State of Arkansas  
90th General Assembly  
Fourth Extraordinary Session, 2016

By: Representative C. Fite

Filed with: House Committee on Public Health, Welfare, and Labor pursuant to A.C.A. §10-3-217.

For An Act To Be Entitled
AN ACT TO AMEND THE LAWS CONCERNING HEARING INSTRUMENT DISPENSERS; AND FOR OTHER PURPOSES.

Subtitle
TO AMEND THE LAWS CONCERNING HEARING INSTRUMENT DISPENSERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 17-84-104 is amended to read as follows:
17-84-104. Bills of sale and instruction booklets.
(a) Whether supplied by the dispenser or at the dispenser's order or direction, any person who practices the dispensing of hearing instruments shall deliver to each person supplied with a hearing instrument a bill of sale or comparable document containing the following:
   (1) The dispenser's signature;
   (2) The address and telephone number of the dispenser's established place of business;
   (3) The number of the dispenser's license;
   (4) A description of the make, model, and condition of the hearing instrument stating whether it is new, used, rebuilt, or in-office assembled, identifying the manufacturer, rebuilder, or in-office assembler, together with a description of any warranties covering the instrument; and
   (5) The amount charged;
(6) Information concerning when additional service for the hearing instrument will be available and where the additional service for the hearing instrument will be available; and

(7) Conditions of additional charges for additional service, including without limitation a testing fee, programming fee, adjustment fee, and other services provided by the dispenser.

(b) Additionally, the dispenser of an in-office assembled hearing instrument shall deliver to the person supplied with the in-office assembled hearing instrument an instruction booklet for the in-office assembled hearing instrument.

(c) The Arkansas Board of Hearing Instrument Dispensers may require by rule a dispenser to provide instructions to a person supplied with a hearing instrument on how to file a complaint.

SECTION 2. Arkansas Code § 17-84-304(a), concerning the qualifications for licensure and internship, is amended to read as follows:

(a) An applicant for a license by examination or for an internship shall:

(1) Submit an application on the form and within the time prescribed by the Arkansas Board of Hearing Instrument Dispensers;

(2) Pay an application fee in the amount prescribed by the board; and

(3) Show to the satisfaction of the board that he or she:

(A) Is twenty (20) years of age or older;

(B) Has an education equivalent of two (2) or more years of accredited college-level course work from a regionally accredited college or university; and

(C) Is of good moral character.

SECTION 3. Arkansas Code § 17-84-304(b)(1), concerning the qualifications for licensure and internship, is amended to read as follows:

(1)(A) Complete a valid one-year employment internship during which he or she is under the direct personal and physical supervision of a sponsor who has continuously held in good standing for a period of not less than three (3) years either a valid Arkansas hearing instrument dispenser's license or a valid Arkansas audiology license.
(B) The board shall determine by rule what constitutes a valid one-year employment internship;

SECTION 4. Arkansas Code § 17-84-304(d), concerning the qualifications for licensure and internship, is amended to read as follows:

(d)(1) A person participating in a valid internship program as determined by the board under subdivision (b)(1)(B) of this section may take the licensing examination, written or practicum, or both, upon written recommendation of his or her sponsor after successfully completing six (6) months in the internship program.

(2) If the person successfully passes the examination, he or she may complete the one-year internship program under the oversight of the sponsor without direct personal and physical supervision if he or she works out of the same place of business as the sponsor.

(3) If the person fails any part of the examination, he or she shall complete the full one-year internship before reexamination.

(4)(A) Any examination taken during an internship shall be considered as one (1) of three (3) attempts to pass the examination allowed under § 17-84-305(d).

(B) After three (3) failed attempts to pass the examination allowed under § 17-84-305(d), the person shall repeat the internship application.

(5) It is a violation of this chapter for any person during the course of his or her internship to practice the dispensing of hearing instruments except under:

(A) The direct personal and physical supervision of his or her sponsor; or

(B) The conditions set out in this subsection.

SECTION 5. Arkansas Code § 17-84-306(c)(2)(C), concerning delinquent fees for license renewal, is amended to read as follows:

(C) If the license renewal fee or other requirements for license renewal under this chapter, or both, are delinquent by at least sixty (60) days, the licensee shall be reexamined prior to before the renewal of the license.
SECTION 6. Arkansas Code § 17-84-306(d), concerning the requirement of
continuing education for renewal of licenses, is amended to read as follows:
(d)(1) The board shall require that all applicants seeking renewal of
their licenses shall:
(A) Show proof of attending during the preceding year
a minimum of twelve (12) hours of board-approved continuing education in the
methods and techniques of testing for and fitting hearing instruments,
including at least one (1) hour of ethics;
(2)(B) The board shall require that all applicants seeking
renewal of their licenses shall present written evidence of annual
calibration of all audiometers and tympanometers to current national
standards; and
(C) Provide a blank copy of the currently used bill of
sale or comparable document provided to patients under § 17-84-104.
(3)(2) The board shall require that all new applicants and all
applicants seeking renewal of their licenses shall state whether they are
engaged in the practice of dispensing in-office assembled hearing
instruments.

SECTION 7. Arkansas Code Title 17, Chapter 84, Subchapter 3, is
amended to add additional sections to read as follows:
17-84-310. Hearing instrument dispensing establishment license.
(a) A person shall not conduct, maintain, manage, or operate a hearing
instrument dispensing establishment or test, repair, sell, or dispense
hearing instruments in a hearing instrument dispensing establishment unless
the hearing instrument dispensing establishment has obtained a license issued
by the Arkansas Board of Hearing Instrument Dispensers.
(b)(1) Upon application and fulfillment of the provisions of § 17-84-
306, the board shall issue a license to maintain or operate a hearing
instrument dispensing establishment.
(2) The hearing instrument dispensing establishment license, to
be known as "the license", is for the testing, repairing, selling, or
dispensing of hearing instruments.
(3) The services provided in a hearing instrument dispensing
establishment shall be done in the presence of a hearing instrument dispenser
or audiologist licensed in Arkansas.
(4) Application for a license shall be made in such a manner and
in such a form as the board may determine.

(5) When the same person or entity owns multiple hearing
instrument dispensing establishments, each location shall have a separate
license.

(6) A license shall expire on June 30.

(7) The license shall at all times be displayed in a conspicuous
place in the hearing instrument dispensing establishment for which the
license is issued.

(c)(1) The board shall not issue a license to a hearing instrument
dispensing establishment without a manager or person in charge of the hearing
instrument dispensing establishment.

(2) The name of the manager or person in charge of the hearing
instrument dispensing establishment shall be on file with the board.

(3) Notification of any changes in the manager or person in
charge of the hearing instrument dispensing establishment shall be sent by
certified mail to the board within two (2) weeks of the change.

(d)(1) The hearing instrument dispensing establishment shall be
available for inspection by the board during regular hours of operation.

(2) The hours of operation for the hearing instrument dispensing
establishment shall be posted on the premises where the hours of operation
can be easily seen by the public.

(3) The board may:

(A) Inspect the hearing instrument dispensing
establishment at any time during regular hours of operation; and

(B) Suspend, revoke, or otherwise remove the license of a
hearing instrument dispensing establishment if violations of this chapter or
violations of rules regarding hearing instrument dispensing establishments
are found.

(e) A hearing instrument dispensing establishment that is part of a
multi-unit enterprise within the state shall:

(1) Employ only one (1) full-time manager who is licensed in
Arkansas as a hearing instrument dispenser or audiologist for a branch of
hearing instrument dispensing establishments; and

(2) Ensure that the full-time manager is reasonably accessible
to all branches that he or she is managing.
(f) A hearing instrument dispensing establishment shall have:

1. A testing room or area that does not exceed fifty-five decibels (55 dB) of ambient noise;
2. A calibrated audiometer and a calibrated tympanometer; and
3. The equipment necessary to provide verification of the fitting, sound field, or real ear measurement.

(g)(1) A notification of license renewal is not the responsibility of the board.

(2) The manager or person in charge of the hearing instrument dispensing establishment shall have full responsibility of licensure renewal.

17-84-311. Mobile units.

(a) As used in this section, "mobile unit" means a hearing instrument dispensing establishment that is moveable from a location to another location.

(b) Each mobile unit shall obtain a separate hearing instrument dispensing establishment license under § 17-84-310.

(c)(1) A manager or person in charge of a mobile unit shall notify the Arkansas Board of Hearing Instrument Dispensers thirty (30) days in advance of conducting business as a mobile unit.

(2) The notification shall include the dates of operation of the mobile unit, times of operation of the mobile unit, and locations of operation of the mobile unit.

(d) A mobile unit shall meet all requirements of the board as established by rule.

(e)(1) This section shall apply to the testing of hearing and the dispensing of hearing instruments regardless of where the service occurs.

(2) Failure to comply with this section is a violation of this chapter under §§ 17-84-103 and 17-84-308.