

EHB 2108 - S COMM AMD

By Committee on Health Care

1 Strike everything after the enacting clause and insert the
2 following:

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

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

10 (a) The opportunity to provide a work-based learning permit for
11 applicants that either have a two-year or four-year degree in a field
12 of study approved by the board from an accredited institution of higher
13 education, or are currently enrolled in a two-year or four-year degree
14 program in a field of study approved by the board in an accredited
15 institution of higher education with no more than one full-time
16 academic year remaining in his or her course of study;

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

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

22 (d) Recommendations for a work-based learning permit or
23 apprenticeship and opportunities to offer a program through a
24 partnership with a private business and/or through a partnership with
25 accredited institutions of higher education and a sponsoring private
26 business;

27 (e) Recommendations for the learning pathways or academic
28 components that should be required in any work-based learning program,
29 including the specific training elements that must be completed,
30 including, but not limited to, audiometric testing, counseling

1 regarding hearing examinations, hearing instrument selection, ear mold
2 impressions, hearing instrument fitting and follow-up care, and
3 business practices including ethics, regulations, and sanitation and
4 infection control; and

5 (f) Recommendations for the direct supervision of a work-based
6 learning permit or apprenticeship, including the number of persons a
7 hearing aid specialist or audiologist may supervise, and other
8 considerations.

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

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

13 The definitions in this section apply throughout this chapter
14 unless the context clearly requires otherwise.

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

22 (2) "Audiology" means the application of principles, methods, and
23 procedures related to hearing and the disorders of hearing and to
24 related language and speech disorders, whether of organic or nonorganic
25 origin, peripheral or central, that impede the normal process of human
26 communication including, but not limited to, disorders of auditory
27 sensitivity, acuity, function, processing, or vestibular function, the
28 application of aural habilitation, rehabilitation, and appropriate
29 devices including fitting and dispensing of hearing instruments, and
30 cerumen management to treat such disorders.

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

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

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

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

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

10 (8) "Fitting and dispensing of hearing instruments" means the sale,
11 lease, or rental or attempted sale, lease, or rental of hearing
12 instruments together with the selection and modification of hearing
13 instruments and the administration of nondiagnostic tests as specified
14 by RCW 18.35.110 and the use of procedures essential to the performance
15 of these functions; and includes recommending specific hearing
16 instrument systems, specific hearing instruments, or specific hearing
17 instrument characteristics, the taking of impressions for ear molds for
18 these purposes, the use of nondiagnostic procedures and equipment to
19 verify the appropriateness of the hearing instrument fitting, and
20 hearing instrument orientation. The fitting and dispensing of hearing
21 instruments as defined by this chapter may be equally provided by a
22 licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist or
23 licensed audiologist.

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

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

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

37 ~~((+11+))~~ (12) "Hearing instrument" means any wearable prosthetic
38 instrument or device designed for or represented as aiding, improving,

1 compensating for, or correcting defective human hearing and any parts,
2 attachments, or accessories of such an instrument or device, excluding
3 batteries and cords, ear molds, and assistive listening devices.

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

7 (13) "Indirect supervision" means the procedures or tasks are
8 performed under the speech-language pathologist(~~(('s))~~), the hearing aid
9 specialist, or the audiologist's overall direction and control, but the
10 speech-language pathologist(~~(('s))~~), hearing aid specialist, or
11 audiologist's presence is not required during the performance of the
12 procedures or tasks. The board shall develop rules outlining the
13 procedures or tasks allowable under indirect supervision.

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

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

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

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

25 (18) "Speech-language pathology" means the application of
26 principles, methods, and procedures related to the development and
27 disorders, whether of organic or nonorganic origin, that impede oral,
28 pharyngeal, or laryngeal sensorimotor competencies and the normal
29 process of human communication including, but not limited to, disorders
30 and related disorders of speech, articulation, fluency, voice, verbal
31 and written language, auditory comprehension, cognition/communication,
32 and the application of augmentative communication treatment and devices
33 for treatment of such disorders.

34 (19) "Speech-language pathology assistant" means a person who is
35 certified by the department to provide speech-language pathology
36 services under the direction and supervision of a licensed speech-
37 language pathologist or speech-language pathologist certified as an

educational staff associate by the superintendent of public instruction, and meets all of the requirements of this chapter.

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

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

(2) Effective January 1, 2003, no person shall engage in the practice of audiology or imply or represent that he or she is engaged in the practice of audiology unless he or she is a licensed audiologist or holds an audiology interim permit issued by the department as provided in this chapter. Audiologists who are certified as educational staff associates by the Washington professional educator standards board are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed audiologist.

(3) Effective January 1, 2003, no person shall engage in the practice of speech-language pathology or imply or represent that he or she is engaged in the practice of speech-language pathology unless he or she is a licensed speech-language pathologist or holds a speech-language pathology interim permit issued by the department as provided in this chapter. Speech-language pathologists who are certified as

educational staff associates by the state board of education are excluded unless they elect to become licensed under this chapter. However, a person certified by the state board of education as an educational staff associate who practices outside the school setting must be a licensed speech-language pathologist.

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

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

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

(ii) Satisfactorily completes:

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

(B) A two-year or four-year degree in a field of study approved by the board from an accredited institution, a nine-month board-approved certificate program offered by a board-approved hearing aid specialist program and the practical examination approved by the board. The practical examination must be given at least quarterly, as determined by the board. The department may hire licensed industry experts approved by the board to proctor the examination; or

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

(c)(i) Holds a current, unsuspended, unrevoked license from another jurisdiction, has been actively practicing as a licensed hearing aid ~~((fitter/dispenser))~~ specialist in another jurisdiction for at least forty-eight of the last sixty months, and submits proof of completion of advance certification from either the international hearing society

1 or the national board for certification in hearing instrument sciences;
2 and

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

6 The applicant must present proof of qualifications to the board in
7 the manner and on forms prescribed by the secretary and proof of
8 completion of a minimum of four clock hours of AIDS education and
9 training pursuant to rules adopted by the board.

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

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

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

18 (iii) Has completed postgraduate professional work experience
19 approved by the board.

20 (b) All qualified applicants must satisfactorily complete the
21 speech-language pathology or audiology examinations required by this
22 chapter.

23 (c) The applicant must present proof of qualifications to the board
24 in the manner and on forms prescribed by the secretary and proof of
25 completion of a minimum of four clock hours of AIDS education and
26 training pursuant to rules adopted by the board.

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

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

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

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

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

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

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

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

25 The hearing (~~((instrument fitter/dispenser))~~) aid specialist written
26 or practical examination, or both, provided in RCW 18.35.050 shall
27 consist of:

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

30 (a) Basic physics of sound;

31 (b) The human hearing mechanism, including the science of hearing
32 and the causes and rehabilitation of abnormal hearing and hearing
33 disorders; and

34 (c) Structure and function of hearing instruments.

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

- 1 (a) Pure tone audiometry, including air conduction testing and bone
- 2 conduction testing;
- 3 (b) Live voice or recorded voice speech audiometry, including
- 4 speech reception threshold testing and speech discrimination testing;
- 5 (c) Effective masking;
- 6 (d) Recording and evaluation of audiograms and speech audiometry to
- 7 determine hearing instrument candidacy;
- 8 (e) Selection and adaptation of hearing instruments and testing of
- 9 hearing instruments; and
- 10 (f) Taking ear mold impressions.
- 11 (3) Evidence of knowledge regarding the medical and rehabilitation
- 12 facilities for children and adults that are available in the area
- 13 served.
- 14 (4) Evidence of knowledge of grounds for revocation or suspension
- 15 of license under the provisions of this chapter.
- 16 (5) Any other tests as the board may by rule establish.

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

19 (1) A hearing (~~((instrument-fitter/dispenser))~~) aid specialist
20 licensed under this chapter and not actively practicing may be placed
21 on inactive status by the department at the written request of the
22 licensee. The board shall define by rule the conditions for inactive
23 status licensure. In addition to the requirements of RCW 43.24.086,
24 the licensing fee for a licensee on inactive status shall be directly
25 related to the costs of administering an inactive license by the
26 department. A hearing (~~((instrument-fitter/dispenser))~~) aid specialist
27 on inactive status may be voluntarily placed on active status by
28 notifying the department in writing, paying the remainder of the
29 licensing fee for the licensing year, and complying with subsection (2)
30 of this section.

31 (2) Hearing (~~((instrument-fitter/dispenser))~~) aid specialist inactive
32 licensees applying for active licensure shall comply with the
33 following: A licensee who has not fitted or dispensed hearing
34 instruments for more than five years from the expiration of the
35 licensee's full fee license shall retake the practical or the written,
36 or both, hearing (~~((instrument-fitter/dispenser))~~) aid specialist
37 examinations required under this chapter and other requirements as

1 determined by the board. Persons who have inactive status in this
2 state but who are actively licensed and in good standing in any other
3 state shall not be required to take the hearing ((~~instrument~~
4 ~~fitter/dispenser~~)) aid specialist practical examination, but must
5 submit an affidavit attesting to their knowledge of the current
6 Washington Administrative Code rules and Revised Code of Washington
7 statutes pertaining to the fitting and dispensing of hearing
8 instruments.

9 (3) A speech-language pathologist or audiologist licensed under
10 this chapter, or a speech-language pathology assistant certified under
11 this chapter, and not actively practicing either speech-language
12 pathology or audiology may be placed on inactive status by the
13 department at the written request of the license or certification
14 holder. The board shall define by rule the conditions for inactive
15 status licensure or certification. In addition to the requirements of
16 RCW 43.24.086, the fee for a license or certification on inactive
17 status shall be directly related to the cost of administering an
18 inactive license or certification by the department. A person on
19 inactive status may be voluntarily placed on active status by notifying
20 the department in writing, paying the remainder of the fee for the
21 year, and complying with subsection (4) of this section.

22 (4) Speech-language pathologist, speech-language pathology
23 assistant, or audiologist inactive license or certification holders
24 applying for active licensure or certification shall comply with
25 requirements set forth by the board, which may include completion of
26 continuing competency requirements and taking an examination.

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

29 (1) Every hearing ((~~instrument-fitter/dispenser~~)) aid specialist,
30 audiologist, speech-language pathologist, or interim permit holder, who
31 is regulated under this chapter, shall notify the department in writing
32 of the regular address of the place or places in the state of
33 Washington where the person practices or intends to practice more than
34 twenty consecutive business days and of any change thereof within ten
35 days of such change. Failure to notify the department in writing shall
36 be grounds for suspension or revocation of the license or interim
37 permit.

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

3 (3) Any notice required to be given by the department to a person
4 who holds a license or interim permit may be given by mailing it to the
5 address of the last establishment or facility of which the person has
6 notified the department, except that notice to a licensee or interim
7 permit holder of proceedings to deny, suspend, or revoke the license or
8 interim permit shall be by certified or registered mail or by means
9 authorized for service of process.

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

12 Each licensee and interim permit holder under this chapter shall
13 keep records of all services rendered for a minimum of three years.
14 These records shall contain the names and addresses of all persons to
15 whom services were provided. Hearing ((~~instrument fitter/dispensers~~))
16 aid specialists, audiologists, and interim permit holders shall also
17 record the date the hearing instrument warranty expires, a description
18 of the services and the dates the services were provided, and copies of
19 any contracts and receipts. All records, as required pursuant to this
20 chapter or by rule, shall be owned by the establishment or facility and
21 shall remain with the establishment or facility in the event the
22 licensee changes employment. If a contract between the establishment
23 or facility and the licensee provides that the records are to remain
24 with the licensee, copies of such records shall be provided to the
25 establishment or facility.

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

28 In addition to causes specified under RCW 18.130.170 and
29 18.130.180, any person licensed or holding an interim permit under this
30 chapter may be subject to disciplinary action by the board for any of
31 the following causes:

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

34 (a) Using or causing or promoting the use of, in any advertising
35 matter, promotional literature, testimonial, guarantee, warranty,

1 label, brand, insignia, or any other representation, however
2 disseminated or published, which is false, misleading or deceptive;

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

6 (c) Advertising a particular model, type, or kind of hearing
7 instrument for sale which purchasers or prospective purchasers
8 responding to the advertisement cannot purchase or are dissuaded from
9 purchasing and where it is established that the purpose of the
10 advertisement is to obtain prospects for the sale of a different model,
11 type, or kind than that advertised;

12 (d) Falsifying hearing test or evaluation results;

13 (e)(i) Whenever any of the following conditions are found or should
14 have been found to exist either from observations by the licensee or
15 interim permit holder or on the basis of information furnished by the
16 prospective hearing instrument user prior to fitting and dispensing a
17 hearing instrument to any such prospective hearing instrument user,
18 failing to advise that prospective hearing instrument user in writing
19 that the user should first consult a licensed physician specializing in
20 diseases of the ear or if no such licensed physician is available in
21 the community then to any duly licensed physician:

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

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

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

28 (D) Acute or chronic dizziness;

29 (E) Any unilateral hearing loss;

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

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

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

35 (I) Any other conditions that the board may by rule establish. It
36 is a violation of this subsection for any licensee or that licensee's
37 employees and putative agents upon making such required referral for
38 medical opinion to in any manner whatsoever disparage or discourage a

1 prospective hearing instrument user from seeking such medical opinion
2 prior to the fitting and dispensing of a hearing instrument. No such
3 referral for medical opinion need be made by any licensed hearing
4 (~~((instrument fitter/dispenser))~~) aid specialist, licensed audiologist,
5 or interim permit holder in the instance of replacement only of a
6 hearing instrument which has been lost or damaged beyond repair within
7 twelve months of the date of purchase. The licensed hearing
8 (~~((instrument fitter/dispenser))~~) aid specialist, licensed audiologist,
9 or interim permit holder or their employees or putative agents shall
10 obtain a signed statement from the hearing instrument user documenting
11 the waiver of medical clearance and the waiver shall inform the
12 prospective user that signing the waiver is not in the user's best
13 health interest: PROVIDED, That the licensed hearing (~~((instrument~~
14 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, or interim
15 permit holder shall maintain a copy of either the physician's statement
16 showing that the prospective hearing instrument user has had a medical
17 evaluation within the previous six months or the statement waiving
18 medical evaluation, for a period of three years after the purchaser's
19 receipt of a hearing instrument. Nothing in this section required to
20 be performed by a licensee or interim permit holder shall mean that the
21 licensee or interim permit holder is engaged in the diagnosis of
22 illness or the practice of medicine or any other activity prohibited
23 under the laws of this state;

24 (ii) Fitting and dispensing a hearing instrument to any person
25 under eighteen years of age who has not been examined and cleared for
26 hearing instrument use within the previous six months by a physician
27 specializing in otolaryngology except in the case of replacement
28 instruments or except in the case of the parents or guardian of such
29 person refusing, for good cause, to seek medical opinion: PROVIDED,
30 That should the parents or guardian of such person refuse, for good
31 cause, to seek medical opinion, the licensed hearing (~~((instrument~~
32 ~~fitter/dispenser))~~) aid specialist or licensed audiologist shall obtain
33 from such parents or guardian a certificate to that effect in a form as
34 prescribed by the department;

35 (iii) Fitting and dispensing a hearing instrument to any person
36 under eighteen years of age who has not been examined by an audiologist
37 who holds at least a master's degree in audiology for recommendations
38 during the previous six months, without first advising such person or

1 his or her parents or guardian in writing that he or she should first
2 consult an audiologist who holds at least a master's degree in
3 audiology, except in cases of hearing instruments replaced within
4 twelve months of their purchase;

5 (f) Representing that the services or advice of a person licensed
6 to practice medicine and surgery under chapter 18.71 RCW or osteopathic
7 medicine and surgery under chapter 18.57 RCW or of a clinical
8 audiologist will be used or made available in the selection, fitting,
9 adjustment, maintenance, or repair of hearing instruments when that is
10 not true, or using the word "doctor," "clinic," or other like words,
11 abbreviations, or symbols which tend to connote a medical or
12 osteopathic medicine and surgery profession when such use is not
13 accurate;

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

15 (h) Stating or implying that the use of any hearing instrument will
16 restore normal hearing, preserve hearing, prevent or retard progression
17 of a hearing impairment, or any other false, misleading, or medically
18 or audilogically unsupportable claim regarding the efficiency of a
19 hearing instrument;

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

24 (j) Directly or indirectly offering, giving, permitting, or causing
25 to be given, money or anything of value to any person who advised
26 another in a professional capacity as an inducement to influence that
27 person, or to have that person influence others to purchase or contract
28 to purchase any product sold or offered for sale by the hearing
29 (~~instrument fitter/dispenser~~) aid specialist, audiologist, or interim
30 permit holder, or to influence any person to refrain from dealing in
31 the products of competitors.

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

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

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

1 The powers and duties of the department, in addition to the powers
2 and duties provided under other sections of this chapter, are as
3 follows:

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

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

9 (3) To require the periodic examination of testing equipment, as
10 defined by the board, and to carry out the periodic inspection of
11 facilities or establishments of persons who are licensed under this
12 chapter, as reasonably required within the discretion of the
13 department.

14 (4) To appoint advisory committees as necessary.

15 (5) To keep a record of proceedings under this chapter and a
16 register of all persons licensed or holding interim permits under this
17 chapter. The register shall show the name of every living licensee or
18 interim permit holder for hearing (~~((instrument-fitting/dispensing))~~ aid
19 specialist, every living licensee or interim permit holder for speech-
20 language pathology, and every living licensee or interim permit holder
21 for audiology, with his or her last known place of residence and the
22 date and number of his or her license or interim permit.

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

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

30 (2) Members of the board shall be residents of this state. Three
31 members shall represent the public and shall have an interest in the
32 rights of consumers of health services, and shall not be or have been
33 a member of, or married to a member of, another licensing board, a
34 licensee of a health occupation board, an employee of a health
35 facility, nor derive his or her primary livelihood from the provision
36 of health services at any level of responsibility. Two members shall
37 be hearing (~~((instrument-fitter/dispensers))~~ aid specialists who are

1 licensed under this chapter, have at least five years of experience in
2 the practice of hearing instrument fitting and dispensing, and must be
3 actively engaged in fitting and dispensing within two years of
4 appointment. Two members of the board shall be audiologists licensed
5 under this chapter who have at least five years of experience in the
6 practice of audiology and must be actively engaged in practice within
7 two years of appointment. Two members of the board shall be speech-
8 language pathologists licensed under this chapter who have at least
9 five years of experience in the practice of speech-language pathology
10 and must be actively engaged in practice within two years of
11 appointment. One advisory nonvoting member shall be a speech-language
12 pathology assistant certified in Washington. One advisory nonvoting
13 member shall be a medical physician licensed in the state of
14 Washington.

15 (3) The term of office of a member is three years. Of the initial
16 appointments, one hearing ~~((instrument fitter/dispenser))~~ aid
17 specialist, one speech-language pathologist, one audiologist, and one
18 consumer shall be appointed for a term of two years, and one hearing
19 ~~((instrument fitter/dispenser))~~ aid specialist, one speech-language
20 pathologist, one audiologist, and two consumers shall be appointed for
21 a term of three years. Thereafter, all appointments shall be made for
22 expired terms. No member shall be appointed to serve more than two
23 consecutive terms. A member shall continue to serve until a successor
24 has been appointed. The governor shall either reappoint the member or
25 appoint a successor to assume the member's duties at the expiration of
26 his or her predecessor's term. A vacancy in the office of a member
27 shall be filled by appointment for the unexpired term.

28 (4) The chair shall rotate annually among the hearing ~~((instrument~~
29 ~~fitter/dispensers))~~ aid specialists, speech-language pathologists,
30 audiologists, and public members serving on the board. In the absence
31 of the chair, the board shall appoint an interim chair. In event of a
32 tie vote, the issue shall be brought to a second vote and the chair
33 shall refrain from voting.

34 (5) The board shall meet at least once each year, at a place, day
35 and hour determined by the board, unless otherwise directed by a
36 majority of board members. The board shall also meet at such other
37 times and places as are requested by the department or by three members
38 of the board. A quorum is a majority of the board. A hearing

1 ((~~instrument fitter/dispenser~~)) aid specialist, speech-language
2 pathologist, and audiologist must be represented. Meetings of the
3 board shall be open and public, except the board may hold executive
4 sessions to the extent permitted by chapter 42.30 RCW.

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

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

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

12 The board shall have the following powers and duties:

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

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

18 (3) To develop, approve, and administer or supervise the
19 administration of examinations to applicants for licensure under this
20 chapter;

21 (4) To require a licensee or interim permit holder to make
22 restitution to any individual injured by a violation of this chapter or
23 chapter 18.130 RCW, the uniform disciplinary act. The authority to
24 require restitution does not limit the board's authority to take other
25 action deemed appropriate and provided for in this chapter or chapter
26 18.130 RCW;

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

29 (6) To recommend requirements for continuing education and
30 continuing competency requirements as a prerequisite to renewing a
31 license or certification under this chapter;

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

35 (8) To adopt rules, if the board finds it appropriate, in response
36 to questions put to it by professional health associations, hearing

1 (~~((instrument fitter/dispensers or))~~) aid specialists, audiologists,
2 speech-language pathologists, interim permit holders, and consumers in
3 this state; and

4 (9) To adopt rules relating to standards of care relating to
5 hearing (~~((instrument fitter/dispensers))~~) aid specialists or
6 audiologists, including the dispensing of hearing instruments, and
7 relating to speech-language pathologists, including dispensing of
8 communication devices.

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

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

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

24 (b) The purchaser sends notice of the cancellation by certified
25 mail, return receipt requested, to the establishment employing the
26 licensed hearing (~~((instrument fitter/dispenser))~~) aid specialist,
27 licensed audiologist, or interim permit holder at the time the hearing
28 instrument was originally purchased, and the notice is posted not later
29 than thirty days following the date of delivery, but the purchaser and
30 the licensed hearing (~~((instrument fitter/dispenser))~~) aid specialist,
31 licensed audiologist, or interim permit holder may extend the deadline
32 for posting of the notice of rescission by mutual, written agreement.
33 In the event the hearing instrument develops a problem which qualifies
34 as a reasonable cause for recision or which prevents the purchaser from
35 evaluating the hearing instrument, and the purchaser notifies the
36 establishment employing the licensed hearing (~~((instrument~~
37 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, or interim

1 permit holder of the problem during the thirty days following the date
2 of delivery and documents such notification, the deadline for posting
3 the notice of rescission shall be extended by an equal number of days
4 as those between the date of the notification of the problem to the
5 date of notification of availability for redeliveries. Where the
6 hearing instrument is returned to the licensed hearing (~~((instrument~~
7 ~~fitter/dispenser))~~ aid specialist, licensed audiologist, or interim
8 permit holder for any inspection for modification or repair, and the
9 licensed hearing (~~((instrument—fitter/dispenser))~~ aid specialist,
10 licensed audiologist, or interim permit holder has notified the
11 purchaser that the hearing instrument is available for redelivery, and
12 where the purchaser has not responded by either taking possession of
13 the hearing instrument or instructing the licensed hearing (~~((instrument~~
14 ~~fitter/dispenser))~~ aid specialist, licensed audiologist, or interim
15 permit holder to forward it to the purchaser, then the deadline for
16 giving notice of the rescission shall extend no more than seven working
17 days after this notice of availability.

18 (2) If the transaction is rescinded under this section or as
19 otherwise provided by law and the hearing instrument is returned to the
20 licensed hearing (~~((instrument—fitter/dispenser))~~ aid specialist,
21 licensed audiologist, or interim permit holder, the licensed hearing
22 (~~((instrument—fitter/dispenser))~~ aid specialist, licensed audiologist,
23 or interim permit holder shall refund to the purchaser any payments or
24 deposits for that hearing instrument. However, the licensed hearing
25 (~~((instrument—fitter/dispenser))~~ aid specialist, licensed audiologist,
26 or interim permit holder may retain, for each hearing instrument,
27 fifteen percent of the total purchase price or one hundred twenty-five
28 dollars, whichever is less. After December 31, 1996, the rescission
29 amount shall be determined by the board. The licensed hearing
30 (~~((instrument—fitter/dispenser))~~ aid specialist, licensed audiologist,
31 or interim permit holder shall also return any goods traded in
32 contemplation of the sale, less any costs incurred by the licensed
33 hearing (~~((instrument—fitter/dispenser))~~ aid specialist, licensed
34 audiologist, or interim permit holder in making those goods ready for
35 resale. The refund shall be made within ten business days after the
36 rescission. The buyer shall incur no additional liability for such
37 rescission.

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

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

6 (1) This chapter shall not apply to military or federal government
7 employees.

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

9 (a) Fitting or dispensing by students enrolled in a board-approved
10 program who are directly supervised by a licensed hearing (~~((instrument~~
11 ~~fitter/dispenser))~~ aid specialist, a licensed audiologist under the
12 provisions of this chapter, or an instructor at a two-year hearing
13 (~~((instrument fitter/dispenser))~~ aid specialist degree program that is
14 approved by the board;

15 (b) Hearing (~~((instrument fitter/dispensers))~~ aid specialists,
16 speech-language pathologists, or audiologists of other states,
17 territories, or countries, or the District of Columbia while appearing
18 as clinicians of bona fide educational seminars sponsored by speech-
19 language pathology, audiology, hearing (~~((instrument fitter/dispenser))~~
20 aid specialist, medical, or other healing art professional associations
21 so long as such activities do not go beyond the scope of practice
22 defined by this chapter; and

23 (c) The practice of audiology or speech-language pathology by
24 persons certified by the Washington professional educator standards
25 board as educational staff associates, except for those persons
26 electing to be licensed under this chapter. However, a person
27 certified by the board as an educational staff associate who practices
28 outside the school setting must be a licensed audiologist or licensed
29 speech-language pathologist.

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

32 The legislature finds that the public health, safety, and welfare
33 would best be protected by uniform regulation of hearing (~~((instrument~~
34 ~~fitter/dispensers))~~ aid specialists, speech-language pathologists,
35 speech-language pathology assistants, audiologists, and interim permit
36 holders throughout the state. Therefore, the provisions of this

chapter relating to the licensing of hearing (~~instrument fitter/dispensers~~) aid specialists, speech-language pathologists, and audiologists, the certification of speech-language pathology assistants, and regulation of interim permit holders and their respective establishments or facilities is exclusive. No political subdivision of the state of Washington within whose jurisdiction a hearing (~~instrument fitter/dispenser~~) aid specialist, audiologist, or speech-language pathologist establishment or facility is located may require any registrations, bonds, licenses, certificates, or interim permits of the establishment or facility or its employees or charge any fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing herein shall limit or abridge the authority of any political subdivision to levy and collect a general and nondiscriminatory license fee levied on all businesses, or to levy a tax based upon the gross business conducted by any firm within the political subdivision.

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

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

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

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

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

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

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

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

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

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

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

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

10 NEW SECTION. **Sec. 19.** Section 4 of this act takes effect July 1,
11 2015."

EHB 2108 - S COMM AMD
By Committee on Health Care

12 On page 1, line 1 of the title, after "fitters/dispensers" strike
13 the remainder of the title and insert "amending RCW 18.35.010,
14 18.35.020, 18.35.040, 18.35.050, 18.35.070, 18.35.095, 18.35.100,
15 18.35.105, 18.35.110, 18.35.140, 18.35.150, 18.35.161, 18.35.185,
16 18.35.195, 18.35.205, 18.35.240, and 18.35.260; creating a new section;
17 and providing an effective date."

EFFECT: Eliminates all references to the work-based learning
permit and the pathways for the work-based learning permit.

Requires the Department of Health, with the Board of Hearing and
Speech and representatives from the community and technical colleges,
to study the work-based learning permit or similar apprenticeship
opportunity, and provide recommendations to the Legislature by December
1, 2014.

Retains the change in terminology to hearing aid specialist.

Retains the nine-month certificate option and includes a link to a
two-year or four-year degree in a field of study approved by the board
from an accredited institution (linked to the practical exam approved

by the board).

--- END ---