

State of Arkansas
91st General Assembly
Regular Session, 2017

As Engrossed: H2/8/17
A Bill

HOUSE BILL 1034

By: Representative C. Fite

For An Act To Be Entitled

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

Subtitle

TO AMEND THE LAWS CONCERNING HEARING
INSTRUMENT DISPENSERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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

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

- (1) The dispenser's signature;
- (2) The address and telephone number of the dispenser's established place of business;
- (3) The number of the dispenser's license;
- (4) *A description of the make, model, serial number, and condition of the hearing instrument stating whether it is new, used, rebuilt, or in-office assembled, identifying the manufacturer, rebuilder, or in-office assembler, together with a description of any warranties covering the instrument; ~~and~~*
- (5) The amount charged;
- (6) Information concerning when additional service for the hearing instrument will be available and where the additional service for the



hearing instrument will be available; and

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

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

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

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

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

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

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

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

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

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

(C) Is of good moral character.

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

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

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

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

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

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

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

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

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

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

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

(B) The conditions set out in this subsection.

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

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

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

(d)(1) The board shall require that all applicants seeking renewal of their licenses shall:

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

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

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

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

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

17-84-310. Mobile units.

(a) As used in this section, "mobile unit" means a hearing instrument dispensing site that occurs at any place other than a permanent physical location.

(b)(1) A person engaging in the practice of dispensing hearing instruments as described in this chapter and by rules of the board shall notify the Arkansas Board of Hearing Instrument Dispensers thirty (30) days in advance of conducting business as a mobile unit.

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

(c)(1) A mobile unit shall meet all requirements of the board as established by rule.

(2) The board may inspect a mobile unit during regular hours of operation.

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

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

SECTION 8. Arkansas Code § 17-84-203(6), concerning the powers and duties of the Arkansas Board of Hearing Instrument Dispensers, is amended to read as follows:

(6)(A) To require the periodic inspection and calibration of audiometric testing equipment and tympanometers and to carry out the periodic inspection of facilities of persons who practice the fitting or selling of hearing instruments.

(B) The board may inspect an established place of business during regular hours of operation;

SECTION 9. Arkansas Code § 17-84-203(10), concerning the powers and duties of the Arkansas Board of Hearing Instrument Dispensers, is amended to read as follows:

(10)(A) To employ investigators, issue subpoenas, and perform all activities necessary to effectively investigate claims and pursue disciplinary action against licensees; ~~and.~~

(B) The board may inspect an established place of business during regular hours of operation; and

/s/C. Fite

APPROVED: 03/06/2017