

## HOUSE BILL No. 2195

By Committee on Health and Human Services

1-26

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1 AN ACT concerning the Kansas board of examiners in fitting and  
2 dispensing of hearing instruments; transferring the powers, duties and  
3 functions of the board to the secretary for aging and disability services;  
4 amending K.S.A. 74-5803 and K.S.A. 2016 Supp. 74-5804, 74-5805,  
5 74-5806, 74-5807, 74-5808, 74-5810a, 74-5811, 74-5812, 74-5813, 74-  
6 5814, 74-5815, 74-5816, 74-5818, 74-5820, 74-5821, 74-5825 and 74-  
7 5826 and repealing the existing sections.  
8

9 *Be it enacted by the Legislature of the State of Kansas:*

10 New Section 1. (a) Except as otherwise provided by this act, all  
11 powers, duties and functions of the Kansas board of examiners in fitting  
12 and dispensing of hearing instruments are hereby transferred to and  
13 imposed upon the secretary for aging and disability services. The Kansas  
14 board of examiners in fitting and dispensing of hearing instruments shall  
15 be advisory to the secretary for aging and disability services with regard to  
16 such transferred powers, duties and functions and shall be within the  
17 department for aging and disability services as a part thereof.

18 (b) The secretary for aging and disability services shall be the  
19 successor in every way to the powers, duties and functions of the Kansas  
20 board of examiners in fitting and dispensing of hearing instruments in  
21 which the same were vested prior to the effective date of this act. Every act  
22 performed in the exercise of such transferred powers, duties and functions  
23 by or under the authority of the secretary for aging and disability services  
24 shall be deemed to have the same force and effect as if performed by the  
25 Kansas board of examiners in fitting and dispensing of hearing instruments  
26 in which such powers, duties and functions were vested prior to the  
27 effective date of this act.

28 (c) Whenever the Kansas board of examiners in fitting and dispensing  
29 of hearing instruments or words of like effect are referred to or designated  
30 by a statute, contract, memorandum of agreement or other document and  
31 such reference is in regard to any of the powers, duties or functions  
32 transferred to the secretary for aging and disability services, such reference  
33 or designation shall be deemed to apply to the secretary for aging and  
34 disability services.

35 (d) All rules and regulations, orders and directives of the Kansas  
36 board of examiners in fitting and dispensing of hearing instruments that

1 relate to the functions transferred by this act, and that are in effect on the  
2 effective date of this act, shall continue to be effective and shall be deemed  
3 to be rules and regulations, orders and directives of the secretary for aging  
4 and disability services until revised, amended, revoked or nullified  
5 pursuant to law.

6 (e) The balances of all funds or accounts thereof appropriated or  
7 reappropriated for the Kansas board of examiners in fitting and dispensing  
8 of hearing instruments, relating to the powers, duties and functions  
9 transferred by this act, are hereby transferred within the state treasury to  
10 the Kansas department for aging and disability services and shall be used  
11 only for the purpose for which the appropriation was originally made.

12 (f) Liability for all accrued compensation or salaries of officers and  
13 employees who are transferred to the Kansas department for aging and  
14 disability services under this act, shall be assumed and paid by the Kansas  
15 department for aging and disability services under this act.

16 (g) When any conflict arises as to the disposition of any property,  
17 power, duty or function or the unexpended balance of any appropriation as  
18 a result of any transfer made by or under the authority of this act, such  
19 conflict shall be resolved by the governor, whose decision shall be final.

20 (h) The secretary for aging and disability services shall succeed to all  
21 property, property rights and records which were used for or pertain to the  
22 performance of powers, duties and functions transferred to the secretary  
23 for aging and disability services. Any conflict as to the proper disposition  
24 of property, personnel or records arising under this act, shall be determined  
25 by the governor, whose decision shall be final.

26 (i) No suit, action or other proceeding, judicial or administrative,  
27 lawfully commenced, or which could have been commenced, by or against  
28 any state agency mentioned in this act or by or against any officer of the  
29 state in such officer's official duties, shall abate by reason of the transfers  
30 effected under the provisions of this act. The court may allow any such  
31 suit, action or other proceeding to be maintained by or against the  
32 successor of any such state agency or any officer affected.

33 (j) No criminal action commenced or which could have been  
34 commenced by the state shall abate by the taking effect of this act.

35 (k) All officers and employees of the Kansas board of examiners in  
36 fitting and dispensing of hearing instruments who, immediately prior to the  
37 effective date of this act, are engaged in the exercise and performance of  
38 the powers, duties and functions transferred by this act, who are  
39 determined by the secretary for aging and disability services to be engaged  
40 in providing administrative, technical or other support services that are  
41 essential to the exercise and performance of the powers, duties and  
42 functions transferred by this act, are hereby transferred to the Kansas  
43 department for aging and disability services. All classified officers and

1 employees so transferred shall retain their status as classified employees.

2 (l) Officers and employees of the Kansas board of examiners in  
3 fitting and dispensing of hearing instruments transferred by this act shall  
4 retain all retirement benefits and leave balances and rights which had  
5 accrued or vested prior to the date of transfer. The service of each such  
6 officer or employee so transferred shall be deemed to have been  
7 continuous. Any subsequent transfers, layoffs or abolition of classified  
8 service positions under the Kansas civil service act shall be made in  
9 accordance with the civil service laws and any rules and regulations  
10 adopted thereunder. Nothing in this act shall affect the classified status of  
11 any transferred person employed by the Kansas board of examiners in  
12 fitting and dispensing of hearing instruments prior to the date of transfer.

13 (m) Notwithstanding the effective date of this act, prescribing the  
14 transfer of officers and employees from the Kansas board of examiners in  
15 fitting and dispensing of hearing instruments to the Kansas department for  
16 aging and disability services, the date of transfer of each such officer or  
17 employee shall commence at the start of a payroll period.

18 Sec. 2. K.S.A. 74-5803 is hereby amended to read as follows: 74-  
19 5803. The board shall meet at least once each year at a place and time  
20 determined by the chairman. The board shall also meet at such other times  
21 and places as are specified by the chairman to carry out the purposes of  
22 ~~this act of the board in advising the secretary for aging and disability~~  
23 ~~services on matters concerning the powers, duties and functions~~  
24 ~~transferred to the secretary under this act..~~

25 Sec. 3. K.S.A. 2016 Supp. 74-5804 is hereby amended to read as  
26 follows: 74-5804. ~~The board secretary for aging and disability services~~  
27 shall keep a record in which shall be registered the name, residence, place  
28 of business, date of issuance of license, renewals, revocations, suspensions  
29 or other disciplinary action of every person authorized under this act to  
30 practice the fitting of or dispensing of hearing aids. ~~A majority of the board~~  
31 ~~shall constitute a quorum and the proceedings thereof shall be open to the~~  
32 ~~public.~~

33 Sec. 4. K.S.A. 2016 Supp. 74-5805 is hereby amended to read as  
34 follows: 74-5805. (a) At the first meeting of the board in every year it shall  
35 elect from its own membership a ~~chairman~~ *chairperson* and ~~vice-chairman~~  
36 ~~vice-chairperson.~~ ~~The board shall appoint one of its own members or some~~  
37 ~~other person to serve as executive officer of the board. The executive~~  
38 ~~officer shall be in the unclassified service of the Kansas civil service act~~  
39 ~~and shall receive compensation fixed by the board with the approval of the~~  
40 ~~state finance council.~~

41 (b) Members of the board attending meetings of such board, or  
42 attending a subcommittee meeting thereof authorized by such board, shall  
43 be paid compensation, subsistence allowances, mileage and other expenses

1 as provided in K.S.A. 75-3223, and amendments thereto.

2 (c) ~~The board secretary for aging and disability services shall remit~~  
 3 ~~all moneys received by or for it from fees, charges or penalties to the state~~  
 4 ~~treasurer in accordance with the provisions of K.S.A. 75-4215, and~~  
 5 ~~amendments thereto. Upon receipt of each such remittance, the state~~  
 6 ~~treasurer shall deposit the entire amount in the state treasury. Ten percent~~  
 7 ~~of each such deposit shall be credited to the state general fund and the~~  
 8 ~~balance shall be credited to the hearing instrument board fee fund. All~~  
 9 ~~expenditures from such fund shall be made in accordance with~~  
 10 ~~appropriation acts upon warrants of the director of accounts and reports~~  
 11 ~~issued pursuant to vouchers approved by the executive officer or by a~~  
 12 ~~person or persons designated by such executive officer.~~

13 Sec. 5. K.S.A. 2016 Supp. 74-5806 is hereby amended to read as  
 14 follows: 74-5806. ~~The board secretary for aging and disability services is~~  
 15 ~~hereby authorized, empowered and directed to administer and enforce the~~  
 16 ~~provisions of this act and it is hereby granted such specific powers as are~~  
 17 ~~necessary for the purpose of administering and enforcing the same. In~~  
 18 ~~addition thereto the board secretary shall have the power:~~

19 (a) To employ or contract with agents, attorneys and inspectors under  
 20 such rules and regulations ~~as it may prescribe~~ *may be prescribed* in  
 21 accordance with the provisions of this act, but no state officer shall be  
 22 eligible for employment by the board.

23 (b) To make all necessary disbursements and purchases to carry out  
 24 the provisions of this act.

25 (c) To appoint representatives to conduct or supervise the  
 26 examination of applicants for license.

27 (d) To designate the time and place for examining applicants for  
 28 licenses.

29 (e) ~~The board secretary shall preserve an accurate record of all~~  
 30 ~~meetings and proceedings of the board including. The secretary shall~~  
 31 ~~maintain a complete record of all prosecutions and disciplinary actions for~~  
 32 ~~violations of this act and rules and regulations adopted thereunder, and of~~  
 33 ~~examinations held under the provisions hereof of this act. Such records~~  
 34 ~~shall be kept in the office of the board secretary and made accessible to the~~  
 35 ~~public in accordance with the Kansas open records act.~~

36 (f) To administer oaths; take testimony upon revoking, suspending or  
 37 taking other disciplinary action against licenses.

38 (g) To grant all licenses to eligible applicants and to revoke, suspend  
 39 or take other authorized disciplinary action against any such license  
 40 granted for any of the causes specified in this act or rules and regulations  
 41 adopted ~~thereunder pursuant to this act.~~

42 (h) Each witness who appears before the ~~board at its~~ *secretary at the*  
 43 *secretary's* request, other than a state officer or employee, shall receive for

1 his attendance the fees and mileage provided for witnesses in civil cases in  
 2 courts of record which shall be audited and paid upon the presentation of  
 3 proper vouchers sworn to by such witnesses and approved by the ~~chair or~~  
 4 ~~executive officer of the board~~ *secretary*.

5 (i) *After consultation with the board*, to make rules and regulations  
 6 for the procedure, conduct and government of applicants and licensees, for  
 7 implementation and administration of this act and to prescribe by rules and  
 8 regulations a code of ethics for hearing instrument fitters and dispensers  
 9 within this state, which ~~the~~ rules and regulations shall not be inconsistent  
 10 with the provisions of this act.

11 (j) To require, ~~in its~~ *at the secretary's* discretion, the periodic  
 12 inspection and calibration of audiometric testing equipment and to carry  
 13 out the periodic inspection of facilities of all persons who practice the  
 14 fitting or dispensing of hearing instruments.

15 Sec. 6. K.S.A. 2016 Supp. 74-5807 is hereby amended to read as  
 16 follows: 74-5807. As used in this act, unless the context otherwise  
 17 requires:

18 (a) The "board" means the Kansas board of examiners in fitting and  
 19 dispensing of hearing instruments.

20 (b) "License" means an authorization to practice the fitting and  
 21 dispensing of hearing instruments pursuant to this act and includes a  
 22 temporary license and any certificate of endorsement issued prior to July  
 23 1, 2005.

24 (c) "Hearing instrument" means any instrument, aid or device  
 25 designed for or represented as aiding or improving impaired human  
 26 hearing and any parts of such an instrument, aid or device.

27 (d) "Practice of fitting and dispensing hearing instruments" means the  
 28 evaluation or measurement of the powers or range of human hearing by  
 29 means of an audiometer or by any other means as established by rules and  
 30 regulations of the board and the consequent selection or adaptation or sale  
 31 of hearing instruments intended to compensate for hearing loss, including  
 32 the making of an impression of the ear.

33 (e) *"Secretary" means the secretary for aging and disability services.*

34 Sec. 7. K.S.A. 2016 Supp. 74-5808 is hereby amended to read as  
 35 follows: 74-5808. (a) No person shall engage in the sale of or practice of  
 36 dispensing and fitting hearing instruments or display a sign or in any other  
 37 way advertise or hold oneself out as a person who practices the dispensing  
 38 and fitting of hearing instruments unless such person holds a current,  
 39 unsuspended, unrevoked license issued by the ~~board~~ *secretary for aging*  
 40 *and disability services* as provided in this act, or unless such person holds  
 41 a current, unsuspended, unrevoked certificate of endorsement. The license  
 42 or certificate required by this section shall be kept conspicuously posted in  
 43 such person's office or place of business at all times.

1 (b) No person shall use the title "hearing instrument dispenser,"  
 2 "hearing aid dispenser," "hearing instrument specialist," "hearing aid  
 3 specialist," "hearing aid dealer," "hearing instrument dealer" or any other  
 4 comparable or similar term or by any other words, letters, abbreviations or  
 5 insignia that indicate such person practices the fitting of hearing  
 6 instruments unless such person is licensed by the ~~board~~ *secretary for aging  
 7 and disability services*.

8 Sec. 8. K.S.A. 2016 Supp. 74-5810a is hereby amended to read as  
 9 follows: 74-5810a. (a) The ~~board~~ *secretary for aging and disability  
 10 services, after consultation with the board*, is hereby authorized to adopt  
 11 rules and regulations fixing the amount of fees for the following items and  
 12 to charge and collect the amounts so fixed subject to the following  
 13 limitations:

14 License application—not more than.....	\$150
15 Temporary license—not more than.....	\$150
16 Temporary license renewal—not more than.....	\$150
17 License—not more than.....	\$150
18 License or certificate of endorsement renewal—not more than.....	\$150
19 License or certificate of endorsement late renewal—not more than...	\$200
20 License or certificate of endorsement reinstatement—not more than.	\$300
21 Examination (written)—not more than.....	\$50
22 Examination (practical, each section)—not more than.....	\$35
23 State licensure verification per state—not more than.....	\$25
24 Replacement of certificate or license—not more than.....	\$25
25 Change of supervisor—not more than.....	\$25
26 Insufficient funds—not more than.....	\$35
27 Inactive license or renewal of inactive license—not more than.....	\$25
28 Conversion of inactive license to active license—not more than.....	\$150

29 (b) Whenever the ~~board shall determine~~ *secretary determines* that the  
 30 total amount of revenue derived from the fees collected pursuant to this  
 31 section is insufficient to carry out the purposes for which such fees are  
 32 collected, the ~~board~~ *secretary* may amend such rules and regulations to  
 33 increase the amount of the fee *for one or more of the items listed in*  
 34 *subsection (a)*, except that the amount of the fee for any item shall not  
 35 exceed the maximum amount authorized by this section. Whenever the  
 36 amount of fees collected pursuant to this section provides revenue in  
 37 excess of the amount necessary to carry out the purposes for which such  
 38 fees are collected, ~~it shall be the duty of the board to~~ *the secretary shall*  
 39 ~~decrease the amount of the fee for one or more of the items listed in this~~  
 40 ~~subsection (a) by amending the rules and regulations which fix such fees.~~

41 (c) Fees paid under this section are not refundable.

42 Sec. 9. K.S.A. 2016 Supp. 74-5811 is hereby amended to read as  
 43 follows: 74-5811. An applicant for a license shall submit an application on

1 a form provided by the ~~board~~ *secretary* and shall pay the license  
2 application fee provided for in K.S.A. 74-5810a, and amendments thereto  
3 and shall show to the satisfaction of the ~~board~~ *secretary* that such  
4 applicant:

5 (a) Is 21 years of age or older; and

6 (b) has graduated from an accredited high school or has a degree  
7 equivalent to graduation from an accredited high school.

8 Sec. 10. K.S.A. 2016 Supp. 74-5812 is hereby amended to read as  
9 follows: 74-5812. (a) An applicant for a license who is notified by the  
10 ~~board~~ *secretary for aging and disability services* that ~~such~~ the applicant  
11 has fulfilled the requirements of K.S.A. 74-5811, *and amendments thereto*,  
12 shall appear at a time, place and before such persons as the ~~board~~  
13 *secretary* may designate, to be examined by written and practical tests in  
14 order to demonstrate that such applicant is qualified to practice the fitting  
15 and dispensing of hearing instruments:

16 (b) An applicant who fulfills the requirements of K.S.A. 74-5811,  
17 *and amendments thereto*, who has completed the required training hours as  
18 established by rules and regulations of the ~~board~~ *secretary* and who has not  
19 held a temporary license within the preceding three years may apply to the  
20 ~~board~~ *secretary* for a temporary license.

21 (c) Upon receiving an application provided under subsection (b) ~~of~~  
22 ~~this section~~, accompanied by the temporary license fee provided for in  
23 K.S.A. 74-5810a, *and amendments thereto*, the ~~board~~ *secretary* may issue  
24 a temporary license which shall entitle the applicant to practice the fitting  
25 and dispensing of hearing instruments for a period ending 30 days after the  
26 next examination.

27 (d) No temporary license shall be issued by the ~~board~~ *secretary* under  
28 this section unless the applicant shows to the satisfaction of the ~~board~~  
29 *secretary* that such applicant is or will be employed, and in the course of  
30 such employment will practice fitting and dispensing of hearing  
31 instruments under the supervision of a person who holds a valid license  
32 issued under this act and meets any other requirements established by rules  
33 and regulations of the ~~board~~ *secretary*.

34 (e) If a person who holds a temporary license issued under this  
35 section does not take the next examination given after the date of issue, the  
36 temporary license shall not be renewed, except for good cause shown to  
37 the satisfaction of the ~~board~~ *secretary*.

38 (f) If a person who holds a temporary license passes the examination,  
39 upon payment of the license fee, the ~~board~~ *secretary* shall issue such  
40 person a license to practice fitting and dispensing of hearing instruments.

41 (g) If a person who holds a temporary license issued under this  
42 section takes and fails to pass the next examination given after the date of  
43 issue, the ~~board~~ *secretary* may renew the temporary license. However, an

1 individual may hold a temporary license no more than 16 months. No  
2 more than one renewal shall be permitted. A temporary license renewal fee  
3 as provided for in K.S.A. 74-5810a, *and amendments thereto*, shall be  
4 charged by the ~~board~~ *secretary*.

5 (h) A temporary license may be revoked, suspended or otherwise  
6 disciplined for the same grounds as provided in this act for licensees.

7 Sec. 11. K.S.A. 2016 Supp. 74-5813 is hereby amended to read as  
8 follows: 74-5813. The examination provided in K.S.A. 74-5812, *and*  
9 *amendments thereto*, shall consist of:

10 (a) Tests of knowledge in the following areas as they pertain to the  
11 fitting of hearing instruments.

12 (1) Basic physics of sound.

13 (2) The human hearing mechanism, including the science of hearing  
14 and the cause and rehabilitation of abnormal hearing and hearing  
15 disorders.

16 (3) Structure and function of hearing instruments.

17 (4) Other areas relating to the fitting of hearing instruments as may be  
18 determined by the ~~board~~ *secretary*.

19 (b) Tests of proficiency in the following techniques as they pertain to  
20 the fitting of hearing instruments.

21 (1) Pure tone audiometry, including air conduction testing and bone  
22 conduction testing.

23 (2) Live voice or recorded voice speech audiometry.

24 (3) Effective masking.

25 (4) Recording and evaluation of pure tone audiograms and speech  
26 audiometry to determine hearing instrument candidacy.

27 (5) Selection and adaptation of hearing instruments and testing of  
28 hearing instruments.

29 (6) Taking earmold impressions.

30 (7) Troubleshooting and modification of hearing instruments.

31 (8) Food and drug administration medical referral criteria.

32 (9) The hearing instrument act and rules and regulations adopted  
33 thereunder.

34 (10) Other skills as may be determined by the ~~board~~ *secretary* for the  
35 fitting and dispensing of hearing instruments.

36 (c) The tests under this section shall not include questions requiring a  
37 medical or surgical education.

38 Sec. 12. K.S.A. 2016 Supp. 74-5814 is hereby amended to read as  
39 follows: 74-5814. (a) The ~~board~~ *secretary for aging and disability services*  
40 shall issue a license to each applicant who: (1) Satisfactorily passes the  
41 examination; or (2) is currently licensed as an audiologist under K.S.A.  
42 65-6501 et seq., and amendments thereto, and holds a doctoral degree or  
43 its equivalent in audiology from a nationally or regionally accredited



1 college or university in a program with educational standards consistent  
2 with those of the state universities of Kansas, who pays the license fee  
3 provided for in K.S.A. 74-5810a, and amendments thereto, and who  
4 submits documentation that the calibration of the applicant's audiometric  
5 testing equipment has been tested and verified as accurate within the  
6 preceding two-year period. The license shall be effective for one year.

7 (b) The ~~board~~ *secretary* may issue a license to a person who is  
8 currently licensed to practice fitting and dispensing of hearing instruments  
9 in another jurisdiction if the ~~board~~ *secretary* determines that the applicant  
10 demonstrates, on forms provided by the ~~board~~ *secretary*, compliance with  
11 the following standards as adopted by the ~~board~~ *secretary*:

12 (1) Continuous licensure to practice fitting and dispensing of hearing  
13 instruments during the five years immediately preceding the application  
14 with at least the minimum professional experience as established by rules  
15 and regulations of the ~~board~~ *secretary*; and

16 (2) the absence of disciplinary actions of a serious nature brought by  
17 a licensing board or agency of another jurisdiction.

18 Sec. 13. K.S.A. 2016 Supp. 74-5815 is hereby amended to read as  
19 follows: 74-5815. (a) A person who holds a license shall notify the ~~board~~  
20 *secretary* in writing of the business name and address of the place or  
21 places where such person engages or intends to engage in the practice of  
22 fitting or dispensing of hearing instruments and shall notify the ~~board~~  
23 *secretary* within 10 days of any change of such information.

24 (b) A person who holds a temporary license shall further notify the  
25 ~~board~~ *secretary* in writing within 10 days of any change of such person's  
26 supervisor and submit the change of supervisor fee.

27 (c) The ~~board~~ *secretary* shall keep a record of the places of practice of  
28 persons who hold a license or temporary license. Any notice required to be  
29 given by the ~~board~~ *secretary* to a person who holds a license, temporary  
30 license or certificate of endorsement may be given by mailing it to the  
31 address of the last place of practice of which such person has notified the  
32 ~~board~~ *secretary*.

33 Sec. 14. K.S.A. 2016 Supp. 74-5816 is hereby amended to read as  
34 follows: 74-5816. (a) The ~~executive officer of the board~~ *secretary* shall  
35 send a written notice of renewal to every person holding a valid license to  
36 practice the fitting and dispensing of hearing instruments within the state  
37 at least 30 days prior to the first day of July in each year, directed to the  
38 last known address of such licensee.

39 (b) A person who practices the fitting and dispensing of hearing  
40 instruments shall annually pay to the ~~board~~ *secretary* the license renewal  
41 fee provided for in K.S.A. 74-5810a, and amendments thereto, for renewal  
42 of such person's license and shall submit documentation that the  
43 calibration of the person's audiometric testing equipment has been tested

1 and verified as accurate within the preceding two-year period. A thirty-day  
2 grace period shall be allowed after the expiration of a license during which  
3 the same may be renewed on payment to the ~~board~~ *secretary* of the late  
4 renewal fee provided for in K.S.A. 74-5810a, and amendments thereto and  
5 submission of the documentation of testing and verification of calibration.

6 (c) Within two years after the expiration of the grace period, the  
7 ~~board~~ *secretary* may reinstate a license upon payment to the ~~board~~  
8 *secretary* of the license reinstatement fee provided for in K.S.A. 74-5810a,  
9 and amendments thereto, and submission of the documentation of testing  
10 and verification of calibration. Such person may also be required to  
11 complete such additional testing, training or education as the ~~board~~  
12 *secretary* may deem necessary to establish the person's present ability to  
13 practice with reasonable skill and safety.

14 (d) A person who applies for reinstatement and whose license expired  
15 for the sole reason of failure to renew shall be required to submit to any  
16 examination as a condition of reinstatement if such person applies for  
17 reinstatement more than two years from the date of expiration of the  
18 license.

19 Sec. 15. K.S.A. 2016 Supp. 74-5818 is hereby amended to read as  
20 follows: 74-5818. An applicant or any person licensed under this act may  
21 have the license denied, revoked, suspended or conditioned for a fixed  
22 period to be determined by the ~~board~~ *secretary* for any of the following  
23 causes:

24 (a) Conviction of a felony or a misdemeanor related to the practice of  
25 fitting and dispensing hearing instruments. The record of conviction, or a  
26 certified copy thereof certified by the clerk of the court or by the judge in  
27 whose court the conviction is had, shall be conclusive evidence of such  
28 conviction.

29 (b) When the license has been secured or attempted to be secured by  
30 fraud or deceit practiced upon the ~~board~~ *secretary*.

31 (c) For unethical conduct or unprofessional conduct.

32 (d) Advertising in a manner that is false, fraudulent, deceptive or  
33 misleading.

34 (e) Practicing the fitting or dispensing of hearing instruments under a  
35 false or alias name other than a legal business entity name.

36 (f) For violation of any of the provisions of this act or any rule and  
37 regulation adopted hereunder.

38 (g) For negligent or incompetent practice or supervision.

39 Sec. 16. K.S.A. 2016 Supp. 74-5820 is hereby amended to read as  
40 follows: 74-5820. Before any license may be suspended, revoked or other  
41 disciplinary action taken, the ~~board~~ *secretary* shall give the licensee notice  
42 and an opportunity to be heard in accordance with the provisions of the  
43 Kansas administrative procedure act.

1       Sec. 17. K.S.A. 2016 Supp. 74-5821 is hereby amended to read as  
2 follows: 74-5821. In addition to the payment of the license renewal fee,  
3 each licensee applying for the renewal or reinstatement of a license shall  
4 furnish to the ~~executive officer of the board~~ *secretary* satisfactory evidence  
5 that such person has obtained the required number of hours of continuing  
6 education as established by rules and regulations of the board in the year  
7 just preceding such application for the renewal or reinstatement of the  
8 license.

9       In the event that any licensee shall fail to meet such annual educational  
10 requirement, the license shall be denied. The ~~board of examiners~~ *secretary*  
11 may reinstate such licensee to practice the fitting and dispensing of hearing  
12 aids upon the presentation of satisfactory evidence of educational study of  
13 a standard approved by the ~~board~~ *secretary*, and upon the payment of all  
14 fees due.

15       Sec. 18. K.S.A. 2016 Supp. 74-5825 is hereby amended to read as  
16 follows: 74-5825. (a) There is hereby created a designation of inactive  
17 license. The ~~board~~ *secretary* is authorized to issue an inactive license to  
18 any licensee who makes written application for such license on a form  
19 provided by the ~~board~~ *secretary* and remits the fee for an inactive license  
20 established pursuant to K.S.A. 74-5810a, and amendments thereto. The  
21 ~~board~~ *secretary* may issue an inactive license only to a person who is not  
22 engaged in the practice of fitting and dispensing hearing instruments in  
23 Kansas and who does not hold oneself out to the public as being  
24 professionally engaged in such practice. An inactive license shall not  
25 entitle the holder to practice fitting and dispensing hearing instruments in  
26 this state. The holder of an inactive license shall not be required to submit  
27 evidence of satisfactory completion of a program of continuing education  
28 required by K.S.A. 74-5821, and amendments thereto.

29       (b) Each inactive license may be renewed subject to the provisions of  
30 this section. Each inactive licensee may apply for a license to regularly  
31 engage in the practice of fitting and dispensing hearing instruments upon  
32 filing a written application with the ~~board~~ *secretary*. The request shall be  
33 on a form provided by the ~~board~~ *secretary* and shall be accompanied by  
34 the conversion fee established pursuant to K.S.A. 74-5810a, and  
35 amendments thereto, and documentation that the calibration of the person's  
36 audiometric testing equipment has been tested and verified as accurate. For  
37 those licensees whose license has been inactive for less than two years, the  
38 ~~board~~ *secretary* shall adopt rules and regulations establishing appropriate  
39 continuing education requirements for inactive licensees to become  
40 licensed to regularly practice fitting and dispensing hearing instruments  
41 within Kansas. Any licensee whose license has been inactive for more than  
42 two years, in addition to completing appropriate continuing education  
43 requirements pursuant to rules and regulations adopted by the ~~board~~

1 *secretary*, may be required to complete such additional testing, training or  
2 education as the ~~board~~ *secretary* may deem necessary to establish the  
3 licensee's present ability to practice with reasonable skill and safety.

4 (c) This section shall be part of and supplemental to the hearing  
5 instrument act.

6 Sec. 19. K.S.A. 2016 Supp. 74-5826 is hereby amended to read as  
7 follows: 74-5826. (a) The ~~board~~ *secretary*, in addition to any other penalty  
8 authorized under this act may assess an administrative fine, after notice  
9 and an opportunity to be heard in accordance with the Kansas  
10 administrative procedures act, against a licensee or an unlicensed person  
11 for a violation of any provision of this act or any rule and regulation  
12 hereunder in an amount not to exceed \$1,000 per violation.

13 (b) If the ~~board~~ *secretary* determines that an individual has practiced  
14 fitting or dispensing of hearing instruments without a valid license, in  
15 addition to any other penalties imposed by the law, the ~~board~~ *secretary* in  
16 accordance with the Kansas administrative procedure act, may issue a  
17 cease and desist order against such individual.

18 (c) Whenever in the judgment of the ~~board~~ *secretary* any person has  
19 engaged, or is about to engage, in any acts or practices which constitute or  
20 will constitute a violation of the hearing instrument act, the ~~board~~  
21 *secretary* may make application to any court of competent jurisdiction for  
22 an order enjoining such acts or practices, and upon a showing by the ~~board~~  
23 *secretary* that such person has engaged or is about to engage in any such  
24 acts or practices, an injunction, restraining order or such other order as  
25 may be appropriate shall be granted by such court without bond.

26 (d) In all matters pending before the ~~board~~ *secretary*, the ~~board~~  
27 *secretary* shall have the option to censure the licensee in lieu of other  
28 disciplinary action.

29 (e) In all matters pending before the ~~board~~ *secretary*, the board shall  
30 have the power to revoke the license of any licensee who voluntarily  
31 surrenders such person's license pending investigation of misconduct or  
32 while charges of misconduct against the licensee are pending or  
33 anticipated.

34 (f) This section shall be part of and supplemental to the hearing  
35 instrument act.

36 Sec. 20. K.S.A. 74-5803 and K.S.A. 2016 Supp. 74-5804, 74-5805,  
37 74-5806, 74-5807, 74-5808, 74-5810a, 74-5811, 74-5812, 74-5813, 74-  
38 5814, 74-5815, 74-5816, 74-5818, 74-5820, 74-5821, 74-5825 and 74-  
39 5826 are hereby repealed.

40 Sec. 21. This act shall take effect and be in force from and after  
41 January 8, 2018, and its publication in the statute book.