
ENGROSSED HOUSE BILL 2108

AS AMENDED BY THE SENATE

Passed Legislature - 2014 Regular Session

State of Washington 63rd Legislature 2014 Regular Session

By Representatives Ross, Moeller, and Johnson

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1 AN ACT Relating to hearing instrument fitter/dispensers; amending
2 RCW 18.35.010, 18.35.020, 18.35.040, 18.35.050, 18.35.070, 18.35.095,
3 18.35.100, 18.35.105, 18.35.110, 18.35.140, 18.35.150, 18.35.161,
4 18.35.185, 18.35.195, 18.35.205, 18.35.240, and 18.35.260; creating a
5 new section; and providing an effective date.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

14 (a) The opportunity to provide a work-based learning permit for
15 applicants that either have a two-year or four-year degree in a field
16 of study approved by the board from an accredited institution of higher
17 education, or are currently enrolled in a two-year or four-year degree
18 program in a field of study approved by the board in an accredited

1 institution of higher education with no more than one full-time
2 academic year remaining in his or her course of study;

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

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

8 (d) Recommendations for a work-based learning permit or
9 apprenticeship and opportunities to offer a program through a
10 partnership with a private business and/or through a partnership with
11 accredited institutions of higher education and a sponsoring private
12 business;

13 (e) Recommendations for the learning pathways or academic
14 components that should be required in any work-based learning program,
15 including the specific training elements that must be completed,
16 including, but not limited to, audiometric testing, counseling
17 regarding hearing examinations, hearing instrument selection, ear mold
18 impressions, hearing instrument fitting and follow-up care, and
19 business practices including ethics, regulations, and sanitation and
20 infection control; and

21 (f) Recommendations for the direct supervision of a work-based
22 learning permit or apprenticeship, including the number of persons a
23 hearing aid specialist or audiologist may supervise, and other
24 considerations.

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

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

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

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

1 (2) "Audiology" means the application of principles, methods, and
2 procedures related to hearing and the disorders of hearing and to
3 related language and speech disorders, whether of organic or nonorganic
4 origin, peripheral or central, that impede the normal process of human
5 communication including, but not limited to, disorders of auditory
6 sensitivity, acuity, function, processing, or vestibular function, the
7 application of aural habilitation, rehabilitation, and appropriate
8 devices including fitting and dispensing of hearing instruments, and
9 cerumen management to treat such disorders.

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

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

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

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

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

25 (8) "Fitting and dispensing of hearing instruments" means the sale,
26 lease, or rental or attempted sale, lease, or rental of hearing
27 instruments together with the selection and modification of hearing
28 instruments and the administration of nondiagnostic tests as specified
29 by RCW 18.35.110 and the use of procedures essential to the performance
30 of these functions; and includes recommending specific hearing
31 instrument systems, specific hearing instruments, or specific hearing
32 instrument characteristics, the taking of impressions for ear molds for
33 these purposes, the use of nondiagnostic procedures and equipment to
34 verify the appropriateness of the hearing instrument fitting, and
35 hearing instrument orientation. The fitting and dispensing of hearing
36 instruments as defined by this chapter may be equally provided by a
37 licensed hearing (~~((instrument-fitter/dispenser))~~) aid specialist or
38 licensed audiologist.

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

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

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

14 (~~(11)~~) (12) "Hearing instrument" means any wearable prosthetic
15 instrument or device designed for or represented as aiding, improving,
16 compensating for, or correcting defective human hearing and any parts,
17 attachments, or accessories of such an instrument or device, excluding
18 batteries and cords, ear molds, and assistive listening devices.

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

22 (13) "Indirect supervision" means the procedures or tasks are
23 performed under the speech-language pathologist(~~s~~), the hearing aid
24 specialist, or the audiologist's overall direction and control, but the
25 speech-language pathologist(~~s~~), hearing aid specialist, or
26 audiologist's presence is not required during the performance of the
27 procedures or tasks. The board shall develop rules outlining the
28 procedures or tasks allowable under indirect supervision.

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

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

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

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

2 (18) "Speech-language pathology" means the application of
3 principles, methods, and procedures related to the development and
4 disorders, whether of organic or nonorganic origin, that impede oral,
5 pharyngeal, or laryngeal sensorimotor competencies and the normal
6 process of human communication including, but not limited to, disorders
7 and related disorders of speech, articulation, fluency, voice, verbal
8 and written language, auditory comprehension, cognition/communication,
9 and the application of augmentative communication treatment and devices
10 for treatment of such disorders.

11 (19) "Speech-language pathology assistant" means a person who is
12 certified by the department to provide speech-language pathology
13 services under the direction and supervision of a licensed speech-
14 language pathologist or speech-language pathologist certified as an
15 educational staff associate by the superintendent of public
16 instruction, and meets all of the requirements of this chapter.

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

19 (1) No person shall engage in the fitting and dispensing of hearing
20 instruments or imply or represent that he or she is engaged in the
21 fitting and dispensing of hearing instruments unless he or she is a
22 licensed hearing (~~((instrument fitter/dispenser))~~) aid specialist, or a
23 licensed audiologist or holds an interim permit issued by the
24 department as provided in this chapter and is an owner or employee of
25 an establishment that is bonded as provided by RCW 18.35.240. The
26 owner or manager of an establishment that dispenses hearing instruments
27 is responsible under this chapter for all transactions made in the
28 establishment name or conducted on its premises by agents or persons
29 employed by the establishment engaged in fitting and dispensing of
30 hearing instruments. Every establishment that fits and dispenses shall
31 have in its employ at least one licensed hearing (~~((instrument~~
32 ~~fitter/dispenser))~~) aid specialist or licensed audiologist at all times,
33 and shall annually submit proof that all testing equipment at that
34 establishment that is required by the board to be calibrated has been
35 properly calibrated.

36 (2) Effective January 1, 2003, no person shall engage in the
37 practice of audiology or imply or represent that he or she is engaged

1 in the practice of audiology unless he or she is a licensed audiologist
2 or holds an audiology interim permit issued by the department as
3 provided in this chapter. Audiologists who are certified as
4 educational staff associates by the Washington professional educator
5 standards board are excluded unless they elect to become licensed under
6 this chapter. However, a person certified by the state board of
7 education as an educational staff associate who practices outside the
8 school setting must be a licensed audiologist.

9 (3) Effective January 1, 2003, no person shall engage in the
10 practice of speech-language pathology or imply or represent that he or
11 she is engaged in the practice of speech-language pathology unless he
12 or she is a licensed speech-language pathologist or holds a speech-
13 language pathology interim permit issued by the department as provided
14 in this chapter. Speech-language pathologists who are certified as
15 educational staff associates by the state board of education are
16 excluded unless they elect to become licensed under this chapter.
17 However, a person certified by the state board of education as an
18 educational staff associate who practices outside the school setting
19 must be a licensed speech-language pathologist.

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

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

28 (a)(i) Satisfactorily completes the hearing (~~instrument~~
29 ~~fitter/dispenser~~) aid specialist examination required by this chapter;
30 and

31 (ii) Satisfactorily completes:

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

35 (B) A two-year or four-year degree in a field of study approved by
36 the board from an accredited institution, a nine-month board-approved
37 certificate program offered by a board-approved hearing aid specialist

1 program and the practical examination approved by the board. The
2 practical examination must be given at least quarterly, as determined
3 by the board. The department may hire licensed industry experts
4 approved by the board to proctor the examination; or

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

9 (c)(i) Holds a current, unsuspended, unrevoked license from another
10 jurisdiction, has been actively practicing as a licensed hearing aid
11 (~~fitter/dispenser~~) specialist in another jurisdiction for at least
12 forty-eight of the last sixty months, and submits proof of completion
13 of advance certification from either the international hearing society
14 or the national board for certification in hearing instrument sciences;
15 and

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

19 The applicant must present proof of qualifications to the board in
20 the manner and on forms prescribed by the secretary and proof of
21 completion of a minimum of four clock hours of AIDS education and
22 training pursuant to rules adopted by the board.

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

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

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

31 (iii) Has completed postgraduate professional work experience
32 approved by the board.

33 (b) All qualified applicants must satisfactorily complete the
34 speech-language pathology or audiology examinations required by this
35 chapter.

36 (c) The applicant must present proof of qualifications to the board
37 in the manner and on forms prescribed by the secretary and proof of

1 completion of a minimum of four clock hours of AIDS education and
2 training pursuant to rules adopted by the board.

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

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

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

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

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

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

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

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

3 The hearing ((~~instrument-fitter/dispenser~~)) aid specialist written
4 or practical examination, or both, provided in RCW 18.35.050 shall
5 consist of:

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

8 (a) Basic physics of sound;

9 (b) The human hearing mechanism, including the science of hearing
10 and the causes and rehabilitation of abnormal hearing and hearing
11 disorders; and

12 (c) Structure and function of hearing instruments.

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

15 (a) Pure tone audiometry, including air conduction testing and bone
16 conduction testing;

17 (b) Live voice or recorded voice speech audiometry, including
18 speech reception threshold testing and speech discrimination testing;

19 (c) Effective masking;

20 (d) Recording and evaluation of audiograms and speech audiometry to
21 determine hearing instrument candidacy;

22 (e) Selection and adaptation of hearing instruments and testing of
23 hearing instruments; and

24 (f) Taking ear mold impressions.

25 (3) Evidence of knowledge regarding the medical and rehabilitation
26 facilities for children and adults that are available in the area
27 served.

28 (4) Evidence of knowledge of grounds for revocation or suspension
29 of license under the provisions of this chapter.

30 (5) Any other tests as the board may by rule establish.

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

33 (1) A hearing ((~~instrument-fitter/dispenser~~)) aid specialist
34 licensed under this chapter and not actively practicing may be placed
35 on inactive status by the department at the written request of the
36 licensee. The board shall define by rule the conditions for inactive
37 status licensure. In addition to the requirements of RCW 43.24.086,

1 the licensing fee for a licensee on inactive status shall be directly
2 related to the costs of administering an inactive license by the
3 department. A hearing (~~((instrument-fitter/dispenser))~~) aid specialist
4 on inactive status may be voluntarily placed on active status by
5 notifying the department in writing, paying the remainder of the
6 licensing fee for the licensing year, and complying with subsection (2)
7 of this section.

8 (2) Hearing (~~((instrument-fitter/dispenser))~~) aid specialist inactive
9 licensees applying for active licensure shall comply with the
10 following: A licensee who has not fitted or dispensed hearing
11 instruments for more than five years from the expiration of the
12 licensee's full fee license shall retake the practical or the written,
13 or both, hearing (~~((instrument-fitter/dispenser))~~) aid specialist
14 examinations required under this chapter and other requirements as
15 determined by the board. Persons who have inactive status in this
16 state but who are actively licensed and in good standing in any other
17 state shall not be required to take the hearing (~~((instrument-
18 fitter/dispenser))~~) aid specialist practical examination, but must
19 submit an affidavit attesting to their knowledge of the current
20 Washington Administrative Code rules and Revised Code of Washington
21 statutes pertaining to the fitting and dispensing of hearing
22 instruments.

23 (3) A speech-language pathologist or audiologist licensed under
24 this chapter, or a speech-language pathology assistant certified under
25 this chapter, and not actively practicing either speech-language
26 pathology or audiology may be placed on inactive status by the
27 department at the written request of the license or certification
28 holder. The board shall define by rule the conditions for inactive
29 status licensure or certification. In addition to the requirements of
30 RCW 43.24.086, the fee for a license or certification on inactive
31 status shall be directly related to the cost of administering an
32 inactive license or certification by the department. A person on
33 inactive status may be voluntarily placed on active status by notifying
34 the department in writing, paying the remainder of the fee for the
35 year, and complying with subsection (4) of this section.

36 (4) Speech-language pathologist, speech-language pathology
37 assistant, or audiologist inactive license or certification holders

1 applying for active licensure or certification shall comply with
2 requirements set forth by the board, which may include completion of
3 continuing competency requirements and taking an examination.

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

6 (1) Every hearing (~~((instrument fitter/dispenser))~~) aid specialist,
7 audiologist, speech-language pathologist, or interim permit holder, who
8 is regulated under this chapter, shall notify the department in writing
9 of the regular address of the place or places in the state of
10 Washington where the person practices or intends to practice more than
11 twenty consecutive business days and of any change thereof within ten
12 days of such change. Failure to notify the department in writing shall
13 be grounds for suspension or revocation of the license or interim
14 permit.

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

17 (3) Any notice required to be given by the department to a person
18 who holds a license or interim permit may be given by mailing it to the
19 address of the last establishment or facility of which the person has
20 notified the department, except that notice to a licensee or interim
21 permit holder of proceedings to deny, suspend, or revoke the license or
22 interim permit shall be by certified or registered mail or by means
23 authorized for service of process.

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

26 Each licensee and interim permit holder under this chapter shall
27 keep records of all services rendered for a minimum of three years.
28 These records shall contain the names and addresses of all persons to
29 whom services were provided. Hearing (~~((instrument fitter/dispensers))~~)
30 aid specialists, audiologists, and interim permit holders shall also
31 record the date the hearing instrument warranty expires, a description
32 of the services and the dates the services were provided, and copies of
33 any contracts and receipts. All records, as required pursuant to this
34 chapter or by rule, shall be owned by the establishment or facility and
35 shall remain with the establishment or facility in the event the
36 licensee changes employment. If a contract between the establishment

1 or facility and the licensee provides that the records are to remain
2 with the licensee, copies of such records shall be provided to the
3 establishment or facility.

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

6 In addition to causes specified under RCW 18.130.170 and
7 18.130.180, any person licensed or holding an interim permit under this
8 chapter may be subject to disciplinary action by the board for any of
9 the following causes:

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

12 (a) Using or causing or promoting the use of, in any advertising
13 matter, promotional literature, testimonial, guarantee, warranty,
14 label, brand, insignia, or any other representation, however
15 disseminated or published, which is false, misleading or deceptive;

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

19 (c) Advertising a particular model, type, or kind of hearing
20 instrument for sale which purchasers or prospective purchasers
21 responding to the advertisement cannot purchase or are dissuaded from
22 purchasing and where it is established that the purpose of the
23 advertisement is to obtain prospects for the sale of a different model,
24 type, or kind than that advertised;

25 (d) Falsifying hearing test or evaluation results;

26 (e)(i) Whenever any of the following conditions are found or should
27 have been found to exist either from observations by the licensee or
28 interim permit holder or on the basis of information furnished by the
29 prospective hearing instrument user prior to fitting and dispensing a
30 hearing instrument to any such prospective hearing instrument user,
31 failing to advise that prospective hearing instrument user in writing
32 that the user should first consult a licensed physician specializing in
33 diseases of the ear or if no such licensed physician is available in
34 the community then to any duly licensed physician:

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

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

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

5 (D) Acute or chronic dizziness;

6 (E) Any unilateral hearing loss;

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

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

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

12 (I) Any other conditions that the board may by rule establish. It
13 is a violation of this subsection for any licensee or that licensee's
14 employees and putative agents upon making such required referral for
15 medical opinion to in any manner whatsoever disparage or discourage a
16 prospective hearing instrument user from seeking such medical opinion
17 prior to the fitting and dispensing of a hearing instrument. No such
18 referral for medical opinion need be made by any licensed hearing
19 (~~instrument fitter/dispenser~~) aid specialist, licensed audiologist,
20 or interim permit holder in the instance of replacement only of a
21 hearing instrument which has been lost or damaged beyond repair within
22 twelve months of the date of purchase. The licensed hearing
23 (~~instrument fitter/dispenser~~) aid specialist, licensed audiologist,
24 or interim permit holder or their employees or putative agents shall
25 obtain a signed statement from the hearing instrument user documenting
26 the waiver of medical clearance and the waiver shall inform the
27 prospective user that signing the waiver is not in the user's best
28 health interest: PROVIDED, That the licensed hearing (~~instrument~~
29 ~~fitter/dispenser~~) aid specialist, licensed audiologist, or interim
30 permit holder shall maintain a copy of either the physician's statement
31 showing that the prospective hearing instrument user has had a medical
32 evaluation within the previous six months or the statement waiving
33 medical evaluation, for a period of three years after the purchaser's
34 receipt of a hearing instrument. Nothing in this section required to
35 be performed by a licensee or interim permit holder shall mean that the
36 licensee or interim permit holder is engaged in the diagnosis of
37 illness or the practice of medicine or any other activity prohibited
38 under the laws of this state;

1 (ii) Fitting and dispensing a hearing instrument to any person
2 under eighteen years of age who has not been examined and cleared for
3 hearing instrument use within the previous six months by a physician
4 specializing in otolaryngology except in the case of replacement
5 instruments or except in the case of the parents or guardian of such
6 person refusing, for good cause, to seek medical opinion: PROVIDED,
7 That should the parents or guardian of such person refuse, for good
8 cause, to seek medical opinion, the licensed hearing (~~instrument~~
9 ~~fitter/dispenser~~) aid specialist or licensed audiologist shall obtain
10 from such parents or guardian a certificate to that effect in a form as
11 prescribed by the department;

12 (iii) Fitting and dispensing a hearing instrument to any person
13 under eighteen years of age who has not been examined by an audiologist
14 who holds at least a master's degree in audiology for recommendations
15 during the previous six months, without first advising such person or
16 his or her parents or guardian in writing that he or she should first
17 consult an audiologist who holds at least a master's degree in
18 audiology, except in cases of hearing instruments replaced within
19 twelve months of their purchase;

20 (f) Representing that the services or advice of a person licensed
21 to practice medicine and surgery under chapter 18.71 RCW or osteopathic
22 medicine and surgery under chapter 18.57 RCW or of a clinical
23 audiologist will be used or made available in the selection, fitting,
24 adjustment, maintenance, or repair of hearing instruments when that is
25 not true, or using the word "doctor," "clinic," or other like words,
26 abbreviations, or symbols which tend to connote a medical or
27 osteopathic medicine and surgery profession when such use is not
28 accurate;

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

30 (h) Stating or implying that the use of any hearing instrument will
31 restore normal hearing, preserve hearing, prevent or retard progression
32 of a hearing impairment, or any other false, misleading, or medically
33 or audilogically unsupportable claim regarding the efficiency of a
34 hearing instrument;

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

1 (j) Directly or indirectly offering, giving, permitting, or causing
2 to be given, money or anything of value to any person who advised
3 another in a professional capacity as an inducement to influence that
4 person, or to have that person influence others to purchase or contract
5 to purchase any product sold or offered for sale by the hearing
6 (~~instrument fitter/dispenser~~) aid specialist, audiologist, or interim
7 permit holder, or to influence any person to refrain from dealing in
8 the products of competitors.

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

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

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

15 The powers and duties of the department, in addition to the powers
16 and duties provided under other sections of this chapter, are as
17 follows:

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

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

23 (3) To require the periodic examination of testing equipment, as
24 defined by the board, and to carry out the periodic inspection of
25 facilities or establishments of persons who are licensed under this
26 chapter, as reasonably required within the discretion of the
27 department.

28 (4) To appoint advisory committees as necessary.

29 (5) To keep a record of proceedings under this chapter and a
30 register of all persons licensed or holding interim permits under this
31 chapter. The register shall show the name of every living licensee or
32 interim permit holder for hearing (~~instrument fitting/dispersing~~) aid
33 specialist, every living licensee or interim permit holder for speech-
34 language pathology, and every living licensee or interim permit holder
35 for audiology, with his or her last known place of residence and the
36 date and number of his or her license or interim permit.

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

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

8 (2) Members of the board shall be residents of this state. Three
9 members shall represent the public and shall have an interest in the
10 rights of consumers of health services, and shall not be or have been
11 a member of, or married to a member of, another licensing board, a
12 licensee of a health occupation board, an employee of a health
13 facility, nor derive his or her primary livelihood from the provision
14 of health services at any level of responsibility. Two members shall
15 be hearing (~~((instrument-fitter/dispensers))~~) aid specialists who are
16 licensed under this chapter, have at least five years of experience in
17 the practice of hearing instrument fitting and dispensing, and must be
18 actively engaged in fitting and dispensing within two years of
19 appointment. Two members of the board shall be audiologists licensed
20 under this chapter who have at least five years of experience in the
21 practice of audiology and must be actively engaged in practice within
22 two years of appointment. Two members of the board shall be speech-
23 language pathologists licensed under this chapter who have at least
24 five years of experience in the practice of speech-language pathology
25 and must be actively engaged in practice within two years of
26 appointment. One advisory nonvoting member shall be a speech-language
27 pathology assistant certified in Washington. One advisory nonvoting
28 member shall be a medical physician licensed in the state of
29 Washington.

30 (3) The term of office of a member is three years. Of the initial
31 appointments, one hearing (~~((instrument — fitter/dispenser))~~) aid
32 specialist, one speech-language pathologist, one audiologist, and one
33 consumer shall be appointed for a term of two years, and one hearing
34 (~~((instrument-fitter/dispenser))~~) aid specialist, one speech-language
35 pathologist, one audiologist, and two consumers shall be appointed for
36 a term of three years. Thereafter, all appointments shall be made for
37 expired terms. No member shall be appointed to serve more than two
38 consecutive terms. A member shall continue to serve until a successor

1 has been appointed. The governor shall either reappoint the member or
2 appoint a successor to assume the member's duties at the expiration of
3 his or her predecessor's term. A vacancy in the office of a member
4 shall be filled by appointment for the unexpired term.

5 (4) The chair shall rotate annually among the hearing (~~(instrument~~
6 ~~fitter/dispensers)~~) aid_specialists, speech-language pathologists,
7 audiologists, and public members serving on the board. In the absence
8 of the chair, the board shall appoint an interim chair. In event of a
9 tie vote, the issue shall be brought to a second vote and the chair
10 shall refrain from voting.

11 (5) The board shall meet at least once each year, at a place, day
12 and hour determined by the board, unless otherwise directed by a
13 majority of board members. The board shall also meet at such other
14 times and places as are requested by the department or by three members
15 of the board. A quorum is a majority of the board. A hearing
16 (~~(instrument — fitter/dispenser)~~) aid __ specialist, speech-language
17 pathologist, and audiologist must be represented. Meetings of the
18 board shall be open and public, except the board may hold executive
19 sessions to the extent permitted by chapter 42.30 RCW.

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

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

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

27 The board shall have the following powers and duties:

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

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

33 (3) To develop, approve, and administer or supervise the
34 administration of examinations to applicants for licensure under this
35 chapter;

36 (4) To require a licensee or interim permit holder to make
37 restitution to any individual injured by a violation of this chapter or

1 chapter 18.130 RCW, the uniform disciplinary act. The authority to
2 require restitution does not limit the board's authority to take other
3 action deemed appropriate and provided for in this chapter or chapter
4 18.130 RCW;

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

7 (6) To recommend requirements for continuing education and
8 continuing competency requirements as a prerequisite to renewing a
9 license or certification under this chapter;

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

13 (8) To adopt rules, if the board finds it appropriate, in response
14 to questions put to it by professional health associations, hearing
15 (~~((instrument—fitter/dispensers—or))~~) aid specialists, audiologists,
16 speech-language pathologists, interim permit holders, and consumers in
17 this state; and

18 (9) To adopt rules relating to standards of care relating to
19 hearing (~~((instrument — fitter/dispensers))~~) aid specialists or
20 audiologists, including the dispensing of hearing instruments, and
21 relating to speech-language pathologists, including dispensing of
22 communication devices.

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

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

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

1 (b) The purchaser sends notice of the cancellation by certified
2 mail, return receipt requested, to the establishment employing the
3 licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
4 licensed audiologist, or interim permit holder at the time the hearing
5 instrument was originally purchased, and the notice is posted not later
6 than thirty days following the date of delivery, but the purchaser and
7 the licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
8 licensed audiologist, or interim permit holder may extend the deadline
9 for posting of the notice of rescission by mutual, written agreement.
10 In the event the hearing instrument develops a problem which qualifies
11 as a reasonable cause for recision or which prevents the purchaser from
12 evaluating the hearing instrument, and the purchaser notifies the
13 establishment employing the licensed hearing (~~((instrument~~
14 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, or interim
15 permit holder of the problem during the thirty days following the date
16 of delivery and documents such notification, the deadline for posting
17 the notice of rescission shall be extended by an equal number of days
18 as those between the date of the notification of the problem to the
19 date of notification of availability for redeliveries. Where the
20 hearing instrument is returned to the licensed hearing (~~((instrument~~
21 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, or interim
22 permit holder for any inspection for modification or repair, and the
23 licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
24 licensed audiologist, or interim permit holder has notified the
25 purchaser that the hearing instrument is available for redelivery, and
26 where the purchaser has not responded by either taking possession of
27 the hearing instrument or instructing the licensed hearing (~~((instrument~~
28 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, or interim
29 permit holder to forward it to the purchaser, then the deadline for
30 giving notice of the recision shall extend no more than seven working
31 days after this notice of availability.

32 (2) If the transaction is rescinded under this section or as
33 otherwise provided by law and the hearing instrument is returned to the
34 licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
35 licensed audiologist, or interim permit holder, the licensed hearing
36 (~~((instrument—fitter/dispenser))~~) aid specialist, licensed audiologist,
37 or interim permit holder shall refund to the purchaser any payments or
38 deposits for that hearing instrument. However, the licensed hearing

1 ((~~instrument fitter/dispenser~~)) aid specialist, licensed audiologist,
2 or interim permit holder may retain, for each hearing instrument,
3 fifteen percent of the total purchase price or one hundred twenty-five
4 dollars, whichever is less. After December 31, 1996, the rescission
5 amount shall be determined by the board. The licensed hearing
6 ((~~instrument fitter/dispenser~~)) aid specialist, licensed audiologist,
7 or interim permit holder shall also return any goods traded in
8 contemplation of the sale, less any costs incurred by the licensed
9 hearing ((~~instrument fitter/dispenser~~)) aid specialist, licensed
10 audiologist, or interim permit holder in making those goods ready for
11 resale. The refund shall be made within ten business days after the
12 rescission. The buyer shall incur no additional liability for such
13 rescission.

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

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

19 (1) This chapter shall not apply to military or federal government
20 employees.

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

22 (a) Fitting or dispensing by students enrolled in a board-approved
23 program who are directly supervised by a licensed hearing ((~~instrument~~
24 ~~fitter/dispenser~~)) aid specialist, a licensed audiologist under the
25 provisions of this chapter, or an instructor at a two-year hearing
26 ((~~instrument fitter/dispenser~~)) aid specialist degree program that is
27 approved by the board;

28 (b) Hearing ((~~instrument fitter/dispensers~~)) aid specialists,
29 speech-language pathologists, or audiologists of other states,
30 territories, or countries, or the District of Columbia while appearing
31 as clinicians of bona fide educational seminars sponsored by speech-
32 language pathology, audiology, hearing ((~~instrument fitter/dispenser~~))
33 aid specialist, medical, or other healing art professional associations
34 so long as such activities do not go beyond the scope of practice
35 defined by this chapter; and

36 (c) The practice of audiology or speech-language pathology by
37 persons certified by the Washington professional educator standards

1 board as educational staff associates, except for those persons
2 electing to be licensed under this chapter. However, a person
3 certified by the board as an educational staff associate who practices
4 outside the school setting must be a licensed audiologist or licensed
5 speech-language pathologist.

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

8 The legislature finds that the public health, safety, and welfare
9 would best be protected by uniform regulation of hearing (~~instrument~~
10 ~~fitter/dispensers~~) aid specialists, speech-language pathologists,
11 speech-language pathology assistants, audiologists, and interim permit
12 holders throughout the state. Therefore, the provisions of this
13 chapter relating to the licensing of hearing (~~instrument~~
14 ~~fitter/dispensers~~) aid specialists, speech-language pathologists, and
15 audiologists, the certification of speech-language pathology
16 assistants, and regulation of interim permit holders and their
17 respective establishments or facilities is exclusive. No political
18 subdivision of the state of Washington within whose jurisdiction a
19 hearing (~~instrument fitter/dispenser~~) aid specialist, audiologist, or
20 speech-language pathologist establishment or facility is located may
21 require any registrations, bonds, licenses, certificates, or interim
22 permits of the establishment or facility or its employees or charge any
23 fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing
24 herein shall limit or abridge the authority of any political
25 subdivision to levy and collect a general and nondiscriminatory license
26 fee levied on all businesses, or to levy a tax based upon the gross
27 business conducted by any firm within the political subdivision.

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

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

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

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

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

15 (5) All licensed hearing (~~instrument-fitter/dispensers~~) aid
16 specialists, licensed audiologists, and permit holders must verify
17 compliance with the requirement to hold a surety bond or cash or other
18 negotiable security by submitting a signed declaration of compliance
19 upon annual renewal of their license or permit. Up to twenty-five
20 percent of the credential holders may be randomly audited for surety
21 bond compliance after the credential is renewed. It is the credential
22 holder's responsibility to submit a copy of the original surety bond or
23 bonds, or documentation that cash or other negotiable security is held
24 in a banking institution during the time period being audited. Failure
25 to comply with the audit documentation request or failure to supply
26 acceptable documentation within thirty days may result in disciplinary
27 action.

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

30 (1) A person who is not a licensed hearing (~~instrument~~
31 ~~fitter/dispenser~~) aid specialist may not represent himself or herself
32 as being so licensed and may not use in connection with his or her name
33 the words "licensed hearing instrument fitter/dispenser," "hearing
34 instrument specialist," or "hearing aid fitter/dispenser," or a
35 variation, synonym, word, sign, number, insignia, coinage, or whatever
36 expresses, employs, or implies these terms, names, or functions of a
37 licensed hearing (~~instrument-fitter/dispenser~~) aid specialist.

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

8 (3) A person who is not a certified speech-language pathology
9 assistant may not represent himself or herself as being so certified
10 and may not use in connection with his or her name the words including
11 "certified speech-language pathology assistant" or a variation,
12 synonym, word, sign, number, insignia, coinage, or whatever expresses,
13 employs, or implies these terms, names, or functions as a certified
14 speech-language pathology assistant.

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

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

24 NEW SECTION. **Sec. 19.** Section 4 of this act takes effect July 1,
25 2015.

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