

EHB 2108 - S COMM AMD  
By Committee on Health Care

ADOPTED 03/05/2014

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

3 "NEW SECTION. **Sec. 1.** (1) The department of health with the board  
4 of hearing and speech, and representatives from the community and  
5 technical colleges, must review the opportunity to establish an interim  
6 work-based learning permit, or similar apprenticeship opportunity, to  
7 provide an additional licensing pathway for hearing aid specialist  
8 applicants.

9 (2) The group shall consider the following areas:

10 (a) The opportunity to provide a work-based learning permit for  
11 applicants that either have a two-year or four-year degree in a field  
12 of study approved by the board from an accredited institution of higher  
13 education, or are currently enrolled in a two-year or four-year degree  
14 program in a field of study approved by the board in an accredited  
15 institution of higher education with no more than one full-time  
16 academic year remaining in his or her course of study;

17 (b) The criteria for providing a designation of a board-approved  
18 licensed hearing aid specialist or board-approved licensed audiologist  
19 to act as the applicant's supervisor;

20 (c) The recommended duration of an interim work-based learning  
21 permit or apprenticeship;

22 (d) Recommendations for a work-based learning permit or  
23 apprenticeship and opportunities to offer a program through a  
24 partnership with a private business and/or through a partnership with  
25 accredited institutions of higher education and a sponsoring private  
26 business;

27 (e) Recommendations for the learning pathways or academic  
28 components that should be required in any work-based learning program,  
29 including the specific training elements that must be completed,  
30 including, but not limited to, audiometric testing, counseling

1 regarding hearing examinations, hearing instrument selection, ear mold  
2 impressions, hearing instrument fitting and follow-up care, and  
3 business practices including ethics, regulations, and sanitation and  
4 infection control; and

5 (f) Recommendations for the direct supervision of a work-based  
6 learning permit or apprenticeship, including the number of persons a  
7 hearing aid specialist or audiologist may supervise, and other  
8 considerations.

9 (3) The work group must submit recommendations to the health  
10 committees of the legislature by December 1, 2014.

11 **Sec. 2.** RCW 18.35.010 and 2009 c 301 s 2 are each amended to read  
12 as follows:

13 The definitions in this section apply throughout this chapter  
14 unless the context clearly requires otherwise.

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

22 (2) "Audiology" means the application of principles, methods, and  
23 procedures related to hearing and the disorders of hearing and to  
24 related language and speech disorders, whether of organic or nonorganic  
25 origin, peripheral or central, that impede the normal process of human  
26 communication including, but not limited to, disorders of auditory  
27 sensitivity, acuity, function, processing, or vestibular function, the  
28 application of aural habilitation, rehabilitation, and appropriate  
29 devices including fitting and dispensing of hearing instruments, and  
30 cerumen management to treat such disorders.

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

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

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

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

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

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

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

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

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

37 ~~((+11))~~ (12) "Hearing instrument" means any wearable prosthetic  
38 instrument or device designed for or represented as aiding, improving,

1 compensating for, or correcting defective human hearing and any parts,  
2 attachments, or accessories of such an instrument or device, excluding  
3 batteries and cords, ear molds, and assistive listening devices.

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

7 (13) "Indirect supervision" means the procedures or tasks are  
8 performed under the speech-language pathologist(~~(+s)~~), the hearing aid  
9 specialist, or the audiologist's overall direction and control, but the  
10 speech-language pathologist(~~(+s)~~), hearing aid specialist, or  
11 audiologist's presence is not required during the performance of the  
12 procedures or tasks. The board shall develop rules outlining the  
13 procedures or tasks allowable under indirect supervision.

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

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

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

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

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

34 (19) "Speech-language pathology assistant" means a person who is  
35 certified by the department to provide speech-language pathology  
36 services under the direction and supervision of a licensed speech-  
37 language pathologist or speech-language pathologist certified as an

1 educational staff associate by the superintendent of public  
2 instruction, and meets all of the requirements of this chapter.

3 **Sec. 3.** RCW 18.35.020 and 2006 c 263 s 801 are each amended to  
4 read as follows:

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

22 (2) Effective January 1, 2003, no person shall engage in the  
23 practice of audiology or imply or represent that he or she is engaged  
24 in the practice of audiology unless he or she is a licensed audiologist  
25 or holds an audiology interim permit issued by the department as  
26 provided in this chapter. Audiologists who are certified as  
27 educational staff associates by the Washington professional educator  
28 standards board are excluded unless they elect to become licensed under  
29 this chapter. However, a person certified by the state board of  
30 education as an educational staff associate who practices outside the  
31 school setting must be a licensed audiologist.

32 (3) Effective January 1, 2003, no person shall engage in the  
33 practice of speech-language pathology or imply or represent that he or  
34 she is engaged in the practice of speech-language pathology unless he  
35 or she is a licensed speech-language pathologist or holds a speech-  
36 language pathology interim permit issued by the department as provided  
37 in this chapter. Speech-language pathologists who are certified as

1 educational staff associates by the state board of education are  
2 excluded unless they elect to become licensed under this chapter.  
3 However, a person certified by the state board of education as an  
4 educational staff associate who practices outside the school setting  
5 must be a licensed speech-language pathologist.

6 **Sec. 4.** RCW 18.35.040 and 2009 c 301 s 3 are each amended to read  
7 as follows:

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

14 (a)(i) Satisfactorily completes the hearing (~~instrument~~  
15 ~~fitter/dispenser~~) aid specialist examination required by this chapter;  
16 and

17 (ii) Satisfactorily completes:

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

21 (B) A two-year or four-year degree in a field of study approved by  
22 the board from an accredited institution, a nine-month board-approved  
23 certificate program offered by a board-approved hearing aid specialist  
24 program and the practical examination approved by the board. The  
25 practical examination must be given at least quarterly, as determined  
26 by the board. The department may hire licensed industry experts  
27 approved by the board to proctor the examination; or

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

32 (c)(i) Holds a current, unsuspended, unrevoked license from another  
33 jurisdiction, has been actively practicing as a licensed hearing aid  
34 (~~fitter/dispenser~~) specialist in another jurisdiction for at least  
35 forty-eight of the last sixty months, and submits proof of completion  
36 of advance certification from either the international hearing society

1 or the national board for certification in hearing instrument sciences;  
2 and

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

6 The applicant must present proof of qualifications to the board in  
7 the manner and on forms prescribed by the secretary and proof of  
8 completion of a minimum of four clock hours of AIDS education and  
9 training pursuant to rules adopted by the board.

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

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

14 (ii) Has a master's degree or the equivalent, or a doctorate degree  
15 or the equivalent, from a program at a board-approved institution of  
16 higher learning, which includes completion of a supervised clinical  
17 practicum experience as defined by rules adopted by the board; and

18 (iii) Has completed postgraduate professional work experience  
19 approved by the board.

20 (b) All qualified applicants must satisfactorily complete the  
21 speech-language pathology or audiology examinations required by this  
22 chapter.

23 (c) The applicant must present proof of qualifications to the board  
24 in the manner and on forms prescribed by the secretary and proof of  
25 completion of a minimum of four clock hours of AIDS education and  
26 training pursuant to rules adopted by the board.

27 (3) An applicant for certification as a speech-language pathology  
28 assistant shall pay a fee determined by the secretary as provided in  
29 RCW 43.70.250 and must have the following minimum qualifications:

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

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

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

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

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

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

23 **Sec. 6.** RCW 18.35.070 and 1996 c 200 s 8 are each amended to read  
24 as follows:

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

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

30 (a) Basic physics of sound;

31 (b) The human hearing mechanism, including the science of hearing  
32 and the causes and rehabilitation of abnormal hearing and hearing  
33 disorders; and

34 (c) Structure and function of hearing instruments.

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



- 1 (a) Pure tone audiometry, including air conduction testing and bone  
2 conduction testing;
- 3 (b) Live voice or recorded voice speech audiometry, including  
4 speech reception threshold testing and speech discrimination testing;
- 5 (c) Effective masking;
- 6 (d) Recording and evaluation of audiograms and speech audiometry to  
7 determine hearing instrument candidacy;
- 8 (e) Selection and adaptation of hearing instruments and testing of  
9 hearing instruments; and
- 10 (f) Taking ear mold impressions.
- 11 (3) Evidence of knowledge regarding the medical and rehabilitation  
12 facilities for children and adults that are available in the area  
13 served.
- 14 (4) Evidence of knowledge of grounds for revocation or suspension  
15 of license under the provisions of this chapter.
- 16 (5) Any other tests as the board may by rule establish.

17 **Sec. 7.** RCW 18.35.095 and 2009 c 301 s 4 are each amended to read  
18 as follows:

19 (1) A hearing (~~((instrument-fitter/dispenser))~~) aid specialist  
20 licensed under this chapter and not actively practicing may be placed  
21 on inactive status by the department at the written request of the  
22 licensee. The board shall define by rule the conditions for inactive  
23 status licensure. In addition to the requirements of RCW 43.24.086,  
24 the licensing fee for a licensee on inactive status shall be directly  
25 related to the costs of administering an inactive license by the  
26 department. A hearing (~~((instrument-fitter/dispenser))~~) aid specialist  
27 on inactive status may be voluntarily placed on active status by  
28 notifying the department in writing, paying the remainder of the  
29 licensing fee for the licensing year, and complying with subsection (2)  
30 of this section.

31 (2) Hearing (~~((instrument-fitter/dispenser))~~) aid specialist inactive  
32 licensees applying for active licensure shall comply with the  
33 following: A licensee who has not fitted or dispensed hearing  
34 instruments for more than five years from the expiration of the  
35 licensee's full fee license shall retake the practical or the written,  
36 or both, hearing (~~((instrument-fitter/dispenser))~~) aid specialist  
37 examinations required under this chapter and other requirements as

1 determined by the board. Persons who have inactive status in this  
2 state but who are actively licensed and in good standing in any other  
3 state shall not be required to take the hearing ((~~instrument~~  
4 ~~fitter/dispenser~~)) aid specialist practical examination, but must  
5 submit an affidavit attesting to their knowledge of the current  
6 Washington Administrative Code rules and Revised Code of Washington  
7 statutes pertaining to the fitting and dispensing of hearing  
8 instruments.

9 (3) A speech-language pathologist or audiologist licensed under  
10 this chapter, or a speech-language pathology assistant certified under  
11 this chapter, and not actively practicing either speech-language  
12 pathology or audiology may be placed on inactive status by the  
13 department at the written request of the license or certification  
14 holder. The board shall define by rule the conditions for inactive  
15 status licensure or certification. In addition to the requirements of  
16 RCW 43.24.086, the fee for a license or certification on inactive  
17 status shall be directly related to the cost of administering an  
18 inactive license or certification by the department. A person on  
19 inactive status may be voluntarily placed on active status by notifying  
20 the department in writing, paying the remainder of the fee for the  
21 year, and complying with subsection (4) of this section.

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

27 **Sec. 8.** RCW 18.35.100 and 2002 c 310 s 10 are each amended to read  
28 as follows:

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

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

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

10 **Sec. 9.** RCW 18.35.105 and 2002 c 310 s 11 are each amended to read  
11 as follows:

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

26 **Sec. 10.** RCW 18.35.110 and 2002 c 310 s 12 are each amended to  
27 read as follows:

28 In addition to causes specified under RCW 18.130.170 and  
29 18.130.180, any person licensed or holding an interim permit under this  
30 chapter may be subject to disciplinary action by the board for any of  
31 the following causes:

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

34 (a) Using or causing or promoting the use of, in any advertising  
35 matter, promotional literature, testimonial, guarantee, warranty,

1 label, brand, insignia, or any other representation, however  
2 disseminated or published, which is false, misleading or deceptive;

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

6 (c) Advertising a particular model, type, or kind of hearing  
7 instrument for sale which purchasers or prospective purchasers  
8 responding to the advertisement cannot purchase or are dissuaded from  
9 purchasing and where it is established that the purpose of the  
10 advertisement is to obtain prospects for the sale of a different model,  
11 type, or kind than that advertised;

12 (d) Falsifying hearing test or evaluation results;

13 (e)(i) Whenever any of the following conditions are found or should  
14 have been found to exist either from observations by the licensee or  
15 interim permit holder or on the basis of information furnished by the  
16 prospective hearing instrument user prior to fitting and dispensing a  
17 hearing instrument to any such prospective hearing instrument user,  
18 failing to advise that prospective hearing instrument user in writing  
19 that the user should first consult a licensed physician specializing in  
20 diseases of the ear or if no such licensed physician is available in  
21 the community then to any duly licensed physician:

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

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

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

28 (D) Acute or chronic dizziness;

29 (E) Any unilateral hearing loss;

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

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

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

35 (I) Any other conditions that the board may by rule establish. It  
36 is a violation of this subsection for any licensee or that licensee's  
37 employees and putative agents upon making such required referral for  
38 medical opinion to in any manner whatsoever disparage or discourage a

1 prospective hearing instrument user from seeking such medical opinion  
2 prior to the fitting and dispensing of a hearing instrument. No such  
3 referral for medical opinion need be made by any licensed hearing  
4 (~~instrument fitter/dispenser~~) aid specialist, licensed audiologist,  
5 or interim permit holder in the instance of replacement only of a  
6 hearing instrument which has been lost or damaged beyond repair within  
7 twelve months of the date of purchase. The licensed hearing  
8 (~~instrument fitter/dispenser~~) aid specialist, licensed audiologist,  
9 or interim permit holder or their employees or putative agents shall  
10 obtain a signed statement from the hearing instrument user documenting  
11 the waiver of medical clearance and the waiver shall inform the  
12 prospective user that signing the waiver is not in the user's best  
13 health interest: PROVIDED, That the licensed hearing (~~instrument~~  
14 ~~fitter/dispenser~~) aid specialist, licensed audiologist, or interim  
15 permit holder shall maintain a copy of either the physician's statement  
16 showing that the prospective hearing instrument user has had a medical  
17 evaluation within the previous six months or the statement waiving  
18 medical evaluation, for a period of three years after the purchaser's  
19 receipt of a hearing instrument. Nothing in this section required to  
20 be performed by a licensee or interim permit holder shall mean that the  
21 licensee or interim permit holder is engaged in the diagnosis of  
22 illness or the practice of medicine or any other activity prohibited  
23 under the laws of this state;

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

35 (iii) Fitting and dispensing a hearing instrument to any person  
36 under eighteen years of age who has not been examined by an audiologist  
37 who holds at least a master's degree in audiology for recommendations  
38 during the previous six months, without first advising such person or

1 his or her parents or guardian in writing that he or she should first  
2 consult an audiologist who holds at least a master's degree in  
3 audiology, except in cases of hearing instruments replaced within  
4 twelve months of their purchase;

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

14 (g) Permitting another to use his or her license or interim permit;

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

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

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

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

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

36 **Sec. 11.** RCW 18.35.140 and 2002 c 310 s 14 are each amended to  
37 read as follows:

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

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

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

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

14 (4) To appoint advisory committees as necessary.

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

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

25 (1) There is created hereby the board of hearing and speech to  
26 govern the three separate professions: Hearing (~~((instrument  
27 fitting/dispensing))~~) aid specialist, audiology, and speech-language  
28 pathology. The board shall consist of eleven members to be appointed  
29 by the governor.

30 (2) Members of the board shall be residents of this state. Three  
31 members shall represent the public and shall have an interest in the  
32 rights of consumers of health services, and shall not be or have been  
33 a member of, or married to a member of, another licensing board, a  
34 licensee of a health occupation board, an employee of a health  
35 facility, nor derive his or her primary livelihood from the provision  
36 of health services at any level of responsibility. Two members shall  
37 be hearing (~~((instrument-fitter/dispensers))~~) aid specialists who are

1 licensed under this chapter, have at least five years of experience in  
2 the practice of hearing instrument fitting and dispensing, and must be  
3 actively engaged in fitting and dispensing within two years of  
4 appointment. Two members of the board shall be audiologists licensed  
5 under this chapter who have at least five years of experience in the  
6 practice of audiology and must be actively engaged in practice within  
7 two years of appointment. Two members of the board shall be speech-  
8 language pathologists licensed under this chapter who have at least  
9 five years of experience in the practice of speech-language pathology  
10 and must be actively engaged in practice within two years of  
11 appointment. One advisory nonvoting member shall be a speech-language  
12 pathology assistant certified in Washington. One advisory nonvoting  
13 member shall be a medical physician licensed in the state of  
14 Washington.

15 (3) The term of office of a member is three years. Of the initial  
16 appointments, one hearing (~~((instrument fitter/dispenser))~~) aid  
17 specialist, one speech-language pathologist, one audiologist, and one  
18 consumer shall be appointed for a term of two years, and one hearing  
19 (~~((instrument fitter/dispenser))~~) aid specialist, one speech-language  
20 pathologist, one audiologist, and two consumers shall be appointed for  
21 a term of three years. Thereafter, all appointments shall be made for  
22 expired terms. No member shall be appointed to serve more than two  
23 consecutive terms. A member shall continue to serve until a successor  
24 has been appointed. The governor shall either reappoint the member or  
25 appoint a successor to assume the member's duties at the expiration of  
26 his or her predecessor's term. A vacancy in the office of a member  
27 shall be filled by appointment for the unexpired term.

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

34 (5) The board shall meet at least once each year, at a place, day  
35 and hour determined by the board, unless otherwise directed by a  
36 majority of board members. The board shall also meet at such other  
37 times and places as are requested by the department or by three members  
38 of the board. A quorum is a majority of the board. A hearing



1 ((~~instrument fitter/dispenser~~)) aid specialist, speech-language  
2 pathologist, and audiologist must be represented. Meetings of the  
3 board shall be open and public, except the board may hold executive  
4 sessions to the extent permitted by chapter 42.30 RCW.

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

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

10 **Sec. 13.** RCW 18.35.161 and 2010 c 65 s 4 are each amended to read  
11 as follows:

12 The board shall have the following powers and duties:

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

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

18 (3) To develop, approve, and administer or supervise the  
19 administration of examinations to applicants for licensure under this  
20 chapter;

21 (4) To require a licensee or interim permit holder to make  
22 restitution to any individual injured by a violation of this chapter or  
23 chapter 18.130 RCW, the uniform disciplinary act. The authority to  
24 require restitution does not limit the board's authority to take other  
25 action deemed appropriate and provided for in this chapter or chapter  
26 18.130 RCW;

27 (5) To pass upon the qualifications of applicants for licensure or  
28 interim permits and to certify to the secretary;

29 (6) To recommend requirements for continuing education and  
30 continuing competency requirements as a prerequisite to renewing a  
31 license or certification under this chapter;

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

35 (8) To adopt rules, if the board finds it appropriate, in response  
36 to questions put to it by professional health associations, hearing

1 ((~~instrument fitter/dispensers~~ or)) aid specialists, audiologists,  
2 speech-language pathologists, interim permit holders, and consumers in  
3 this state; and

4 (9) To adopt rules relating to standards of care relating to  
5 hearing ((~~instrument fitter/dispensers~~)) aid specialists or  
6 audiologists, including the dispensing of hearing instruments, and  
7 relating to speech-language pathologists, including dispensing of  
8 communication devices.

9 **Sec. 14.** RCW 18.35.185 and 2002 c 310 s 19 are each amended to  
10 read as follows:

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

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

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

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

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

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

4 **Sec. 15.** RCW 18.35.195 and 2006 c 263 s 802 are each amended to  
5 read as follows:

6 (1) This chapter shall not apply to military or federal government  
7 employees.

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

9 (a) Fitting or dispensing by students enrolled in a board-approved  
10 program who are directly supervised by a licensed hearing (~~instrument~~  
11 ~~fitter/dispenser~~) aid specialist, a licensed audiologist under the  
12 provisions of this chapter, or an instructor at a two-year hearing  
13 (~~instrument fitter/dispenser~~) aid specialist degree program that is  
14 approved by the board;

15 (b) Hearing (~~instrument fitter/dispensers~~) aid specialists,  
16 speech-language pathologists, or audiologists of other states,  
17 territories, or countries, or the District of Columbia while appearing  
18 as clinicians of bona fide educational seminars sponsored by speech-  
19 language pathology, audiology, hearing (~~instrument fitter/dispenser~~)  
20 aid specialist, medical, or other healing art professional associations  
21 so long as such activities do not go beyond the scope of practice  
22 defined by this chapter; and

23 (c) The practice of audiology or speech-language pathology by  
24 persons certified by the Washington professional educator standards  
25 board as educational staff associates, except for those persons  
26 electing to be licensed under this chapter. However, a person  
27 certified by the board as an educational staff associate who practices  
28 outside the school setting must be a licensed audiologist or licensed  
29 speech-language pathologist.

30 **Sec. 16.** RCW 18.35.205 and 2009 c 301 s 6 are each amended to read  
31 as follows:

32 The legislature finds that the public health, safety, and welfare  
33 would best be protected by uniform regulation of hearing (~~instrument~~  
34 ~~fitter/dispensers~~) aid specialists, speech-language pathologists,  
35 speech-language pathology assistants, audiologists, and interim permit  
36 holders throughout the state. Therefore, the provisions of this

1 chapter relating to the licensing of hearing (~~instrument~~  
2 ~~fitter/dispensers~~) aid specialists, speech-language pathologists, and  
3 audiologists, the certification of speech-language pathology  
4 assistants, and regulation of interim permit holders and their  
5 respective establishments or facilities is exclusive. No political  
6 subdivision of the state of Washington within whose jurisdiction a  
7 hearing (~~instrument fitter/dispenser~~) aid specialist, audiologist, or  
8 speech-language pathologist establishment or facility is located may  
9 require any registrations, bonds, licenses, certificates, or interim  
10 permits of the establishment or facility or its employees or charge any  
11 fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing  
12 herein shall limit or abridge the authority of any political  
13 subdivision to levy and collect a general and nondiscriminatory license  
14 fee levied on all businesses, or to levy a tax based upon the gross  
15 business conducted by any firm within the political subdivision.

16 **Sec. 17.** RCW 18.35.240 and 2002 c 310 s 24 are each amended to  
17 read as follows:

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

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

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

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

1           (5) All licensed hearing (~~instrument fitter/dispensers~~) aid  
2 specialists, licensed audiologists, and permit holders must verify  
3 compliance with the requirement to hold a surety bond or cash or other  
4 negotiable security by submitting a signed declaration of compliance  
5 upon annual renewal of their license or permit. Up to twenty-five  
6 percent of the credential holders may be randomly audited for surety  
7 bond compliance after the credential is renewed. It is the credential  
8 holder's responsibility to submit a copy of the original surety bond or  
9 bonds, or documentation that cash or other negotiable security is held  
10 in a banking institution during the time period being audited. Failure  
11 to comply with the audit documentation request or failure to supply  
12 acceptable documentation within thirty days may result in disciplinary  
13 action.

14           **Sec. 18.** RCW 18.35.260 and 2009 c 301 s 7 are each amended to read  
15 as follows:

16           (1) A person who is not a licensed hearing (~~instrument~~  
17 ~~fitter/dispenser~~) aid specialist may not represent himself or herself  
18 as being so licensed and may not use in connection with his or her name  
19 the words "licensed hearing instrument fitter/dispenser," "hearing  
20 instrument specialist," or "hearing aid fitter/dispenser," or a  
21 variation, synonym, word, sign, number, insignia, coinage, or whatever  
22 expresses, employs, or implies these terms, names, or functions of a  
23 licensed hearing (~~instrument fitter/dispenser~~) aid specialist.

24           (2) A person who is not a licensed speech-language pathologist may  
25 not represent himself or herself as being so licensed and may not use  
26 in connection with his or her name the words including "licensed  
27 speech-language pathologist" or a variation, synonym, word, sign,  
28 number, insignia, coinage, or whatever expresses, employs, or implies  
29 these terms, names, or functions as a licensed speech-language  
30 pathologist.

31           (3) A person who is not a certified speech-language pathology  
32 assistant may not represent himself or herself as being so certified  
33 and may not use in connection with his or her name the words including  
34 "certified speech-language pathology assistant" or a variation,  
35 synonym, word, sign, number, insignia, coinage, or whatever expresses,  
36 employs, or implies these terms, names, or functions as a certified  
37 speech-language pathology assistant.

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

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

10 NEW SECTION. **Sec. 19.** Section 4 of this act takes effect July 1,  
11 2015."

**EHB 2108** - S COMM AMD  
By Committee on Health Care

**ADOPTED 03/05/2014**

12 On page 1, line 1 of the title, after "fitters/dispensers" strike  
13 the remainder of the title and insert "amending RCW 18.35.010,  
14 18.35.020, 18.35.040, 18.35.050, 18.35.070, 18.35.095, 18.35.100,  
15 18.35.105, 18.35.110, 18.35.140, 18.35.150, 18.35.161, 18.35.185,  
16 18.35.195, 18.35.205, 18.35.240, and 18.35.260; creating a new section;  
17 and providing an effective date."

EFFECT: Eliminates all references to the work-based learning permit and the pathways for the work-based learning permit.

Requires the Department of Health, with the Board of Hearing and Speech and representatives from the community and technical colleges, to study the work-based learning permit or similar apprenticeship opportunity, and provide recommendations to the Legislature by December 1, 2014.

Retains the change in terminology to hearing aid specialist.

Retains the nine-month certificate option and includes a link to a two-year or four-year degree in a field of study approved by the board from an accredited institution (linked to the practical exam approved

by the board).

--- END ---