

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 788

H. P. 593 House of Representatives, February 11, 1971
Referred to Committee on Health and Institutional Services. Sent up for
concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Vincent of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Revising Licensing of Hearing Aid Dealers and Fitters.

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

Sec. 1. R. S., T. 32, § 1658, sub-§ 5, repealed and replaced. Subsection 5 of section 1658 of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is repealed and the following enacted in place thereof:

5. **Practice of fitting and dealing in hearing aids.** "Practice of fitting and dealing in hearing aids" shall mean the selection, adaptation and sale of hearing aids and includes the testing of hearing by means of an audiometer for these purposes. The practice also includes the making of impressions for earmolds.

Sec. 2. R. S., T. 32, § 1658, sub-§ 7, amended. Subsection 7 of section 1658 of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended to read as follows:

7. **Trainee permit.** "Trainee permit" shall mean a temporary permit issued while the applicant is in training to ~~be called~~ become a licensed hearing aid dealer and fitter.

Sec. 3. R. S., T. 32, § 1658-B, amended. The first sentence of section 1658-B of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended to read as follows:

Any person who practices the fitting and sale of hearing aids shall deliver to each person supplied with a hearing aid a receipt which shall contain the licensee's signature and show his business address and the number of his

certificate, together with specifications as to the make and model of the hearing aid furnished, with full terms of sale clearly stated.

Sec. 4. R. S., T. 32, § 1658-B, amended. Section 1658-B of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended by adding a new paragraph at the end to read as follows:

Whenever any of the medical conditions as defined by the department are found to exist either by observation of the licensee or on the basis of information furnished by the prospective hearing aid user, fitting of the hearing aid shall be delayed until medical opinion has been made, and the recommendation duly noted on the receipt.

Sec. 5. R. S., T. 32, § 1658-C, amended. Section 1658-C of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended to read as follows:

§ 1658-C. Persons and practices not affected

This chapter is not intended to prevent any person from engaging in the practice of measuring human hearing. ~~such~~ **Such** person, however, shall not demonstrate ~~or offer for sale, with intent to sell,~~ hearing aids and accessories.

This chapter does not apply to a person who is a physician or osteopath duly licensed under the laws of the State of Maine.

Persons holding a master's or doctoral degree from an accredited university program which includes at least 24 credits in audiology at the graduate level and 150 supervised clinical hours in his major field may test or measure human hearing, but shall not demonstrate, with the intent to sell, hearing aids and accessories.

Sec. 6. R. S., T. 32, § 1658-E, amended. Section 1658-E of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended to read as follows:

§ 1658-E. Issuance of license

The department shall register each applicant without discrimination ~~or examination who satisfactorily passes the experience requirement as provided in section 1658-D or~~ passes an examination as provided in section 1658-F and upon the applicant's payment of \$100 shall issue to the applicant a license signed by the commissioner. The license shall be effective until January 30th of the 2nd year following the year in which it is issued.

Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this chapter for the practice to fit and sell hearing aids, and that such state or jurisdiction has a program equivalent to or stricter than the program for determining whether applicants pursuant to this chapter are qualified to dispense and fit hearing aids, the department may issue certificates of ~~endorsement~~ **equivalent license** to applicants who have current, unsuspended and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicants for a certificate of ~~endorsement~~ **equivalent license** pursuant to this paragraph shall be required to submit to or

undergo a qualifying examination other than the payment of fees, pursuant to this chapter. The holder of a certificate of ~~endorsement~~ **equivalent license** shall be registered in the same manner as holders of a license. ~~The fee for an initial certificate of endorsement shall be the same as the fee for an initial license~~ Fees, grounds for renewal and procedures for suspension and revocation of certificates of ~~endorsement~~ **equivalent license** shall be the same as for the renewal, suspension or revocation of a license. ~~The fee for an initial certificate of equivalent license shall be the same as the fee for an initial license.~~

Sec. 7. R. S., T. 32, § 1658-F, sub-§ 3, repealed and replaced. Subsection 3 of section 1658-F of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is repealed and the following enacted in place thereof:

3. **Time.** The department shall give examinations twice a year with additional dates for examination set at the discretion of the board. The department will give 30 days' public notice of the date, time and place of examination.

Sec. 8. R. S., T. 32, § 1658-G, repealed and replaced. Section 1658-G of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is repealed and the following enacted in place thereof:

§ 1658-G. Temporary trainee permit

An applicant who fulfills the the requirements regarding age, character and education as set forth in section 1658-F, subsection 1, may obtain a trainee permit upon application to the department, accompanied by a fee of \$25 and the signature of the licensed hearing aid dealer and fitter who is responsible for the direct supervision of the trainee.

No person holding a trainee permit shall engage in the practice of dealing in or fitting of hearing aids except while under direct supervision by a licensed hearing aid dealer and fitter.

A person who holds a temporary trainee permit shall be notified and shall take the next scheduled licensing examination. After successfully passing the examination, he shall be issued a license upon the payment of a fee of \$75.

If such holder of a trainee permit fails the examination, he may apply for and be issued a new trainee permit upon payment of an additional fee of \$25. No more than 3 trainee permits may be issued to any applicant.

Sec. 9. R. S., T. 32, § 1658-H, sub-§ 2, ¶ C, repealed and replaced. Paragraph C of subsection 2 of section 1658-H of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is repealed and the following enacted in place thereof:

C. Criteria for masking;

Sec. 10. R. S., T. 32, § 1658-J, amended. Section 1658-J of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended to read as follows:

§ 1658-J. Biennial renewal of license; fees; effect of failure to renew

Each person who engages in the fitting and sale of hearing aids shall ~~annually~~ biennially, on or before January 30th, ~~pay to the department a fee~~

of \$50 submit to the department an application for a renewal of his license, accompanied by a fee of \$50. ~~and~~ The licensee shall keep such certificate conspicuously posted in his office or place of business at all times. Where more than one office is operated by the licensee, duplicate certificates shall be issued by the department for posting in each location. A 30-day grace period shall be allowed after January 30th, during which time licenses may be renewed on payment of a fee of \$100 to the department. After expiration of the grace period, the department may renew such certificates upon the payment of \$200 to the department. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, provided such renewal application is made within 2 years from the date of such expiration. **If more than 2 years have passed since the expiration of license, applicant shall apply for temporary trainee permit and shall take the examination.**

Sec. 11. R. S., T. 32, § 1658-K, sub-§§ 3-A and 3-B, additional. Section 1658-K of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended by adding 2 new subsections 3-A and 3-B to read as follows:

3-A. Without tests. Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids, except in cases of selling replacement hearing aids within a period of one year.

3-B. Negligence. Gross incompetence or negligence in fitting and selling hearing aids.

Sec. 12. R. S., T. 32, § 1659-B, amended. Section 1659-B of Title 32 of Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended by adding at the end the following 2 paragraphs:

The board may provide or make available opportunity for lectures, courses or workshops which will be useful and educational to licensees or trainees and may use its funds to sponsor such educational programs.

The board may recommend to the department the preparation and administration of suggested guidelines concerned with the fitting and selection of hearing aids in order that prospective licensees may possess the necessary backgrounds and qualifications to fit and sell hearing aids.

Sec. 13. R. S., T. 32, § 1659-C, amended. Section 1659-C of Title 32 of the Revised Statutes, as enacted by chapter 320 of the public laws of 1969, is amended to read as follows:

§ 1659-C. Meetings of board

The board shall meet not less than ~~once~~ twice each year at a place, day and hour determined by the board. The board shall meet at such other times and places as may be requested by the department.

STATEMENT OF FACT

This Act would revise current licensing of hearing aid dealers and fitters in order to provide increased protection for the consumer and to provide a realistic definition of the role of the businessman in the broad area of rehabilitation.