D) Acute or chronic dizziness;

17 (E) Any unilateral hearing loss;

18 (F) Significant air-bone gap when generally acceptable standards  
19 have been established as defined by the food and drug administration;

20 (G) Visible evidence of significant cerumen accumulation or a  
21 foreign body in the ear canal;

22 (H) Pain or discomfort in the ear; or

23 (I) Any other conditions that the board may by rule establish. It  
24 is a violation of this subsection for any licensee (~~or certificate~~  
25 ~~holder~~) or that licensee's (~~or certificate holder's~~) employees and  
26 putative agents upon making such required referral for medical opinion  
27 to in any manner whatsoever disparage or discourage a prospective  
28 hearing instrument user from seeking such medical opinion prior to the  
29 fitting and dispensing of a hearing instrument. No such referral for  
30 medical opinion need be made by any licensed hearing instrument  
31 fitter/dispenser, (~~certified~~) licensed audiologist, or interim permit  
32 holder in the instance of replacement only of a hearing instrument  
33 which has been lost or damaged beyond repair within twelve months of  
34 the date of purchase. The licensed hearing instrument  
35 fitter/dispenser, (~~certified~~) licensed audiologist, or interim permit  
36 holder or their employees or putative agents shall obtain a signed  
37 statement from the hearing instrument user documenting the waiver of  
38 medical clearance and the waiver shall inform the prospective user that  
39 signing the waiver is not in the user's best health interest:

1 PROVIDED, That the licensed hearing instrument fitter/dispenser,  
2 (~~certified~~) licensed audiologist, or interim permit holder shall  
3 maintain a copy of either the physician's statement showing that the  
4 prospective hearing instrument user has had a medical evaluation within  
5 the previous six months or the statement waiving medical evaluation,  
6 for a period of three years after the purchaser's receipt of a hearing  
7 instrument. Nothing in this section required to be performed by a  
8 licensee or (~~certificate or~~) interim permit holder shall mean that  
9 the licensee or (~~certificate or~~) interim permit holder is engaged in  
10 the diagnosis of illness or the practice of medicine or any other  
11 activity prohibited under the laws of this state;

12 (ii) Fitting and dispensing a hearing instrument to any person  
13 under eighteen years of age who has not been examined and cleared for  
14 hearing instrument use within the previous six months by a physician  
15 specializing in otolaryngology except in the case of replacement  
16 instruments or except in the case of the parents or guardian of such  
17 person refusing, for good cause, to seek medical opinion: PROVIDED,  
18 That should the parents or guardian of such person refuse, for good  
19 cause, to seek medical opinion, the licensed hearing instrument  
20 fitter/dispenser or (~~certified~~) licensed audiologist shall obtain  
21 from such parents or guardian a certificate to that effect in a form as  
22 prescribed by the department;

23 (iii) Fitting and dispensing a hearing instrument to any person  
24 under eighteen years of age who has not been examined by an audiologist  
25 who holds at least a master's degree in audiology for recommendations  
26 during the previous six months, without first advising such person or  
27 his or her parents or guardian in writing that he or she should first  
28 consult an audiologist who holds at least a master's degree in  
29 audiology, except in cases of hearing instruments replaced within  
30 twelve months of their purchase;

31 (f) Representing that the services or advice of a person licensed  
32 to practice medicine and surgery under chapter 18.71 RCW or osteopathic  
33 medicine and surgery under chapter 18.57 RCW or of a clinical  
34 audiologist will be used or made available in the selection, fitting,  
35 adjustment, maintenance, or repair of hearing instruments when that is  
36 not true, or using the word "doctor," "clinic," or other like words,  
37 abbreviations, or symbols which tend to connote a medical or  
38 osteopathic medicine and surgery profession when such use is not  
39 accurate;

1 (g) Permitting another to use his or her license(~~(, certificate,)~~)  
2 or interim permit;

3 (h) Stating or implying that the use of any hearing instrument will  
4 restore normal hearing, preserve hearing, prevent or retard progression  
5 of a hearing impairment, or any other false, misleading, or medically  
6 or audiologicaly unsupportable claim regarding the efficiency of a  
7 hearing instrument;

8 (i) Representing or implying that a hearing instrument is or will  
9 be "custom-made," "made to order," "prescription made," or in any other  
10 sense specially fabricated for an individual when that is not the case;  
11 or

12 (j) Directly or indirectly offering, giving, permitting, or causing  
13 to be given, money or anything of value to any person who advised  
14 another in a professional capacity as an inducement to influence that  
15 person, or to have that person influence others to purchase or contract  
16 to purchase any product sold or offered for sale by the hearing  
17 instrument fitter/dispenser, audiologist, or interim permit holder, or  
18 to influence any person to refrain from dealing in the products of  
19 competitors.

20 (2) Engaging in any unfair or deceptive practice or unfair method  
21 of competition in trade within the meaning of RCW 19.86.020.

22 (3) Aiding or abetting any violation of the rebating laws as stated  
23 in chapter 19.68 RCW.

24 **Sec. 21.** RCW 18.35.120 and 1996 c 200 s 17 are each amended to  
25 read as follows:

26 A licensee or (~~certificate or~~) permit holder under this chapter  
27 may also be subject to disciplinary action if the licensee or  
28 (~~certificate or~~) permit holder:

29 (1) Is found guilty in any court of any crime involving forgery,  
30 embezzlement, obtaining money under false pretenses, larceny,  
31 extortion, or conspiracy to defraud and ten years have not elapsed  
32 since the date of the conviction; or

33 (2) Has a judgment entered against him or her in any civil action  
34 involving forgery, embezzlement, obtaining money under false pretenses,  
35 larceny, extortion, or conspiracy to defraud and five years have not  
36 elapsed since the date of the entry of the final judgment in the  
37 action, but a license (~~or certificate~~) shall not be issued unless the  
38 judgment debt has been discharged; or

1 (3) Has a judgment entered against him or her under chapter 19.86  
2 RCW and two years have not elapsed since the entry of the final  
3 judgment; but a license ((~~or certificate~~)) shall not be issued unless  
4 there has been full compliance with the terms of such judgment, if any.  
5 The judgment shall not be grounds for denial, suspension, nonrenewal,  
6 or revocation of a license ((~~or certificate~~)) unless the judgment  
7 arises out of and is based on acts of the applicant, licensee,  
8 ((~~certificate holder,~~)) or employee of the licensee ((~~or certificate~~  
9 ~~holder~~)); or

10 (4) Commits unprofessional conduct as defined in RCW 18.130.180 of  
11 the uniform disciplinary act.

12 **Sec. 22.** RCW 18.35.120 and 1998 c 142 s 9 are each amended to read  
13 as follows:

14 A licensee or ((~~certificate or~~)) interim permit holder under this  
15 chapter may also be subject to disciplinary action if the licensee or  
16 ((~~certificate or~~)) interim permit holder:

17 (1) Is found guilty in any court of any crime involving forgery,  
18 embezzlement, obtaining money under false pretenses, larceny,  
19 extortion, or conspiracy to defraud and ten years have not elapsed  
20 since the date of the conviction; or

21 (2) Has a judgment entered against him or her in any civil action  
22 involving forgery, embezzlement, obtaining money under false pretenses,  
23 larceny, extortion, or conspiracy to defraud and five years have not  
24 elapsed since the date of the entry of the final judgment in the  
25 action, but a license ((~~or certificate~~)) shall not be issued unless the  
26 judgment debt has been discharged; or

27 (3) Has a judgment entered against him or her under chapter 19.86  
28 RCW and two years have not elapsed since the entry of the final  
29 judgment; but a license ((~~or certificate~~)) shall not be issued unless  
30 there has been full compliance with the terms of such judgment, if any.  
31 The judgment shall not be grounds for denial, suspension, nonrenewal,  
32 or revocation of a license ((~~or certificate~~)) unless the judgment  
33 arises out of and is based on acts of the applicant, licensee,  
34 ((~~certificate holder,~~)) or employee of the licensee ((~~or certificate~~  
35 ~~holder~~)); or

36 (4) Commits unprofessional conduct as defined in RCW 18.130.180 of  
37 the uniform disciplinary act.

1       **Sec. 23.** RCW 18.35.140 and 1996 c 200 s 18 are each amended to  
2 read as follows:

3       The powers and duties of the department, in addition to the powers  
4 and duties provided under other sections of this chapter, are as  
5 follows:

6       (1) To provide space necessary to carry out the examination set  
7 forth in RCW 18.35.070 of applicants for hearing instrument  
8 fitter/dispenser licenses or audiology (~~(certification)~~) licenses.

9       (2) To authorize all disbursements necessary to carry out the  
10 provisions of this chapter.

11       (3) To require the periodic examination of testing equipment, as  
12 defined by the board, and to carry out the periodic inspection of  
13 facilities or establishments of persons who are licensed (~~(or~~  
14 ~~certified)~~) under this chapter, as reasonably required within the  
15 discretion of the department.

16       (4) To appoint advisory committees as necessary.

17       (5) To keep a record of proceedings under this chapter and a  
18 register of all persons licensed(~~(, certified,)~~) or holding permits  
19 under this chapter. The register shall show the name of every living  
20 licensee or permit holder for hearing instrument fitting/dispensing,  
21 every living (~~(certificate)~~) licensee or interim permit holder for  
22 speech-language pathology, every living (~~(certificate)~~) licensee or  
23 interim permit holder for audiology, with his or her last known place  
24 of residence and the date and number of his or her license(~~(, )~~) or  
25 permit(~~(, or certificate)~~).

26       **Sec. 24.** RCW 18.35.140 and 1998 c 142 s 10 are each amended to  
27 read as follows:

28       The powers and duties of the department, in addition to the powers  
29 and duties provided under other sections of this chapter, are as  
30 follows:

31       (1) To provide space necessary to carry out the examination set  
32 forth in RCW 18.35.070 of applicants for hearing instrument  
33 fitter/dispenser licenses or audiology (~~(certification)~~) licenses.

34       (2) To authorize all disbursements necessary to carry out the  
35 provisions of this chapter.

36       (3) To require the periodic examination of testing equipment, as  
37 defined by the board, and to carry out the periodic inspection of  
38 facilities or establishments of persons who are licensed (~~(or~~

1 certified)) under this chapter, as reasonably required within the  
2 discretion of the department.

3 (4) To appoint advisory committees as necessary.

4 (5) To keep a record of proceedings under this chapter and a  
5 register of all persons licensed(~~(, certified,)~~) or holding interim  
6 permits under this chapter. The register shall show the name of every  
7 living licensee or interim permit holder for hearing instrument  
8 fitting/dispensing, every living ((~~certificate~~)) licensee or interim  
9 permit holder for speech-language pathology, every living  
10 ((~~certificate~~)) licensee or interim permit holder for audiology, with  
11 his or her last known place of residence and the date and number of his  
12 or her license(~~(,)~~) or interim permit(~~(, or certificate)~~).

13 **Sec. 25.** RCW 18.35.150 and 1996 c 200 s 19 are each amended to  
14 read as follows:

15 (1) There is created hereby the board of hearing and speech to  
16 govern the three separate professions: Hearing instrument  
17 fitting/dispensing, audiology, and speech-language pathology. The  
18 board shall consist of ten members to be appointed by the governor.

19 (2) Members of the board shall be residents of this state. Three  
20 members shall represent the public and shall have an interest in the  
21 rights of consumers of health services, and shall not be or have been  
22 a member of, or married to a member of, another licensing board, a  
23 licensee of a health occupation board, an employee of a health  
24 facility, nor derive his or her primary livelihood from the provision  
25 of health services at any level of responsibility. Two members shall  
26 be hearing instrument fitter/dispensers who are licensed under this  
27 chapter, have at least five years of experience in the practice of  
28 hearing instrument fitting and dispensing, and must be actively engaged  
29 in fitting and dispensing within two years of appointment. Two members  
30 of the board shall be audiologists ((~~certified~~)) licensed under this  
31 chapter who have at least five years of experience in the practice of  
32 audiology and must be actively engaged in practice within two years of  
33 appointment. Two members of the board shall be speech-language  
34 pathologists ((~~certified~~)) licensed under this chapter who have at  
35 least five years of experience in the practice of speech-language  
36 pathology and must be actively engaged in practice within two years of  
37 appointment. One advisory nonvoting member shall be a medical  
38 physician licensed in the state of Washington.

1 (3) The term of office of a member is three years. Of the initial  
2 appointments, one hearing instrument fitter/dispenser, one speech-  
3 language pathologist, one audiologist, and one consumer shall be  
4 appointed for a term of two years, and one hearing instrument  
5 fitter/dispenser, one speech-language pathologist, one audiologist, and  
6 two consumers shall be appointed for a term of three years.  
7 Thereafter, all appointments shall be made for expired terms. No  
8 member shall be appointed to serve more than two consecutive terms. A  
9 member shall continue to serve until a successor has been appointed.  
10 The governor shall either reappoint the member or appoint a successor  
11 to assume the member's duties at the expiration of his or her  
12 predecessor's term. A vacancy in the office of a member shall be  
13 filled by appointment for the unexpired term.

14 (4) The chair shall rotate annually among the hearing instrument  
15 fitter/dispensers, speech-language pathologists, audiologists, and  
16 public members serving on the board. In the absence of the chair, the  
17 board shall appoint an interim chair. In event of a tie vote, the  
18 issue shall be brought to a second vote and the chair shall refrain  
19 from voting.

20 (5) The board shall meet at least once each year, at a place, day  
21 and hour determined by the board, unless otherwise directed by a  
22 majority of board members. The board shall also meet at such other  
23 times and places as are requested by the department or by three members  
24 of the board. A quorum is a majority of the board. A hearing  
25 instrument fitter/dispenser, speech-language pathologist, and  
26 audiologist must be represented. Meetings of the board shall be open  
27 and public, except the board may hold executive sessions to the extent  
28 permitted by chapter 42.30 RCW.

29 (6) Members of the board shall be compensated in accordance with  
30 RCW 43.03.240 and shall be reimbursed for their travel expenses in  
31 accordance with RCW 43.03.050 and 43.03.060.

32 (7) The governor may remove a member of the board for cause at the  
33 recommendation of a majority of the board.

34 **Sec. 26.** RCW 18.35.161 and 1996 c 200 s 20 are each amended to  
35 read as follows:

36 The board shall have the following powers and duties:

1 (1) To establish by rule such minimum standards and procedures in  
2 the fitting and dispensing of hearing instruments as deemed appropriate  
3 and in the public interest;

4 (2) To develop guidelines on the training and supervision of  
5 hearing instrument fitter/dispenser permit holders and to establish  
6 requirements regarding the extent of apprenticeship training and  
7 certification to the department;

8 (3) To adopt any other rules necessary to implement this chapter  
9 and which are not inconsistent with it;

10 (4) To develop, approve, and administer or supervise the  
11 administration of examinations to applicants for licensure (~~and~~  
12 ~~certification~~)) under this chapter;

13 (5) To require a licensee or (~~certificate or~~) permit holder to  
14 make restitution to any individual injured by a violation of this  
15 chapter or chapter 18.130 RCW, the uniform disciplinary act. The  
16 authority to require restitution does not limit the board's authority  
17 to take other action deemed appropriate and provided for in this  
18 chapter or chapter 18.130 RCW;

19 (6) To pass upon the qualifications of applicants for licensure (~~or~~  
20 ~~certification~~) or permits and to certify to the secretary;

21 (7) To recommend requirements for continuing education and  
22 continuing competency requirements as a prerequisite to renewing a  
23 license (~~or certificate~~) under this chapter;

24 (8) To keep an official record of all its proceedings. The record  
25 is evidence of all proceedings of the board that are set forth in this  
26 record;

27 (9) To adopt rules, if the board finds it appropriate, in response  
28 to questions put to it by professional health associations, hearing  
29 instrument fitter/dispensers or audiologists, speech-language  
30 pathologists, permit holders, and consumers in this state; and

31 (10) To adopt rules relating to standards of care relating to  
32 hearing instrument fitter/dispensers or audiologists, including the  
33 dispensing of hearing instruments, and relating to speech-language  
34 pathologists, including dispensing of communication devices.

35 **Sec. 27.** RCW 18.35.161 and 1998 c 142 s 11 are each amended to  
36 read as follows:

37 The board shall have the following powers and duties:

1 (1) To establish by rule such minimum standards and procedures in  
2 the fitting and dispensing of hearing instruments as deemed appropriate  
3 and in the public interest;

4 (2) To adopt any other rules necessary to implement this chapter  
5 and which are not inconsistent with it;

6 (3) To develop, approve, and administer or supervise the  
7 administration of examinations to applicants for licensure (~~and~~  
8 ~~certification~~)) under this chapter;

9 (4) To require a licensee or (~~certificate~~~~or~~) interim permit  
10 holder to make restitution to any individual injured by a violation of  
11 this chapter or chapter 18.130 RCW, the uniform disciplinary act. The  
12 authority to require restitution does not limit the board's authority  
13 to take other action deemed appropriate and provided for in this  
14 chapter or chapter 18.130 RCW;

15 (5) To pass upon the qualifications of applicants for licensure(~~(~~  
16 ~~certification~~~~)~~) or interim permits and to certify to the secretary;

17 (6) To recommend requirements for continuing education and  
18 continuing competency requirements as a prerequisite to renewing a  
19 license (~~or~~~~certificate~~)) under this chapter;

20 (7) To keep an official record of all its proceedings. The record  
21 is evidence of all proceedings of the board that are set forth in this  
22 record;

23 (8) To adopt rules, if the board finds it appropriate, in response  
24 to questions put to it by professional health associations, hearing  
25 instrument fitter/dispensers or audiologists, speech-language  
26 pathologists, interim permit holders, and consumers in this state; and

27 (9) To adopt rules relating to standards of care relating to  
28 hearing instrument fitter/dispensers or audiologists, including the  
29 dispensing of hearing instruments, and relating to speech-language  
30 pathologists, including dispensing of communication devices.

31 **Sec. 28.** RCW 18.35.172 and 1996 c 200 s 22 are each amended to  
32 read as follows:

33 The uniform disciplinary act, chapter 18.130 RCW, governs  
34 unlicensed practice, the issuance and denial of licenses(~~(~~  
35 ~~certificates~~~~)~~) and permits, and the discipline of licensees and  
36 (~~certificate~~~~and~~) permit holders under this chapter.

1       **Sec. 29.** RCW 18.35.172 and 1998 c 142 s 12 are each amended to  
2 read as follows:

3       The uniform disciplinary act, chapter 18.130 RCW, governs  
4 unlicensed practice, the issuance and denial of licenses(~~(~~  
5 ~~certificates~~~~)~~) and interim permits, and the discipline of licensees  
6 and (~~(certificate and)~~) permit holders under this chapter.

7       **Sec. 30.** RCW 18.35.175 and 1996 c 200 s 23 are each amended to  
8 read as follows:

9       It is unlawful to fit or dispense a hearing instrument to a  
10 resident of this state if the attempted sale or purchase is offered or  
11 made by telephone or mail order and there is no face-to-face contact to  
12 test or otherwise determine the needs of the prospective purchaser.  
13 This section does not apply to the sale of hearing instruments by  
14 wholesalers to licensees (~~(or certificate holders)~~) under this chapter.

15       **Sec. 31.** RCW 18.35.185 and 1996 c 200 s 25 are each amended to  
16 read as follows:

17       (1) In addition to any other rights and remedies a purchaser may  
18 have, the purchaser of a hearing instrument shall have the right to  
19 rescind the transaction for other than the licensed hearing instrument  
20 fitter/dispenser, (~~(certified)~~) licensed audiologist, or permit  
21 holder's breach if:

22       (a) The purchaser, for reasonable cause, returns the hearing  
23 instrument or holds it at the licensed hearing instrument  
24 fitter/dispenser, (~~(certified)~~) licensed audiologist, or permit  
25 holder's disposal, if the hearing instrument is in its original  
26 condition less normal wear and tear. "Reasonable cause" shall be  
27 defined by the board but shall not include a mere change of mind on the  
28 part of the purchaser or a change of mind related to cosmetic concerns  
29 of the purchaser about wearing a hearing instrument; and

30       (b) The purchaser sends notice of the cancellation by certified  
31 mail, return receipt requested, to the establishment employing the  
32 licensed hearing instrument fitter/dispenser, (~~(certified)~~) licensed  
33 audiologist, or permit holder at the time the hearing instrument was  
34 originally purchased, and the notice is posted not later than thirty  
35 days following the date of delivery, but the purchaser and the licensed  
36 hearing instrument fitter/dispenser, (~~(certified)~~) licensed  
37 audiologist, or permit holder may extend the deadline for posting of

1 the notice of rescission by mutual, written agreement. In the event  
2 the hearing instrument develops a problem which qualifies as a  
3 reasonable cause for recision or which prevents the purchaser from  
4 evaluating the hearing instrument, and the purchaser notifies the  
5 establishment employing the licensed hearing instrument  
6 fitter/dispenser, ((~~certified~~)) licensed audiologist, or permit holder  
7 of the problem during the thirty days following the date of delivery  
8 and documents such notification, the deadline for posting the notice of  
9 rescission shall be extended by an equal number of days as those  
10 between the date of the notification of the problem to the date of  
11 notification of availability for redeliveries. Where the hearing  
12 instrument is returned to the licensed hearing instrument  
13 fitter/dispenser, ((~~certified~~)) licensed audiologist, or permit holder  
14 for any inspection for modification or repair, and the licensed hearing  
15 instrument fitter/dispenser, ((~~certified~~)) licensed audiologist, or  
16 permit holder has notified the purchaser that the hearing instrument is  
17 available for redelivery, and where the purchaser has not responded by  
18 either taking possession of the hearing instrument or instructing the  
19 licensed hearing instrument fitter/dispenser, ((~~certified~~)) licensed  
20 audiologist, or permit holder to forward it to the purchaser, then the  
21 deadline for giving notice of the recision shall extend no more than  
22 seven working days after this notice of availability.

23 (2) If the transaction is rescinded under this section or as  
24 otherwise provided by law and the hearing instrument is returned to the  
25 licensed hearing instrument fitter/dispenser, ((~~certified~~)) licensed  
26 audiologist, or permit holder, the licensed hearing instrument  
27 fitter/dispenser, ((~~certified~~)) licensed audiologist, or permit holder  
28 shall refund to the purchaser any payments or deposits for that hearing  
29 instrument. However, the licensed hearing instrument fitter/dispenser,  
30 ((~~certified~~)) licensed audiologist, or permit holder may retain, for  
31 each hearing instrument, fifteen percent of the total purchase price or  
32 one hundred twenty-five dollars, whichever is less. After December 31,  
33 1996, the recision amount shall be determined by the board. The  
34 licensed hearing instrument fitter/dispenser, ((~~certified~~)) licensed  
35 audiologist, or permit holder shall also return any goods traded in  
36 contemplation of the sale, less any costs incurred by the licensed  
37 hearing instrument fitter/dispenser, ((~~certified~~)) licensed  
38 audiologist, or permit holder in making those goods ready for resale.

1 The refund shall be made within ten business days after the rescission.  
2 The buyer shall incur no additional liability for such rescission.  
3 (3) For the purposes of this section, the purchaser shall have  
4 recourse against the bond held by the establishment entering into a  
5 purchase agreement with the buyer, as provided by RCW 18.35.240.

6 **Sec. 32.** RCW 18.35.185 and 1998 c 142 s 13 are each amended to  
7 read as follows:

8 (1) In addition to any other rights and remedies a purchaser may  
9 have, the purchaser of a hearing instrument shall have the right to  
10 rescind the transaction for other than the licensed hearing instrument  
11 fitter/dispenser, ((~~certified~~)) licensed audiologist, or interim permit  
12 holder's breach if:

13 (a) The purchaser, for reasonable cause, returns the hearing  
14 instrument or holds it at the licensed hearing instrument  
15 fitter/dispenser, ((~~certified~~)) licensed audiologist, or interim permit  
16 holder's disposal, if the hearing instrument is in its original  
17 condition less normal wear and tear. "Reasonable cause" shall be  
18 defined by the board but shall not include a mere change of mind on the  
19 part of the purchaser or a change of mind related to cosmetic concerns  
20 of the purchaser about wearing a hearing instrument; and

21 (b) The purchaser sends notice of the cancellation by certified  
22 mail, return receipt requested, to the establishment employing the  
23 licensed hearing instrument fitter/dispenser, ((~~certified~~)) licensed  
24 audiologist, or interim permit holder at the time the hearing  
25 instrument was originally purchased, and the notice is posted not later  
26 than thirty days following the date of delivery, but the purchaser and  
27 the licensed hearing instrument fitter/dispenser, ((~~certified~~))  
28 licensed audiologist, or interim permit holder may extend the deadline  
29 for posting of the notice of rescission by mutual, written agreement.  
30 In the event the hearing instrument develops a problem which qualifies  
31 as a reasonable cause for rescission or which prevents the purchaser from  
32 evaluating the hearing instrument, and the purchaser notifies the  
33 establishment employing the licensed hearing instrument  
34 fitter/dispenser, ((~~certified~~)) licensed audiologist, or interim permit  
35 holder of the problem during the thirty days following the date of  
36 delivery and documents such notification, the deadline for posting the  
37 notice of rescission shall be extended by an equal number of days as  
38 those between the date of the notification of the problem to the date

1 of notification of availability for redeliveries. Where the hearing  
2 instrument is returned to the licensed hearing instrument  
3 fitter/dispenser, ((~~certified~~)) licensed audiologist, or interim permit  
4 holder for any inspection for modification or repair, and the licensed  
5 hearing instrument fitter/dispenser, ((~~certified~~)) licensed  
6 audiologist, or interim permit holder has notified the purchaser that  
7 the hearing instrument is available for redelivery, and where the  
8 purchaser has not responded by either taking possession of the hearing  
9 instrument or instructing the licensed hearing instrument  
10 fitter/dispenser, ((~~certified~~)) licensed audiologist, or interim permit  
11 holder to forward it to the purchaser, then the deadline for giving  
12 notice of the rescission shall extend no more than seven working days  
13 after this notice of availability.

14 (2) If the transaction is rescinded under this section or as  
15 otherwise provided by law and the hearing instrument is returned to the  
16 licensed hearing instrument fitter/dispenser, ((~~certified~~)) licensed  
17 audiologist, or interim permit holder, the licensed hearing instrument  
18 fitter/dispenser, ((~~certified~~)) licensed audiologist, or interim permit  
19 holder shall refund to the purchaser any payments or deposits for that  
20 hearing instrument. However, the licensed hearing instrument  
21 fitter/dispenser, ((~~certified~~)) licensed audiologist, or interim permit  
22 holder may retain, for each hearing instrument, fifteen percent of the  
23 total purchase price or one hundred twenty-five dollars, whichever is  
24 less. After December 31, 1996, the rescission amount shall be determined  
25 by the board. The licensed hearing instrument fitter/dispenser,  
26 ((~~certified~~)) licensed audiologist, or interim permit holder shall also  
27 return any goods traded in contemplation of the sale, less any costs  
28 incurred by the licensed hearing instrument fitter/dispenser,  
29 ((~~certified~~)) licensed audiologist, or interim permit holder in making  
30 those goods ready for resale. The refund shall be made within ten  
31 business days after the rescission. The buyer shall incur no  
32 additional liability for such rescission.

33 (3) For the purposes of this section, the purchaser shall have  
34 recourse against the bond held by the establishment entering into a  
35 purchase agreement with the buyer, as provided by RCW 18.35.240.

36 **Sec. 33.** RCW 18.35.190 and 1996 c 200 s 26 are each amended to  
37 read as follows:

1 In addition to remedies otherwise provided by law, in any action  
2 brought by or on behalf of a person required to be licensed ((~~or~~  
3 ~~certified~~)) or to hold a permit hereunder, or by any assignee or  
4 transferee, it shall be necessary to allege and prove that the licensee  
5 or ((~~certificate-or~~)) permit holder at the time of the transaction held  
6 a valid license((~~, certificate,~~)) or permit as required by this  
7 chapter, and that such license((~~, certificate,~~)) or permit has not been  
8 suspended or revoked pursuant to RCW 18.35.110, 18.35.120, or  
9 18.130.160.

10 **Sec. 34.** RCW 18.35.190 and 1998 c 142 s 14 are each amended to  
11 read as follows:

12 In addition to remedies otherwise provided by law, in any action  
13 brought by or on behalf of a person required to be licensed ((~~or~~  
14 ~~certified~~)) or to hold an interim permit under this chapter, or by any  
15 assignee or transferee, it shall be necessary to allege and prove that  
16 the licensee or ((~~certificate-or~~)) interim permit holder at the time of  
17 the transaction held a valid license((~~, certificate,~~)) or interim  
18 permit as required by this chapter, and that such license((~~,  
19 certificate,~~)) or interim permit has not been suspended or revoked  
20 pursuant to RCW 18.35.110, 18.35.120, or 18.130.160.

21 **Sec. 35.** RCW 18.35.195 and 1998 c 142 s 15 are each amended to  
22 read as follows:

23 (1) This chapter shall not apply to military or federal government  
24 employees.

25 (2) This chapter does not prohibit or regulate:

26 (a) Fitting or dispensing by students enrolled in a board-approved  
27 program who are directly supervised by a licensed hearing instrument  
28 fitter/dispenser, a ((~~certified~~)) licensed audiologist under the  
29 provisions of this chapter, or an instructor at a two-year hearing  
30 instrument fitter/dispenser degree program that is approved by the  
31 board; and

32 (b) Hearing instrument fitter/dispensers, speech-language  
33 pathologists, or audiologists of other states, territories, or  
34 countries, or the District of Columbia while appearing as clinicians of  
35 bona fide educational seminars sponsored by speech-language pathology,  
36 audiology, hearing instrument fitter/dispenser, medical, or other

1 healing art professional associations so long as such activities do not  
2 go beyond the scope of practice defined by this chapter.

3 **Sec. 36.** RCW 18.35.205 and 1996 c 200 s 28 are each amended to  
4 read as follows:

5 The legislature finds that the public health, safety, and welfare  
6 would best be protected by uniform regulation of hearing instrument  
7 fitter/dispensers, speech-language pathologists, audiologists, and  
8 permit holders throughout the state. Therefore, the provisions of this  
9 chapter relating to the licensing (~~(or certification)~~) of hearing  
10 instrument fitter/dispensers, speech-language pathologists, and  
11 audiologists and regulation of permit holders and their respective  
12 establishments or facilities is exclusive. No political subdivision of  
13 the state of Washington within whose jurisdiction a hearing instrument  
14 fitter/dispenser, audiologist, or speech-language pathologist  
15 establishment or facility is located may require any registrations,  
16 bonds, licenses, certificates, or permits of the establishment or  
17 facility or its employees or charge any fee for the same or similar  
18 purposes: PROVIDED, HOWEVER, That nothing herein shall limit or  
19 abridge the authority of any political subdivision to levy and collect  
20 a general and nondiscriminatory license fee levied on all businesses,  
21 or to levy a tax based upon the gross business conducted by any firm  
22 within the political subdivision.

23 **Sec. 37.** RCW 18.35.205 and 1998 c 142 s 16 are each amended to  
24 read as follows:

25 The legislature finds that the public health, safety, and welfare  
26 would best be protected by uniform regulation of hearing instrument  
27 fitter/dispensers, speech-language pathologists, audiologists, and  
28 interim permit holders throughout the state. Therefore, the provisions  
29 of this chapter relating to the licensing (~~(or certification)~~) of  
30 hearing instrument fitter/dispensers, speech-language pathologists, and  
31 audiologists and regulation of interim permit holders and their  
32 respective establishments or facilities is exclusive. No political  
33 subdivision of the state of Washington within whose jurisdiction a  
34 hearing instrument fitter/dispenser, audiologist, or speech-language  
35 pathologist establishment or facility is located may require any  
36 registrations, bonds, licenses, certificates, or interim permits of the  
37 establishment or facility or its employees or charge any fee for the

1 same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall  
2 limit or abridge the authority of any political subdivision to levy and  
3 collect a general and nondiscriminatory license fee levied on all  
4 businesses, or to levy a tax based upon the gross business conducted by  
5 any firm within the political subdivision.

6 **Sec. 38.** RCW 18.35.230 and 1996 c 200 s 29 are each amended to  
7 read as follows:

8 (1) Each licensee or (~~certificate or~~) permit holder shall name a  
9 registered agent to accept service of process for any violation of this  
10 chapter or rule adopted under this chapter.

11 (2) The registered agent may be released at the expiration of one  
12 year after the license(~~certificate~~) or permit issued under this  
13 chapter has expired or been revoked.

14 (3) Failure to name a registered agent for service of process for  
15 violations of this chapter or rules adopted under this chapter may be  
16 grounds for disciplinary action.

17 **Sec. 39.** RCW 18.35.230 and 1998 c 142 s 17 are each amended to  
18 read as follows:

19 (1) Each licensee or (~~certificate or~~) interim permit holder shall  
20 name a registered agent to accept service of process for any violation  
21 of this chapter or rule adopted under this chapter.

22 (2) The registered agent may be released at the expiration of one  
23 year after the license(~~certificate~~) or interim permit issued under  
24 this chapter has expired or been revoked.

25 (3) Failure to name a registered agent for service of process for  
26 violations of this chapter or rules adopted under this chapter may be  
27 grounds for disciplinary action.

28 **Sec. 40.** RCW 18.35.240 and 1996 c 200 s 30 are each amended to  
29 read as follows:

30 (1) Every establishment engaged in the fitting and dispensing of  
31 hearing instruments shall file with the department a surety bond in the  
32 sum of ten thousand dollars, running to the state of Washington, for  
33 the benefit of any person injured or damaged as a result of any  
34 violation by the establishment's employees or agents of any of the  
35 provisions of this chapter or rules adopted by the secretary.

1 (2) In lieu of the surety bond required by this section, the  
2 establishment may file with the department a cash deposit or other  
3 negotiable security acceptable to the department. All obligations and  
4 remedies relating to surety bonds shall apply to deposits and security  
5 filed in lieu of surety bonds.

6 (3) If a cash deposit is filed, the department shall deposit the  
7 funds. The cash or other negotiable security deposited with the  
8 department shall be returned to the depositor one year after the  
9 establishment has discontinued the fitting and dispensing of hearing  
10 instruments if no legal action has been instituted against the  
11 establishment, its agents or employees, or the cash deposit or other  
12 security. The establishment owners shall notify the department if the  
13 establishment is sold, changes names, or has discontinued the fitting  
14 and dispensing of hearing instruments in order that the cash deposit or  
15 other security may be released at the end of one year from that date.

16 (4) A surety may file with the department notice of withdrawal of  
17 the bond of the establishment. Upon filing a new bond, or upon the  
18 expiration of sixty days after the filing of notice of withdrawal by  
19 the surety, the liability of the former surety for all future acts of  
20 the establishment terminates.

21 (5) Upon the filing with the department notice by a surety of  
22 withdrawal of the surety on the bond of an establishment or upon the  
23 cancellation by the department of the bond of a surety under this  
24 section, the department shall immediately give notice to the  
25 establishment by certified or registered mail with return receipt  
26 requested addressed to the establishment's last place of business as  
27 filed with the department.

28 (6) The department shall immediately cancel the bond given by a  
29 surety company upon being advised that the surety company's license to  
30 transact business in this state has been revoked.

31 (7) Each invoice for the purchase of a hearing instrument provided  
32 to a customer must clearly display on the first page the bond number of  
33 the establishment or the licensee or (~~certificate or~~) permit holder  
34 fitting/dispensing the hearing instrument.

35 **Sec. 41.** RCW 18.35.240 and 1998 c 142 s 18 are each amended to  
36 read as follows:

37 (1) Every establishment engaged in the fitting and dispensing of  
38 hearing instruments shall file with the department a surety bond in the

1 sum of ten thousand dollars, running to the state of Washington, for  
2 the benefit of any person injured or damaged as a result of any  
3 violation by the establishment's employees or agents of any of the  
4 provisions of this chapter or rules adopted by the secretary.

5 (2) In lieu of the surety bond required by this section, the  
6 establishment may file with the department a cash deposit or other  
7 negotiable security acceptable to the department. All obligations and  
8 remedies relating to surety bonds shall apply to deposits and security  
9 filed in lieu of surety bonds.

10 (3) If a cash deposit is filed, the department shall deposit the  
11 funds. The cash or other negotiable security deposited with the  
12 department shall be returned to the depositor one year after the  
13 establishment has discontinued the fitting and dispensing of hearing  
14 instruments if no legal action has been instituted against the  
15 establishment, its agents or employees, or the cash deposit or other  
16 security. The establishment owners shall notify the department if the  
17 establishment is sold, changes names, or has discontinued the fitting  
18 and dispensing of hearing instruments in order that the cash deposit or  
19 other security may be released at the end of one year from that date.

20 (4) A surety may file with the department notice of withdrawal of  
21 the bond of the establishment. Upon filing a new bond, or upon the  
22 expiration of sixty days after the filing of notice of withdrawal by  
23 the surety, the liability of the former surety for all future acts of  
24 the establishment terminates.

25 (5) Upon the filing with the department notice by a surety of  
26 withdrawal of the surety on the bond of an establishment or upon the  
27 cancellation by the department of the bond of a surety under this  
28 section, the department shall immediately give notice to the  
29 establishment by certified or registered mail with return receipt  
30 requested addressed to the establishment's last place of business as  
31 filed with the department.

32 (6) The department shall immediately cancel the bond given by a  
33 surety company upon being advised that the surety company's license to  
34 transact business in this state has been revoked.

35 (7) Each invoice for the purchase of a hearing instrument provided  
36 to a customer must clearly display on the first page the bond number of  
37 the establishment or the licensee or (~~certificate or~~) interim permit  
38 holder fitting/dispensing the hearing instrument.

1       **Sec. 42.** RCW 18.35.250 and 1996 c 200 s 31 are each amended to  
2 read as follows:

3       (1) In addition to any other legal remedies, an action may be  
4 brought in any court of competent jurisdiction upon the bond, cash  
5 deposit, or security in lieu of a surety bond required by this chapter,  
6 by any person having a claim against a licensee or (~~certificate~~ or)  
7 permit holder, agent, or establishment for any violation of this  
8 chapter or any rule adopted under this chapter. The aggregate  
9 liability of the surety to all claimants shall in no event exceed the  
10 sum of the bond. Claims shall be satisfied in the order of judgment  
11 rendered.

12       (2) An action upon the bond shall be commenced by serving and  
13 filing the complaint within one year from the date of the cancellation  
14 of the bond. An action upon a cash deposit or other security shall be  
15 commenced by serving and filing the complaint within one year from the  
16 date of notification to the department of the change in ownership of  
17 the establishment or the discontinuation of the fitting and dispensing  
18 of hearing instruments by that establishment. Two copies of the  
19 complaint shall be served by registered or certified mail, return  
20 receipt requested, upon the department at the time the suit is started.  
21 The service constitutes service on the surety. The secretary shall  
22 transmit one copy of the complaint to the surety within five business  
23 days after the copy has been received.

24       (3) The secretary shall maintain a record, available for public  
25 inspection, of all suits commenced under this chapter under surety  
26 bonds, or the cash or other security deposited in lieu of the surety  
27 bond. In the event that any final judgment impairs the liability of  
28 the surety upon a bond so furnished or the amount of the deposit so  
29 that there is not in effect a bond undertaking or deposit in the full  
30 amount prescribed in this section, the department shall suspend the  
31 license (~~or certificate~~) until the bond undertaking or deposit in the  
32 required amount, unimpaired by unsatisfied judgment claims, has been  
33 furnished.

34       (4) If a judgment is entered against the deposit or security  
35 required under this chapter, the department shall, upon receipt of a  
36 certified copy of a final judgment, pay the judgment from the amount of  
37 the deposit or security.

1       **Sec. 43.** RCW 18.35.250 and 1998 c 142 s 19 are each amended to  
2 read as follows:

3       (1) In addition to any other legal remedies, an action may be  
4 brought in any court of competent jurisdiction upon the bond, cash  
5 deposit, or security in lieu of a surety bond required by this chapter,  
6 by any person having a claim against a licensee or (~~certificate or~~)  
7 interim permit holder, agent, or establishment for any violation of  
8 this chapter or any rule adopted under this chapter. The aggregate  
9 liability of the surety to all claimants shall in no event exceed the  
10 sum of the bond. Claims shall be satisfied in the order of judgment  
11 rendered.

12       (2) An action upon the bond shall be commenced by serving and  
13 filing the complaint within one year from the date of the cancellation  
14 of the bond. An action upon a cash deposit or other security shall be  
15 commenced by serving and filing the complaint within one year from the  
16 date of notification to the department of the change in ownership of  
17 the establishment or the discontinuation of the fitting and dispensing  
18 of hearing instruments by that establishment. Two copies of the  
19 complaint shall be served by registered or certified mail, return  
20 receipt requested, upon the department at the time the suit is started.  
21 The service constitutes service on the surety. The secretary shall  
22 transmit one copy of the complaint to the surety within five business  
23 days after the copy has been received.

24       (3) The secretary shall maintain a record, available for public  
25 inspection, of all suits commenced under this chapter under surety  
26 bonds, or the cash or other security deposited in lieu of the surety  
27 bond. In the event that any final judgment impairs the liability of  
28 the surety upon a bond so furnished or the amount of the deposit so  
29 that there is not in effect a bond undertaking or deposit in the full  
30 amount prescribed in this section, the department shall suspend the  
31 license (~~or certificate~~) until the bond undertaking or deposit in the  
32 required amount, unimpaired by unsatisfied judgment claims, has been  
33 furnished.

34       (4) If a judgment is entered against the deposit or security  
35 required under this chapter, the department shall, upon receipt of a  
36 certified copy of a final judgment, pay the judgment from the amount of  
37 the deposit or security.

1       **Sec. 44.** RCW 18.35.260 and 1996 c 200 s 16 are each amended to  
2 read as follows:

3       (1) A person who is not a licensed ~~((with the secretary as a))~~  
4 hearing instrument fitter/dispenser ~~((under the requirements of this~~  
5 ~~chapter))~~ may not represent himself or herself as being so licensed and  
6 may not use in connection with his or her name the words "licensed  
7 hearing instrument fitter/dispenser," "hearing instrument specialist,"  
8 or "hearing aid fitter/dispenser," or a variation, synonym, word, sign,  
9 number, insignia, coinage, or whatever expresses, employs, or implies  
10 these terms, names, or functions of a licensed hearing instrument  
11 fitter/dispenser.

12       (2) A person who is not ~~((certified with the secretary as))~~ a  
13 licensed speech-language pathologist ~~((under the requirements of this~~  
14 ~~chapter))~~ may not represent himself or herself as being so  
15 ~~((certified))~~ licensed and may not use in connection with his or her  
16 name the words including "~~((certified))~~ licensed speech-language  
17 pathologist" or a variation, synonym, word, sign, number, insignia,  
18 coinage, or whatever expresses, employs, or implies these terms, names,  
19 or functions as a ~~((certified))~~ licensed speech-language pathologist.

20       (3) A person who is not ~~((certified with the secretary as an))~~ a  
21 licensed audiologist ~~((under the requirements of this chapter))~~ may not  
22 represent himself or herself as being so ~~((certified))~~ licensed and may  
23 not use in connection with his or her name the words "~~((certified))~~  
24 licensed audiologist" or a variation, synonym, letter, word, sign,  
25 number, insignia, coinage, or whatever expresses, employs, or implies  
26 these terms, names, or functions of a ~~((certified))~~ licensed  
27 audiologist.

28       (4) A person who does not hold a permit issued by the secretary as  
29 a hearing instrument fitter/dispenser permittee under the requirements  
30 of this chapter may not represent himself or herself as being so  
31 permitted and may not use in connection with his or her name the words  
32 "hearing instrument fitter/dispenser permit holder" or a variation,  
33 synonym, word, sign, number, insignia, coinage, or whatever expresses,  
34 employs, or implies these terms, names, or functions of a hearing  
35 instrument fitter/dispenser permit holder.

36       (5) Nothing in this chapter prohibits a person credentialed in this  
37 state under another act from engaging in the practice for which he or  
38 she is credentialed.

1       **Sec. 45.** RCW 18.35.260 and 1998 c 142 s 20 are each amended to  
2 read as follows:

3       (1) A person who is not a licensed ~~((with the secretary as a))~~  
4 hearing instrument fitter/dispenser ~~((under the requirements of this~~  
5 ~~chapter))~~ may not represent himself or herself as being so licensed and  
6 may not use in connection with his or her name the words "licensed  
7 hearing instrument fitter/dispenser," "hearing instrument specialist,"  
8 or "hearing aid fitter/dispenser," or a variation, synonym, word, sign,  
9 number, insignia, coinage, or whatever expresses, employs, or implies  
10 these terms, names, or functions of a licensed hearing instrument  
11 fitter/dispenser.

12       (2) A person who is not ~~((certified with the secretary as))~~ a  
13 licensed speech-language pathologist ~~((under the requirements of this~~  
14 ~~chapter))~~ may not represent himself or herself as being so  
15 ~~((certified))~~ licensed and may not use in connection with his or her  
16 name the words including "~~((certified))~~ licensed speech-language  
17 pathologist" or a variation, synonym, word, sign, number, insignia,  
18 coinage, or whatever expresses, employs, or implies these terms, names,  
19 or functions as a ~~((certified))~~ licensed speech-language pathologist.

20       (3) A person who is not ~~((certified with the secretary as an))~~ a  
21 licensed audiologist ~~((under the requirements of this chapter))~~ may not  
22 represent himself or herself as being so ~~((certified))~~ licensed and may  
23 not use in connection with his or her name the words "~~((certified))~~  
24 licensed audiologist" or a variation, synonym, letter, word, sign,  
25 number, insignia, coinage, or whatever expresses, employs, or implies  
26 these terms, names, or functions of a ~~((certified))~~ licensed  
27 audiologist.

28       (4) Nothing in this chapter prohibits a person credentialed in this  
29 state under another act from engaging in the practice for which he or  
30 she is credentialed.

31       NEW SECTION. **Sec. 46.** Sections 1, 3, 6, 9, 12, 15, 17, 19, 21,  
32 23, 26, 28, 31, 33, 36, 38, 40, 42, and 44 of this act expire January  
33 1, 2003.

1        NEW SECTION.    **Sec. 47.**    Sections 2, 4, 7, 10, 13, 16, 18, 20, 22,  
2    24, 27, 29, 32, 34, 37, 39, 41, 43, and 45 of this act take effect  
3    January 1, 2003.

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