

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## SECOND SPECIAL SESSION-2004

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Legislative Document

No. 1908

S.P. 747

In Senate, March 4, 2004

### **An Act To Amend the Licensing Laws for Hearing Aid Dealers and Fitters**

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Reference to the Committee on Business, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator DAVIS of Piscataquis. (GOVERNOR'S BILL)  
Cosponsored by Representative PELLON of Machias and  
Senator: BRENNAN of Cumberland, Representatives: AUSTIN of Gray, BROWN of South  
Berwick, DUNLAP of Old Town, DUPREY of Medway, PERRY of Bangor, ROGERS of  
Brewer.

**Be it enacted by the People of the State of Maine as follows:**

2  
4       **Sec. 1. 32 MRSA §1658-A, sub-§2**, as amended by PL 2001, c. 323, §19, is further amended to read:

6           **2. License for business organization.** Any corporation,  
8 partnership, trust, association or other like organization  
10 engaged in the business of selling or offering for sale hearing  
12 aids at retail in the State shall apply to the board for a  
14 license to engage in that business. No business entity may so  
16 engage in the business of selling or offering for sale hearing  
18 aids without a license to do so. The board shall issue a license  
20 upon payment by the business entity of an application and license  
22 fee under section 1658-P set by the director and upon filing of a  
24 sworn statement from a person with authority from the business  
26 entity. That sworn statement must list the names and addresses  
of all hearing aid dealers and fitters directly or indirectly  
employed by the entity and must certify that the entity employs  
only hearing aid dealers and fitters who are duly licensed by the  
State. At least one of the licensees employed by the business  
entity must have been licensed for a minimum of 2 years and have  
at least 3,000 hours of work experience as a hearing aid  
dispenser or be certified by the National Board for Certification  
in Hearing Instrument Sciences, except that if the business  
entity is an audiologist licensed by the Board of Examiners on  
Speech-language Pathology and Audiology, the business entity need  
not hire such an employee.

28  
30 The license required by this chapter must be conspicuously posted  
in the licensee's office or place of business.

32       **Sec. 2. 32 MRSA §1658-I, sub-§1, ¶D**, as amended by PL 1997, c.  
34 156, §3, is further amended to read:

36           D. Has obtained a trainee permit pursuant to section 1658-J  
38 and has received a minimum of 750 hours of training in the  
40 practice of fitting and dealing in hearing aids under the  
42 direct supervision of a licensee during a period of not  
fewer than 6 nor more than 12 months. Audiologists licensed  
by the Board of Examiners on Speech-language Pathology and  
Audiology are exempt from the requirements of this paragraph.

44       **Sec. 3. 32 MRSA §1658-I, sub-§2**, as amended by PL 1997, c.  
156, §4, is further amended to read:

46           **2. Examination.** The applicant for license by examination  
48 shall appear at a time, place and before such persons as the  
board may designate, to be examined by means of written,  
50 practical and oral tests in order to demonstrate that the  
applicant is qualified to practice the fitting and sale of  
hearing aids. The board may appoint a consultant to assist in

2 preparing the examination itself as well as conducting and  
3 supervising the testing. The examination administered as directed  
4 by the board constituting standards for licensing may not be  
5 conducted in such a manner that college training be required in  
6 order to pass the examination. Nothing in this examination may  
7 imply that the applicant possesses the degree of medical  
8 competence normally expected by physicians. Audiologists  
9 licensed by the Board of Examiners on Speech-language Pathology  
10 and Audiology are exempt from the requirements of this subsection.

## 12 SUMMARY

14 This bill permits an audiologist licensed by the Board of  
15 Examiners on Speech-language Pathology and Audiology to obtain a  
16 permit to fit and dispense hearing aids to the public without  
17 undergoing a training period under the supervision of a licensed  
18 hearing aid dealer. In addition, the bill exempts a licensed  
19 audiologist from the examination requirement of the Board of  
20 Hearing Aid Dealers and Fitters as well as other restrictions  
21 associated with the business of dispensing hearing aids to the  
22 public. The purpose of this bill is to enhance public access to  
23 hearing care, without jeopardizing public safety, by removing  
24 barriers for audiologists who by virtue of their audiologist  
25 licenses are qualified to dispense hearing aids without  
26 additional training under the supervision of a licensed hearing  
aid dealer.