

2 State of Arkansas

3 90th General Assembly

4 Fourth Extraordinary Session, 2016

A Bill

DRAFT JMB/JMB

HOUSE BILL

5
6 By: Representative C. Fite

7 Filed with: House Committee on Public Health, Welfare, and Labor

8 pursuant to A.C.A. §10-3-217.

9 For An Act To Be Entitled

10 AN ACT TO AMEND THE LAWS CONCERNING HEARING
11 INSTRUMENT DISPENSERS; AND FOR OTHER PURPOSES.

12 13 14 Subtitle

15 TO AMEND THE LAWS CONCERNING HEARING
16 INSTRUMENT DISPENSERS.

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18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

20
21 SECTION 1. Arkansas Code § 17-84-104 is amended to read as follows:

22 17-84-104. Bills of sale and instruction booklets.

23 (a) Whether supplied by the dispenser or at the dispenser's order or
24 direction, any person who practices the dispensing of hearing instruments
25 shall deliver to each person supplied with a hearing instrument a bill of
26 sale or comparable document containing the following:

27 (1) The dispenser's signature;

28 (2) The address and telephone number of the dispenser's
29 established place of business;

30 (3) The number of the dispenser's license;

31 (4) A description of the make, model, and condition of the
32 hearing instrument stating whether it is new, used, rebuilt, or in-office
33 assembled, identifying the manufacturer, rebuilder, or in-office assembler,
34 together with a description of any warranties covering the instrument; ~~and~~

35 (5) The amount charged;

1 (6) Information concerning when additional service for the
2 hearing instrument will be available and where the additional service for the
3 hearing instrument will be available; and

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

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

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

14
15 SECTION 2. Arkansas Code § 17-84-304(a), concerning the qualifications
16 for licensure and internship, is amended to read as follows:

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

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

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

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

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

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

28 (C) Is of good moral character.

29
30 SECTION 3. Arkansas Code § 17-84-304(b)(1), concerning the
31 qualifications for licensure and internship, is amended to read as follows:

32 (1)(A) Complete a valid one-year employment internship during
33 which he or she is under the direct personal and physical supervision of a
34 sponsor who has continuously held in good standing for a period of not less
35 than three (3) years either a valid Arkansas hearing instrument dispenser's
36 license or a valid Arkansas audiology license~~+~~.

1 (B) The board shall determine by rule what constitutes a
2 valid one-year employment internship;

3
4 SECTION 4. Arkansas Code § 17-84-304(d), concerning the qualifications
5 for licensure and internship, is amended to read as follows:

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

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

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

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

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

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

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

28 (B) The conditions set out in this subsection.

29
30 SECTION 5. Arkansas Code § 17-84-306(c)(2)(C), concerning delinquent
31 fees for license renewal, is amended to read as follows:

32 (C) If the license renewal fee ~~is~~ or other requirements for
33 license renewal under this chapter, or both, are delinquent by at least sixty
34 (60) days, the licensee shall be reexamined ~~prior to~~ before the renewal of
35 the license.

1 SECTION 6. Arkansas Code § 17-84-306(d), concerning the requirement of
2 continuing education for renewal of licenses, is amended to read as follows:

3 (d)(1) The board shall require that all applicants seeking renewal of
4 their licenses shall:

5 (A) ~~show~~ Show proof of attending during the preceding year
6 a minimum of twelve (12) hours of board-approved continuing education in the
7 methods and techniques of testing for and fitting hearing instruments,
8 including at least one (1) hour of ethics;

9 ~~(2)(B) The board shall require that all applicants seeking~~
10 ~~renewal of their licenses shall present~~ Present written evidence of annual
11 calibration of all audiometers and tympanometers to current national
12 standards; and

13 (C) Provide a blank copy of the currently used bill of
14 sale or comparable document provided to patients under § 17-84-104.

15 ~~(3)(2)~~ The board shall require that all new applicants and all
16 applicants seeking renewal of their licenses shall state whether they are
17 engaged in the practice of dispensing in-office assembled hearing
18 instruments.

19
20 SECTION 7. Arkansas Code Title 17, Chapter 84, Subchapter 3, is
21 amended to add additional sections to read as follows:

22 17-84-310. Hearing instrument dispensing establishment license.

23 (a) A person shall not conduct, maintain, manage, or operate a hearing
24 instrument dispensing establishment or test, repair, sell, or dispense
25 hearing instruments in a hearing instrument dispensing establishment unless
26 the hearing instrument dispensing establishment has obtained a license issued
27 by the Arkansas Board of Hearing Instrument Dispensers.

28 (b)(1) Upon application and fulfillment of the provisions of § 17-84-
29 306, the board shall issue a license to maintain or operate a hearing
30 instrument dispensing establishment.

31 (2) The hearing instrument dispensing establishment license, to
32 be known as "the license", is for the testing, repairing, selling, or
33 dispensing of hearing instruments.

34 (3) The services provided in a hearing instrument dispensing
35 establishment shall be done in the presence of a hearing instrument dispenser
36 or audiologist licensed in Arkansas.

1 (4) Application for a license shall be made in such a manner and
2 in such a form as the board may determine.

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

6 (6) A license shall expire on June 30.

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

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

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

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

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

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

23 (3) The board may:

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

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

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

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

35 (2) Ensure that the full-time manager is reasonably accessible
36 to all branches that he or she is managing.

1 (f) A hearing instrument dispensing establishment shall have:

2 (1) A testing room or area that does not exceed fifty-five
3 decibels (55 dB) of ambient noise;

4 (2) A calibrated audiometer and a calibrated tympanometer; and

5 (3) The equipment necessary to provide verification of the
6 fitting, sound field, or real ear measurement.

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

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

11
12 17-84-311. Mobile units.

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

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

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

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

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

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

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

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32 Referral requested by: Representative Charlene Fite

33 Prepared by: JMB