

1 State of Arkansas
2 91st General Assembly
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4

A Bill

HOUSE BILL 1034

5 By: Representative C. Fite
6

For An Act To Be Entitled

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

Subtitle

12 TO AMEND THE LAWS CONCERNING HEARING
13 INSTRUMENT DISPENSERS.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
18

19 SECTION 1. Arkansas Code § 17-84-104 is amended to read as follows:
20 17-84-104. Bills of sale and instruction booklets.

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

25 (1) The dispenser's signature;

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

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

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

33 (5) The amount charged;

34 (6) Information concerning when additional service for the
35 hearing instrument will be available and where the additional service for the
36 hearing instrument will be available; and



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

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

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

11
 12 SECTION 2. Arkansas Code § 17-84-304(a), concerning the qualifications
 13 for licensure and internship, is amended to read as follows:

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

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

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

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

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

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

25 (C) Is of good moral character.

26
 27 SECTION 3. Arkansas Code § 17-84-304(b)(1), concerning the
 28 qualifications for licensure and internship, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

26
27 SECTION 5. Arkansas Code § 17-84-306(c)(2)(C), concerning delinquent
28 fees for license renewal, is amended to read as follows:

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

33
34 SECTION 6. Arkansas Code § 17-84-306(d), concerning the requirement of
35 continuing education for renewal of licenses, is amended to read as follows:

36 (d)(1) The board shall require that all applicants seeking renewal of

1 their licenses shall:

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

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

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

12 ~~(3)(2)~~ (2) The board shall require that all new applicants and all
 13 applicants seeking renewal of their licenses shall state whether they are
 14 engaged in the practice of dispensing in-office assembled hearing
 15 instruments.

16
 17 SECTION 7. Arkansas Code Title 17, Chapter 84, Subchapter 3, is
 18 amended to add additional sections to read as follows:

19 17-84-310. Hearing instrument dispensing establishment license.

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

25 (b)(1) Upon application and fulfillment of the provisions of § 17-84-
 26 306, the board shall issue a license to maintain or operate a hearing
 27 instrument dispensing establishment.

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

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

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

36 (5) When the same person or entity owns multiple hearing

1 instrument dispensing establishments, each location shall have a separate
2 license.

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

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

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

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

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

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

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

20 (3) The board may:

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

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

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

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

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

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

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

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

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

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

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

8
 9 17-84-311. Mobile units.

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

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

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

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

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

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

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

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