

HB 2108 - H AMD 750

By Representative Cody

ADOPTED 02/18/2014

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 18.35 RCW
4 to read as follows:

5 (1) The department shall issue an interim work-based learning
6 permit to any applicant who meets the following requirements:

7 (a) Either:

8 (i) Possession of a two-year or four-year degree in a field of
9 study approved by the board from an accredited institution of higher
10 education; or

11 (ii) Current enrollment in a two-year or four-year degree program
12 in a field of study approved by the board in an accredited institution
13 of higher education with no more than one full-time academic year
14 remaining in his or her course of study; and

15 (b) Designation of a board-approved licensed hearing aid specialist
16 or board-approved licensed audiologist who has agreed to act as the
17 applicant's supervisor under sections 2 and 3 of this act.

18 (2) The applicant shall complete an application form designated by
19 the department and pay an application fee set by the secretary under
20 RCW 43.70.250. The application form must be signed by both the
21 applicant and the licensed hearing aid specialist or licensed
22 audiologist who has agreed to act as the applicant's supervisor.

23 (3) An interim work-based learning permit issued under this section
24 expires twelve months after issuance and may be renewed once for a
25 period of twelve months.

26 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.35 RCW
27 to read as follows:

28 (1) A holder of an interim work-based learning permit may engage in
29 the fitting and dispensing of hearing instruments in a board-approved

1 work-based learning pathway. Except as provided in subsection (2) of
2 this section, a holder of an interim work-based learning permit may
3 engage in the fitting and dispensing of hearing instruments only under
4 the direct supervision of a board-approved licensed hearing aid
5 specialist or board-approved licensed audiologist.

6 (2) A holder of an interim work-based learning permit may engage in
7 the fitting and dispensing of hearing instruments under the indirect
8 supervision of a board-approved licensed hearing aid specialist or
9 board-approved licensed audiologist only after the holder of the
10 interim work-based learning permit has successfully completed the
11 work-based learning pathway. The board shall approve learning pathways
12 established in partnership with private business or pathways
13 established in partnership with accredited institutions of higher
14 education and sponsoring private businesses through work-based learning
15 agreements. The holder of the interim work-based learning permit has
16 successfully completed a work-based learning pathway if:

17 (a) For a board-approved, work-based learning pathway established
18 in partnership with private business, the supervising hearing aid
19 specialist or audiologist notifies the department and the board that
20 the holder of the work-based learning permit has completed at least
21 five hundred twenty hours of practical training under the direct
22 supervision of the hearing aid specialist or audiologist. The training
23 must include at least the following:

- 24 (i) Audiometric testing;
- 25 (ii) Counseling regarding hearing examinations;
- 26 (iii) Hearing instrument selection;
- 27 (iv) Ear mold impressions;
- 28 (v) Hearing instrument fitting and follow-up care; and
- 29 (vi) Business practices, including ethics, regulations, and
30 sanitation and infection control; or

31 (b) For a board-approved, work-based learning pathway established
32 in partnership with an institution of higher education and a sponsoring
33 private business through a work-based learning agreement, the holder of
34 the interim work-based learning permit has completed all of the
35 requirements of the pathway, which must be consistent with the
36 requirements in (a) of this subsection.

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.35 RCW
2 to read as follows:

3 (1) A hearing aid specialist or audiologist may supervise an
4 interim work-based learning permit holder only if he or she:

5 (a) Has been licensed in good standing under this chapter for at
6 least two years;

7 (b) Practices in an established place of business;

8 (c) Is responsible for all activities and training of the interim
9 work-based learning permit holder under this chapter; and

10 (d) Is approved to supervise interim work-based learning permit
11 holders by the board.

12 (2) A hearing aid specialist or audiologist may supervise no more
13 than three interim work-based learning permit holders at any one time.

14 (3) An interim work-based learning permit holder shall notify the
15 department and the board within ten working days if:

16 (a) His or her relationship with his or her existing supervisor is
17 terminated; or

18 (b) He or she designates a new supervisor who meets the
19 requirements of this section.

20 **Sec. 4.** RCW 18.35.010 and 2009 c 301 s 2 are each amended to read
21 as follows:

22 The definitions in this section apply throughout this chapter
23 unless the context clearly requires otherwise.

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

31 (2) "Audiology" means the application of principles, methods, and
32 procedures related to hearing and the disorders of hearing and to
33 related language and speech disorders, whether of organic or nonorganic
34 origin, peripheral or central, that impede the normal process of human
35 communication including, but not limited to, disorders of auditory
36 sensitivity, acuity, function, processing, or vestibular function, the

1 application of aural habilitation, rehabilitation, and appropriate
2 devices including fitting and dispensing of hearing instruments, and
3 cerumen management to treat such disorders.

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

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

6 (5) "Direct supervision" means the supervising speech-language
7 pathologist, hearing aid specialist, or audiologist is on-site and in
8 view during the procedures or tasks. The board shall develop rules
9 outlining the procedures or tasks allowable under direct supervision.

10 (6) "Establishment" means any permanent site housing a person
11 engaging in the practice of fitting and dispensing of hearing
12 instruments by a hearing (~~(instrument fitter/dispenser)~~) aid specialist
13 or audiologist; where the client can have personal contact and counsel
14 during the firm's business hours; where business is conducted; and the
15 address of which is given to the state for the purpose of bonding.

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

19 (8) "Fitting and dispensing of hearing instruments" means the sale,
20 lease, or rental or attempted sale, lease, or rental of hearing
21 instruments together with the selection and modification of hearing
22 instruments and the administration of nondiagnostic tests as specified
23 by RCW 18.35.110 and the use of procedures essential to the performance
24 of these functions; and includes recommending specific hearing
25 instrument systems, specific hearing instruments, or specific hearing
26 instrument characteristics, the taking of impressions for ear molds for
27 these purposes, the use of nondiagnostic procedures and equipment to
28 verify the appropriateness of the hearing instrument fitting, and
29 hearing instrument orientation. The fitting and dispensing of hearing
30 instruments as defined by this chapter may be equally provided by a
31 licensed hearing (~~(instrument fitter/dispenser)~~) aid specialist or
32 licensed audiologist.

33 (9) "Good standing" means a licensed hearing (~~(instrument~~
34 ~~fitter/dispenser)~~) aid specialist, licensed audiologist, licensed
35 speech-language pathologist, or certified speech-language pathology
36 assistant whose license or certification has not been subject to
37 sanctions pursuant to chapter 18.130 RCW or sanctions by other states,
38 territories, or the District of Columbia in the last two years.

1 (10) "Hearing aid specialist" means a person who is licensed to
2 engage in the practice of fitting and dispensing of hearing instruments
3 and meets the qualifications of this chapter.

4 ~~(11)~~ "Hearing health care professional" means an audiologist or
5 hearing ~~((instrument fitter/dispenser))~~ aid specialist licensed under
6 this chapter or a physician specializing in diseases of the ear
7 licensed under chapter 18.71 RCW.

8 ~~((11))~~ (12) "Hearing instrument" means any wearable prosthetic
9 instrument or device designed for or represented as aiding, improving,
10 compensating for, or correcting defective human hearing and any parts,
11 attachments, or accessories of such an instrument or device, excluding
12 batteries and cords, ear molds, and assistive listening devices.

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

16 (13) "Indirect supervision" means the procedures or tasks are
17 performed under the speech-language pathologist~~((+s))~~, the hearing aid
18 specialist, or the audiologist's overall direction and control, but the
19 speech-language pathologist~~((+s))~~, hearing aid specialist, or
20 audiologist's presence is not required during the performance of the
21 procedures or tasks. The board shall develop rules outlining the
22 procedures or tasks allowable under indirect supervision.

23 (14) "Interim permit holder" means a person who holds the permit
24 created under RCW 18.35.060 and who practices under the supervision of
25 a licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist,
26 licensed speech-language pathologist, or licensed audiologist.

27 (15) "Licensed audiologist" means a person who is licensed by the
28 department to engage in the practice of audiology and meets the
29 qualifications in this chapter.

30 (16) "Licensed speech-language pathologist" means a person who is
31 licensed by the department to engage in the practice of speech-language
32 pathology and meets the qualifications of this chapter.

33 (17) "Secretary" means the secretary of health.

34 (18) "Speech-language pathology" means the application of
35 principles, methods, and procedures related to the development and
36 disorders, whether of organic or nonorganic origin, that impede oral,
37 pharyngeal, or laryngeal sensorimotor competencies and the normal
38 process of human communication including, but not limited to, disorders

1 and related disorders of speech, articulation, fluency, voice, verbal
2 and written language, auditory comprehension, cognition/communication,
3 and the application of augmentative communication treatment and devices
4 for treatment of such disorders.

5 (19) "Speech-language pathology assistant" means a person who is
6 certified by the department to provide speech-language pathology
7 services under the direction and supervision of a licensed speech-
8 language pathologist or speech-language pathologist certified as an
9 educational staff associate by the superintendent of public
10 instruction, and meets all of the requirements of this chapter.

11 **Sec. 5.** RCW 18.35.020 and 2006 c 263 s 801 are each amended to
12 read as follows:

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

30 (2) Effective January 1, 2003, no person shall engage in the
31 practice of audiology or imply or represent that he or she is engaged
32 in the practice of audiology unless he or she is a licensed audiologist
33 or holds an audiology interim permit issued by the department as
34 provided in this chapter. Audiologists who are certified as
35 educational staff associates by the Washington professional educator
36 standards board are excluded unless they elect to become licensed under

1 this chapter. However, a person certified by the state board of
2 education as an educational staff associate who practices outside the
3 school setting must be a licensed audiologist.

4 (3) Effective January 1, 2003, no person shall engage in the
5 practice of speech-language pathology or imply or represent that he or
6 she is engaged in the practice of speech-language pathology unless he
7 or she is a licensed speech-language pathologist or holds a speech-
8 language pathology interim permit issued by the department as provided
9 in this chapter. Speech-language pathologists who are certified as
10 educational staff associates by the state board of education are
11 excluded unless they elect to become licensed under this chapter.
12 However, a person certified by the state board of education as an
13 educational staff associate who practices outside the school setting
14 must be a licensed speech-language pathologist.

15 **Sec. 6.** RCW 18.35.040 and 2009 c 301 s 3 are each amended to read
16 as follows:

17 (1) An applicant for licensure as a hearing (~~instrument~~
18 ~~fitter/dispenser~~) aid specialist must have the following minimum
19 qualifications and shall pay a fee determined by the secretary as
20 provided in RCW 43.70.250. An applicant shall be issued a license
21 under the provisions of this chapter if the applicant has not committed
22 unprofessional conduct as specified by chapter 18.130 RCW, and:

23 (a)(i) Satisfactorily completes the hearing (~~instrument~~
24 ~~fitter/dispenser~~) aid specialist examination required by this chapter;
25 and

26 (ii) Satisfactorily completes:

27 (A) A minimum of a two-year degree program in hearing (~~instrument~~
28 ~~fitter/dispenser~~) aid specialist instruction. The program must be
29 approved by the board;

30 (B) A two-year or four-year degree in a field of study approved by
31 the board from an accredited institution of higher education, a
32 work-based learning pathway under sections 1 through 3 of this act, and
33 a practical examination approved by the board. The practical
34 examination must be given at least quarterly, as determined by the
35 board. The department may hire licensed industry experts approved by
36 the board to proctor the examination; or

1 (C) A nine-month board-approved certificate program offered by a
2 board-approved hearing aid specialist program and the practical
3 examination in (a)(ii)(B) of this subsection; or

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

8 (c)(i) Holds a current, unsuspended, unrevoked license from another
9 jurisdiction, has been actively practicing as a licensed hearing aid
10 (~~fitter/dispenser~~) specialist in another jurisdiction for at least
11 forty-eight of the last sixty months, and submits proof of completion
12 of advance certification from either the international hearing society
13 or the national board for certification in hearing instrument sciences;
14 and

15 (ii) Satisfactorily completes the hearing (~~instrument~~
16 ~~fitter/dispenser~~) aid specialist examination required by this chapter
17 or a substantially equivalent examination approved by the board.

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

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

26 (ii) 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 (iii) Has completed postgraduate professional work experience
31 approved by the board.

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

35 (c) The applicant must present proof of qualifications to the board
36 in 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 (3) An applicant for certification as a speech-language pathology
2 assistant shall pay a fee determined by the secretary as provided in
3 RCW 43.70.250 and must have the following minimum qualifications:

4 (a) An associate of arts or sciences degree, or a certificate of
5 proficiency, from a speech-language pathology assistant program from an
6 institution of higher education that is approved by the board, as is
7 evidenced by the following:

8 (i) Transcripts showing forty-five quarter hours or thirty semester
9 hours of speech-language pathology coursework; and

10 (ii) Transcripts showing forty-five quarter hours or thirty
11 semester hours of general education credit; or

12 (b) A bachelor of arts or bachelor of sciences degree, as evidenced
13 by transcripts, from a speech, language, and hearing program from an
14 institution of higher education that is approved by the board.

15 **Sec. 7.** RCW 18.35.050 and 2002 c 310 s 5 are each amended to read
16 as follows:

17 Except as otherwise provided in this chapter an applicant for
18 license shall appear at a time and place and before such persons as the
19 department may designate to be examined by written or practical tests,
20 or both. Examinations in hearing (~~((instrument fitting/dispensing))~~) aid
21 specialist, speech-language pathology, and audiology shall be held
22 within the state at least once a year. The examinations shall be
23 reviewed annually by the board and the department, and revised as
24 necessary. The examinations shall include appropriate subject matter
25 to ensure the competence of the applicant. Nationally recognized
26 examinations in the fields of fitting and dispensing of hearing
27 instruments, speech-language pathology, and audiology may be used to
28 determine if applicants are qualified for licensure. An applicant who
29 fails an examination may apply for reexamination upon payment of a
30 reexamination fee. The hearing (~~((instrument fitting/dispensing))~~) aid
31 specialist reexamination fee for hearing (~~((instrument~~
32 ~~fitter/dispensers))~~) aid specialists and audiologists shall be set by
33 the secretary under RCW 43.70.250.

34 **Sec. 8.** RCW 18.35.070 and 1996 c 200 s 8 are each amended to read
35 as follows:

1 The hearing (~~(instrument fitter/dispenser)~~) aid specialist written
2 or practical examination, or both, provided in RCW 18.35.050 shall
3 consist of:

4 (1) Tests of knowledge in the following areas as they pertain to
5 the fitting of hearing instruments:

6 (a) Basic physics of sound;

7 (b) The human hearing mechanism, including the science of hearing
8 and the causes and rehabilitation of abnormal hearing and hearing
9 disorders; and

10 (c) Structure and function of hearing instruments.

11 (2) Tests of proficiency in the following areas as they pertain to
12 the fitting of hearing instruments:

13 (a) Pure tone audiometry, including air conduction testing and bone
14 conduction testing;

15 (b) Live voice or recorded voice speech audiometry, including
16 speech reception threshold testing and speech discrimination testing;

17 (c) Effective masking;

18 (d) Recording and evaluation of audiograms and speech audiometry to
19 determine hearing instrument candidacy;

20 (e) Selection and adaptation of hearing instruments and testing of
21 hearing instruments; and

22 (f) Taking ear mold impressions.

23 (3) Evidence of knowledge regarding the medical and rehabilitation
24 facilities for children and adults that are available in the area
25 served.

26 (4) Evidence of knowledge of grounds for revocation or suspension
27 of license under the provisions of this chapter.

28 (5) Any other tests as the board may by rule establish.

29 **Sec. 9.** RCW 18.35.090 and 2002 c 310 s 8 are each amended to read
30 as follows:

31 Each person who engages in practice under this chapter shall comply
32 with administrative procedures and administrative requirements
33 established under RCW 43.70.250 and 43.70.280 and shall keep the
34 license, interim work-based learning permit, or interim permit
35 conspicuously posted in the place of business at all times. The
36 secretary may establish mandatory continuing education requirements

1 and/or continued competency standards to be met by licensees or interim
2 permit holders as a condition for license or interim permit renewal.

3 **Sec. 10.** RCW 18.35.095 and 2009 c 301 s 4 are each amended to read
4 as follows:

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

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

32 (3) A speech-language pathologist or audiologist licensed under
33 this chapter, or a speech-language pathology assistant certified under
34 this chapter, and not actively practicing either speech-language
35 pathology or audiology may be placed on inactive status by the
36 department at the written request of the license or certification
37 holder. The board shall define by rule the conditions for inactive

1 status licensure or certification. In addition to the requirements of
2 RCW 43.24.086, the fee for a license or certification on inactive
3 status shall be directly related to the cost of administering an
4 inactive license or certification by the department. A person on
5 inactive status may be voluntarily placed on active status by notifying
6 the department in writing, paying the remainder of the fee for the
7 year, and complying with subsection (4) of this section.

8 (4) Speech-language pathologist, speech-language pathology
9 assistant, or audiologist inactive license or certification holders
10 applying for active licensure or certification shall comply with
11 requirements set forth by the board, which may include completion of
12 continuing competency requirements and taking an examination.

13 **Sec. 11.** RCW 18.35.100 and 2002 c 310 s 10 are each amended to
14 read as follows:

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

25 (2) The department shall keep a record of the places of business of
26 persons who hold licenses, interim work-based learning permits, or
27 interim permits.

28 (3) Any notice required to be given by the department to a person
29 who holds a license, interim work-based learning permit, or interim
30 permit may be given by mailing it to the address of the last
31 establishment or facility of which the person has notified the
32 department, except that notice to a licensee, interim work-based
33 learning permit, or interim permit holder of proceedings to deny,
34 suspend, or revoke the license, interim work-based learning permit, or
35 interim permit shall be by certified or registered mail or by means
36 authorized for service of process.

1 **Sec. 12.** RCW 18.35.105 and 2002 c 310 s 11 are each amended to
2 read as follows:

3 Each licensee, interim work-based learning permit holder, and
4 interim permit holder under this chapter shall keep records of all
5 services rendered for a minimum of three years. These records shall
6 contain the names and addresses of all persons to whom services were
7 provided. Hearing (~~(instrument fitter/dispensers)~~) aid specialists,
8 audiologists, interim work-based learning permit holders, and interim
9 permit holders shall also record the date the hearing instrument
10 warranty expires, a description of the services and the dates the
11 services were provided, and copies of any contracts and receipts. All
12 records, as required pursuant to this chapter or by rule, shall be
13 owned by the establishment or facility and shall remain with the
14 establishment or facility in the event the licensee changes employment.
15 If a contract between the establishment or facility and the licensee
16 provides that the records are to remain with the licensee, copies of
17 such records shall be provided to the establishment or facility.

18 **Sec. 13.** RCW 18.35.110 and 2002 c 310 s 12 are each amended to
19 read as follows:

20 In addition to causes specified under RCW 18.130.170 and
21 18.130.180, any person licensed or holding an interim permit or an
22 interim work-based learning permit under this chapter may be subject to
23 disciplinary action by the board for any of the following causes:

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

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

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

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

1 advertisement is to obtain prospects for the sale of a different model,
2 type, or kind than that advertised;

3 (d) Falsifying hearing test or evaluation results;

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

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

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

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

20 (D) Acute or chronic dizziness;

21 (E) Any unilateral hearing loss;

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

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

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

27 (I) Any other conditions that the board may by rule establish. It
28 is a violation of this subsection for any licensee or that licensee's
29 employees and putative agents upon making such required referral for
30 medical opinion to in any manner whatsoever disparage or discourage a
31 prospective hearing instrument user from seeking such medical opinion
32 prior to the fitting and dispensing of a hearing instrument. No such
33 referral for medical opinion need be made by any licensed hearing
34 (~~(instrument fitter/dispenser)~~) aid specialist, licensed audiologist,
35 interim work-based learning permit holder, or interim permit holder in
36 the instance of replacement only of a hearing instrument which has been
37 lost or damaged beyond repair within twelve months of the date of
38 purchase. The licensed hearing (~~(instrument fitter/dispenser)~~) aid

1 specialist, licensed audiologist, interim work-based learning permit
2 holder, or interim permit holder or their employees or putative agents
3 shall obtain a signed statement from the hearing instrument user
4 documenting the waiver of medical clearance and the waiver shall inform
5 the prospective user that signing the waiver is not in the user's best
6 health interest: PROVIDED, That the licensed hearing (~~instrument~~
7 ~~fitter/dispenser~~) aid specialist, licensed audiologist, interim work-
8 based learning permit holder, or interim permit holder shall maintain
9 a copy of either the physician's statement showing that the prospective
10 hearing instrument user has had a medical evaluation within the
11 previous six months or the statement waiving medical evaluation, for a
12 period of three years after the purchaser's receipt of a hearing
13 instrument. Nothing in this section required to be performed by a
14 licensee, interim work-based learning permit holder, or interim permit
15 holder shall mean that the licensee, interim work-based learning permit
16 holder, or interim permit holder is engaged in the diagnosis of illness
17 or the practice of medicine or any other activity prohibited under the
18 laws of this state;

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

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

1 (f) Representing that the services or advice of a person licensed
2 to practice medicine and surgery under chapter 18.71 RCW or osteopathic
3 medicine and surgery under chapter 18.57 RCW or of a clinical
4 audiologist will be used or made available in the selection, fitting,
5 adjustment, maintenance, or repair of hearing instruments when that is
6 not true, or using the word "doctor," "clinic," or other like words,
7 abbreviations, or symbols which tend to connote a medical or
8 osteopathic medicine and surgery profession when such use is not
9 accurate;

10 (g) Permitting another to use his or her license, interim work-
11 based learning permit, or interim permit;

12 (h) Stating or implying that the use of any hearing instrument will
13 restore normal hearing, preserve hearing, prevent or retard progression
14 of a hearing impairment, or any other false, misleading, or medically
15 or audilogically unsupportable claim regarding the efficiency of a
16 hearing instrument;

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

21 (j) Directly or indirectly offering, giving, permitting, or causing
22 to be given, money or anything of value to any person who advised
23 another in a professional capacity as an inducement to influence that
24 person, or to have that person influence others to purchase or contract
25 to purchase any product sold or offered for sale by the hearing
26 (~~(instrument fitter/dispenser)~~) aid specialist, audiologist, interim
27 work-based learning permit holder, or interim permit holder, or to
28 influence any person to refrain from dealing in the products of
29 competitors.

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

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

34 **Sec. 14.** RCW 18.35.120 and 2002 c 310 s 13 are each amended to
35 read as follows:

36 A licensee, interim work-based learning permit holder, or interim

1 permit holder under this chapter may also be subject to disciplinary
2 action if the licensee, interim work-based learning permit holder, or
3 interim permit holder:

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

8 (2) Has a judgment entered against him or her in any civil action
9 involving forgery, embezzlement, obtaining money under false pretenses,
10 larceny, extortion, or conspiracy to defraud and five years have not
11 elapsed since the date of the entry of the final judgment in the
12 action, but a license shall not be issued unless the judgment debt has
13 been discharged; or

14 (3) Has a judgment entered against him or her under chapter 19.86
15 RCW and two years have not elapsed since the entry of the final
16 judgment; but a license shall not be issued unless there has been full
17 compliance with the terms of such judgment, if any. The judgment shall
18 not be grounds for denial, suspension, nonrenewal, or revocation of a
19 license unless the judgment arises out of and is based on acts of the
20 applicant, licensee, or employee of the licensee; or

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

23 **Sec. 15.** RCW 18.35.140 and 2002 c 310 s 14 are each amended to
24 read as follows:

25 The powers and duties of the department, in addition to the powers
26 and duties provided under other sections of this chapter, are as
27 follows:

28 (1) To provide space necessary to carry out the examination set
29 forth in RCW 18.35.070 of applicants for hearing (~~instrument~~
30 ~~fitter/dispenser~~) aid specialist licenses or audiology licenses.

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

33 (3) To require the periodic examination of testing equipment, as
34 defined by the board, and to carry out the periodic inspection of
35 facilities or establishments of persons who are licensed under this
36 chapter, as reasonably required within the discretion of the
37 department.

1 (4) To appoint advisory committees as necessary.

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

12 **Sec. 16.** RCW 18.35.150 and 2009 c 301 s 5 are each amended to read
13 as follows:

14 (1) There is created hereby the board of hearing and speech to
15 govern the three separate professions: Hearing (~~((instrument~~
16 ~~fitting/dispensing))~~) aid specialist, audiology, and speech-language
17 pathology. The board shall consist of eleven members to be appointed
18 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))~~) aid specialists who are
27 licensed under this chapter, have at least five years of experience in
28 the practice of hearing instrument fitting and dispensing, and must be
29 actively engaged in fitting and dispensing within two years of
30 appointment. Two members of the board shall be audiologists licensed
31 under this chapter who have at least five years of experience in the
32 practice of audiology and must be actively engaged in practice within
33 two years of appointment. Two members of the board shall be speech-
34 language pathologists licensed under this chapter who have at least
35 five years of experience in the practice of speech-language pathology
36 and must be actively engaged in practice within two years of
37 appointment. One advisory nonvoting member shall be a speech-language

1 pathology assistant certified in Washington. One advisory nonvoting
2 member shall be a medical physician licensed in the state of
3 Washington.

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

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

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

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

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

1 **Sec. 17.** RCW 18.35.161 and 2010 c 65 s 4 are each amended to read
2 as follows:

3 The board shall have the following powers and duties:

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

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

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

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

18 (5) To pass upon the qualifications of applicants for licensure,
19 interim work-based learning permits, or interim permits and to certify
20 to the secretary;

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

24 (7) 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 (8) 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))~~) aid specialists, audiologists,
30 speech-language pathologists, interim permit holders, interim work-
31 based learning permit holders, and consumers in this state; and

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

1 licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
2 licensed audiologist, interim work-based learning permit holder, or
3 interim permit holder of the problem during the thirty days following
4 the date of delivery and documents such notification, the deadline for
5 posting the notice of rescission shall be extended by an equal number
6 of days as those between the date of the notification of the problem to
7 the date of notification of availability for redeliveries. Where the
8 hearing instrument is returned to the licensed hearing (~~((instrument~~
9 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, interim work-
10 based learning permit holder, or interim permit holder for any
11 inspection for modification or repair, and the licensed hearing
12 (~~((instrument—fitter/dispenser))~~) aid specialist, licensed audiologist,
13 interim work-based learning permit holder, or interim permit holder has
14 notified the purchaser that the hearing instrument is available for
15 redelivery, and where the purchaser has not responded by either taking
16 possession of the hearing instrument or instructing the licensed
17 hearing (~~((instrument—fitter/dispenser))~~) aid specialist, licensed
18 audiologist, interim work-based learning permit holder, or interim
19 permit holder to forward it to the purchaser, then the deadline for
20 giving notice of the recision shall extend no more than seven working
21 days after this notice of availability.

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

1 any costs incurred by the licensed hearing ((~~instrument~~
2 ~~fitter/dispenser~~)) aid specialist, licensed audiologist, interim work-
3 based learning permit holder, or interim permit holder in making those
4 goods ready for resale. The refund shall be made within ten business
5 days after the rescission. The buyer shall incur no additional
6 liability for such rescission.

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

10 **Sec. 20.** RCW 18.35.190 and 2002 c 310 s 20 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 to hold
14 an interim work-based learning permit or an interim permit under this
15 chapter, or by any assignee or transferee, it shall be necessary to
16 allege and prove that the licensee, interim work-based learning permit
17 holder, or interim permit holder at the time of the transaction held a
18 valid license, interim work-based learning permit, or interim permit as
19 required by this chapter, and that such license, interim work-based
20 learning permit, or interim permit has not been suspended or revoked
21 pursuant to RCW 18.35.110, 18.35.120, or 18.130.160.

22 **Sec. 21.** RCW 18.35.195 and 2006 c 263 s 802 are each amended to
23 read as follows:

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

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

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

33 (b) Hearing ((~~instrument fitters/dispensers~~)) aid specialists,
34 speech-language pathologists, or audiologists of other states,
35 territories, or countries, or the District of Columbia while appearing
36 as clinicians of bona fide educational seminars sponsored by speech-

1 language pathology, audiology, hearing (~~instrument fitter/dispenser~~)
2 aid specialist, medical, or other healing art professional associations
3 so long as such activities do not go beyond the scope of practice
4 defined by this chapter; and

5 (c) The practice of audiology or speech-language pathology by
6 persons certified by the Washington professional educator standards
7 board as educational staff associates, except for those persons
8 electing to be licensed under this chapter. However, a person
9 certified by the board as an educational staff associate who practices
10 outside the school setting must be a licensed audiologist or licensed
11 speech-language pathologist.

12 **Sec. 22.** RCW 18.35.205 and 2009 c 301 s 6 are each amended to read
13 as follows:

14 The legislature finds that the public health, safety, and welfare
15 would best be protected by uniform regulation of hearing (~~instrument~~
16 ~~fitter/dispensers~~) aid specialists, speech-language pathologists,
17 speech-language pathology assistants, audiologists, interim work-based
18 learning permit holders, and interim permit holders throughout the
19 state. Therefore, the provisions of this chapter relating to the
20 licensing of hearing (~~instrument fitter/dispensers~~) aid specialists,
21 speech-language pathologists, and audiologists, the certification of
22 speech-language pathology assistants, and regulation of interim work-
23 based learning permit holders and interim permit holders and their
24 respective establishments or facilities is exclusive. No political
25 subdivision of the state of Washington within whose jurisdiction a
26 hearing (~~instrument fitter/dispenser~~) aid specialist, audiologist, or
27 speech-language pathologist establishment or facility is located may
28 require any registrations, bonds, licenses, certificates, interim work-
29 based learning permits, or interim permits of the establishment or
30 facility or its employees or charge any fee for the same or similar
31 purposes: PROVIDED, HOWEVER, That nothing herein shall limit or
32 abridge the authority of any political subdivision to levy and collect
33 a general and nondiscriminatory license fee levied on all businesses,
34 or to levy a tax based upon the gross business conducted by any firm
35 within the political subdivision.

1 **Sec. 23.** RCW 18.35.230 and 2002 c 310 s 23 are each amended to
2 read as follows:

3 (1) Each licensee, interim work-based learning permit holder, or
4 interim permit holder shall name a registered agent to accept service
5 of process for any violation of this chapter or rule adopted under this
6 chapter.

7 (2) The registered agent may be released at the expiration of one
8 year after the license, interim work-based learning permit, or interim
9 permit issued under this chapter has expired or been revoked.

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

13 **Sec. 24.** RCW 18.35.240 and 2002 c 310 s 24 are each amended to
14 read as follows:

15 (1) Every individual engaged in the fitting and dispensing of
16 hearing instruments shall be covered by a surety bond of ten thousand
17 dollars or more, for the benefit of any person injured or damaged as a
18 result of any violation by the licensee or permit holder, or their
19 employees or agents, of any of the provisions of this chapter or rules
20 adopted by the secretary.

21 (2) In lieu of the surety bond required by this section, the
22 licensee or permit holder may deposit cash or other negotiable security
23 in a banking institution as defined in chapter 30.04 RCW or a credit
24 union as defined in chapter 31.12 RCW. All obligations and remedies
25 relating to surety bonds shall apply to deposits and security filed in
26 lieu of surety bonds.

27 (3) If a cash deposit or other negotiable security is filed, the
28 licensee or permit holder shall maintain such cash or other negotiable
29 security for one year after discontinuing the fitting and dispensing of
30 hearing instruments.

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

35 (5) All licensed hearing (~~(instrument fitter/dispensers)~~) aid
36 specialists, licensed audiologists, and permit holders must verify
37 compliance with the requirement to hold a surety bond or cash or other

1 negotiable security by submitting a signed declaration of compliance
2 upon annual renewal of their license or permit. Up to twenty-five
3 percent of the credential holders may be randomly audited for surety
4 bond compliance after the credential is renewed. It is the credential
5 holder's responsibility to submit a copy of the original surety bond or
6 bonds, or documentation that cash or other negotiable security is held
7 in a banking institution during the time period being audited. Failure
8 to comply with the audit documentation request or failure to supply
9 acceptable documentation within thirty days may result in disciplinary
10 action.

11 **Sec. 25.** RCW 18.35.250 and 2002 c 310 s 25 are each amended to
12 read as follows:

13 (1) In addition to any other legal remedies, an action may be
14 brought in any court of competent jurisdiction upon the bond, cash
15 deposit, or security in lieu of a surety bond required by this chapter,
16 by any person having a claim against a licensee, interim work-based
17 permit holder, or interim permit holder, agent, or employee for any
18 violation of this chapter or any rule adopted under this chapter. The
19 aggregate liability of the surety, cash deposit, or other negotiable
20 security to all claimants shall in no event exceed the sum of the bond.
21 Claims shall be satisfied in the order of judgment rendered.

22 (2) An action upon the bond, cash deposit, or other negotiable
23 security shall be commenced by serving and filing a complaint.

24 **Sec. 26.** RCW 18.35.260 and 2009 c 301 s 7 are each amended to read
25 as follows:

26 (1) A person who is not a licensed hearing (~~instrument~~
27 ~~fitter/dispenser~~) aid specialist may not represent himself or herself
28 as being so licensed and may not use in connection with his or her name
29 the words "licensed hearing instrument fitter/dispenser," "hearing
30 instrument specialist," or "hearing aid fitter/dispenser," or a
31 variation, synonym, word, sign, number, insignia, coinage, or whatever
32 expresses, employs, or implies these terms, names, or functions of a
33 licensed hearing (~~instrument fitter/dispenser~~) aid specialist.

34 (2) A person who is not a licensed speech-language pathologist may
35 not represent himself or herself as being so licensed and may not use
36 in connection with his or her name the words including "licensed

1 speech-language pathologist" or a variation, synonym, word, sign,
2 number, insignia, coinage, or whatever expresses, employs, or implies
3 these terms, names, or functions as a licensed speech-language
4 pathologist.

5 (3) A person who is not a certified speech-language pathology
6 assistant may not represent himself or herself as being so certified
7 and may not use in connection with his or her name the words including
8 "certified speech-language pathology assistant" or a variation,
9 synonym, word, sign, number, insignia, coinage, or whatever expresses,
10 employs, or implies these terms, names, or functions as a certified
11 speech-language pathology assistant.

12 (4) A person who is not a licensed audiologist may not represent
13 himself or herself as being so licensed and may not use in connection
14 with his or her name the words "licensed audiologist" or a variation,
15 synonym, letter, word, sign, number, insignia, coinage, or whatever
16 expresses, employs, or implies these terms, names, or functions of a
17 licensed audiologist.

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

21 NEW SECTION. **Sec. 27.** This act takes effect July 1, 2015."

22 Correct the title.

EFFECT: (1) Allows an applicant to be licensed as a hearing aid specialist if he or she (a) has a two-year or a four-year degree in a field of study approved by the Board of Hearing and Speech (board), completes a board-approved "work-based learning pathway" (known as an "apprenticeship" in the underlying bill), passes a practical exam, and passes a hearing aid specialist exam or (b) completes a nine-month board-approved certificate program offered by a board-approved hearing aid specialist program, passes a practical exam, and passes a hearing aid specialist exam.

(2) Allows an applicant to participate in a work-based learning pathway if he or she has a two-year or four-year degree in a board-approved field of study or is currently enrolled in a two-year or four-year degree program in a board-approved field of study with no more than one full-time academic year remaining in his or her course of study.

(3) Requires a person participating in a work-based learning pathway to obtain an "interim work-based learning permit" (known as an "apprentice hearing aid specialist permit" in the underlying bill).

(4) Requires the board to approve work-based learning pathways established in partnership with private business or in partnership with an institution of higher education and a private business through a work-based learning agreement.

(5) Requires a work-based learning pathway established in partnership with private business to consist of the same elements as the apprenticeship program in the underlying bill: 520 hours of supervised practical training in audiometric testing, counseling regarding hearing examinations, hearing instrument selection, ear mold impressions, hearing instrument fitting and follow-up care, and business practices.

(6) Requires a work-based learning pathway established in partnership with an institution of higher education and a private business through a work-based learning agreement to be consistent with a pathway established in partnership with private business.

(7) Requires the supervisor in a work-based learning pathway to be approved by the board.

(8) Removes the requirement that an applicant under direct supervision in a work-based learning pathway obtain the evaluation and consultation with his or her supervisor whenever fitting or dispensing hearing instruments.

(9) Removes the requirement that an applicant under indirect supervision in a work-based learning pathway obtain a review by his or her supervisor prior to fitting or dispensing hearing instruments.

(10) Removes the requirement that an applicant in a work-based learning pathway complete the International Hearing Society's distance learning program for professionals in hearing health sciences or other program approved by the board.

(11) Removes the prohibition against selling, fitting, or dispensing hearing instruments by electronic means if there is no face-to-face contact with the purchaser.

(12) Changes the effective date to July 1, 2015 (from January 1, 2015).

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