

CHAPTER 185

PROFESSIONS AND OCCUPATIONS

SENATE BILL 96-027

BY SENATORS Martinez, R. Powers, Rupert, and Tanner;
also REPRESENTATIVES George, Chlouber, Epps, and Morrison.

AN ACT

**CONCERNING THE REGULATION OF HEARING AID DEALERS, AND, IN CONNECTION THEREWITH,
AUTHORIZING THE REGISTRATION OF HEARING AID DEALER TRAINEES.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. 12-5.5-105 (1) (b), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-5.5-105. Grounds for discipline - disciplinary actions. (1) (b) The following acts shall constitute grounds for discipline:

(X) FAILING TO ADEQUATELY SUPERVISE A HEARING AID DEALER TRAINEE.

SECTION 2. 12-5.5-201 (3), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended to read:

12-5.5-201. Definitions. As used in this part 2, unless the context otherwise requires:

(3) "Hearing aid dealer" means a person engaged in the practice of dispensing, fitting, or dealing in hearing aids, who has passed an examination conducted under the auspices of the national board for certification in hearing instrument sciences (NBCHIS) or an equivalent examination as determined by the director; except that a hearing aid dealer who is engaged in the practice of ~~audiology~~ **DISPENSING, FITTING, OR DEALING IN HEARING AIDS** on or before July 1, 1995, shall demonstrate, not later than July 1, 1997, that he or she has passed such an examination.

SECTION 3. 12-5.5-202 (2) (a), Colorado Revised Statutes, 1991 Repl. Vol., as

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

amended, is amended to read:

12-5.5-202. Registration required - application - bond. (2) (a) A hearing aid dealer desiring to register pursuant to this section shall submit to the director an application containing the information described in this subsection (2), and shall pay a fee to be determined and collected pursuant to section 24-34-105, C.R.S. The director may deny an application for registration if the required information is not submitted OR IF AN APPLICANT'S TRAINEE REGISTRATION CERTIFICATE, ISSUED PURSUANT TO SECTION 12-5.5-202.5, HAS BEEN REVOKED. If an applicant or registrant does not notify the director of a change in the submitted information within thirty days after such change, such failure shall be cause for disciplinary action.

SECTION 4. Part 2 of article 5.5 of title 12, Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

12-5.5-202.5. Registration - trainees. (1) A PERSON TRAINING TO BE A HEARING AID DEALER SHALL SUBMIT TO THE DIRECTOR AN APPLICATION CONTAINING THE INFORMATION DESCRIBED IN SUBSECTION (2) OF THIS SECTION AND SHALL PAY A TRAINEE REGISTRATION FEE TO BE DETERMINED AND COLLECTED PURSUANT TO SECTION 24-34-105, C.R.S.

(2) THE DIRECTOR SHALL ISSUE A TRAINEE REGISTRATION CERTIFICATE TO ANY APPLICANT WHO PROVIDES THE FOLLOWING TO THE DIRECTOR'S SATISFACTION:

(a) THE INFORMATION REQUIRED IN SECTION 12-5.5-202 (2) (b) (I) AND (2) (b) (IV); AND

(b) VERIFICATION OF TRAINING TO BECOME A HEARING AID DEALER, WHICH TRAINING IS UNDER THE DIRECT AND PERSONAL SUPERVISION OF AN AUDIOLOGIST OR A HEARING AID DEALER WHOSE REGISTRATION IS IN GOOD STANDING. FOR THE PURPOSES OF THIS SECTION, "AUDIOLOGIST" HAS THE SAME MEANING AS SET FORTH IN SECTION 12-5.5-101 (1).

(3) DURING THE TRAINING PERIOD:

(a) A TRAINEE SHALL NOT SELL HEARING AIDS INDEPENDENTLY OF THE SUPERVISING HEARING AID DEALER OR AUDIOLOGIST;

(b) A TRAINEE SHALL INFORM ALL CONSUMERS OF HIS OR HER STATUS AS A TRAINEE; AND

(c) A SUPERVISING HEARING AID DEALER OR AUDIOLOGIST SHALL RETAIN ULTIMATE RESPONSIBILITY FOR THE CARE PROVIDED BY THE TRAINEE AND SHALL BE SUBJECT TO DISCIPLINARY ACTION BY THE DIRECTOR FOR FAILURE TO PROVIDE ADEQUATE SUPERVISION.

(4) THE DIRECTOR SHALL PROMULGATE ALL RULES NECESSARY FOR THE ENFORCEMENT AND ADMINISTRATION OF THIS SECTION, INCLUDING RULES THAT:

(a) ESTABLISH THE TIME PERIOD DURING WHICH A REGISTRATION CERTIFICATE

ISSUED UNDER THIS SECTION SHALL BE VALID;

(b) SPECIFY THE COMPONENTS OF THE TRAINING REQUIRED TO BE COMPLETED BY TRAINEES.

(5) ANY PERSON ISSUED A TRAINEE REGISTRATION CERTIFICATE UNDER THIS SECTION IS SUBJECT TO THE DISCIPLINARY PROVISIONS OF SECTION 12-5.5-205.

SECTION 5. The introductory portion to 12-5.5-205 (1) (a), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended, and the said 12-5.5-205 (1) (a) is further amended BY THE ADDITION OF A NEW SUBPARAGRAPH, to read:

12-5.5-205. Grounds for discipline - disciplinary action. (1) (a) If, after investigation, notice, and the opportunity for hearing in accordance with article 4 of title 24, C.R.S., the director determines that an applicant, ~~or~~ registrant, OR TRAINEE has committed any of the acts specified in paragraph (b) of this subsection (1), the director may:

(V) DENY, REVOKE, OR SUSPEND THE CERTIFICATE OF A HEARING AID DEALER TRAINEE.

SECTION 6. 12-5.5-205 (1) (b), Colorado Revised Statutes, 1991 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SUBPARAGRAPH to read:

12-5.5-205. Grounds for discipline - disciplinary action. (1) (b) The following acts shall constitute grounds for discipline:

(XI) FAILING TO ADEQUATELY SUPERVISE A HEARING AID DEALER TRAINEE.

SECTION 7. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 23, 1996