

Senate Engrossed

**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
Senate  
Fifty-first Legislature  
First Regular Session  
2013

CHAPTER 33

## **SENATE BILL 1102**

AN ACT

AMENDING SECTIONS 36-414, 36-1903, 36-1904, 36-1923, 36-1924 AND 36-1926, ARIZONA REVISED STATUTES; RELATING TO HEARING AID DISPENSERS, AUDIOLOGISTS AND SPEECH-LANGUAGE PATHOLOGISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-414, Arizona Revised Statutes, is amended to  
3 read:

4 36-414. Health services licensing fund; exemption

5 A. The health services licensing fund is established consisting of  
6 monies deposited pursuant to sections 36-405, 36-882, and 36-897.01 AND  
7 36-1903. The department of health services shall administer the fund.

8 B. Monies in the fund are subject to legislative appropriation.

9 C. Monies in the fund are exempt from the provisions of section 35-190  
10 relating to lapsing of appropriations.

11 Sec. 2. Section 36-1903, Arizona Revised Statutes, is amended to read:

12 36-1903. Deposit of monies

13 ~~A. All monies received by the director for any purpose pursuant to~~  
14 ~~this chapter shall be deposited, Pursuant to sections 35-146 and 35-147, in~~  
15 ~~a hearing and speech professionals~~ THE DIRECTOR SHALL DEPOSIT TEN PER CENT OF  
16 ALL MONIES COLLECTED PURSUANT TO THIS CHAPTER IN THE STATE GENERAL FUND AND  
17 SHALL DEPOSIT THE REMAINING NINETY PER CENT IN THE HEALTH SERVICES LICENSING  
18 fund established ~~in the state treasury by the director~~ BY SECTION 36-414,  
19 except THAT monies collected from civil penalties imposed pursuant to this  
20 chapter shall be deposited in the state general fund. ~~Monies in the fund~~  
21 ~~shall be administered by the director for the purposes of this chapter.~~

22 ~~B. Monies in the fund are subject to legislative appropriation and are~~  
23 ~~exempt from the provisions of section 35-190 relating to lapsing of~~  
24 ~~appropriations.~~

25 Sec. 3. Section 36-1904, Arizona Revised Statutes, is amended to read:

26 36-1904. Issuance of license; renewal of license; continuing  
27 education; military members

28 A. The director shall issue a regular license to each applicant who  
29 meets the requirements of this chapter. A regular license is valid for ~~one~~  
30 ~~year~~ TWO YEARS.

31 B. A licensee shall renew a regular license ~~annually~~ EVERY TWO YEARS  
32 on payment of the renewal fee prescribed in section 36-1908. There is a  
33 thirty-day grace period after the expiration of a regular license. During  
34 this period the licensee may renew a regular license on payment of a late fee  
35 in addition to the renewal fee.

36 C. When renewing a regular license as a hearing aid dispenser, the  
37 licensee shall provide proof of having completed at least ~~twelve~~ TWENTY-FOUR  
38 hours of continuing education within the prior ~~twelve~~ TWENTY-FOUR months.  
39 Courses sponsored by a single manufacturer of hearing aids may not satisfy  
40 more than ~~four~~ EIGHT hours of continuing education within the prior ~~twelve~~  
41 TWENTY-FOUR months. AT LEAST EIGHT HOURS OF CONTINUING EDUCATION MUST BE  
42 FROM COURSES TAUGHT IN-PERSON THAT OFFER A HANDS-ON OPPORTUNITY FOR  
43 INSTRUCTION IN DISPENSING-RELATED TECHNIQUES. Courses on topics that provide  
44 a hearing aid dispenser an opportunity to stay current on business or client  
45 service practices or trends in the profession or that contribute to the

1 professional or business competence of a hearing aid dispenser may qualify  
2 for up to one-third of the ~~annual~~ continuing education requirement.

3 D. When renewing a regular license in audiology or in speech-language  
4 pathology, the licensee shall provide proof of having completed at least ~~ten~~  
5 TWENTY hours of continuing education within the prior ~~twelve~~ TWENTY-FOUR  
6 months. Courses sponsored by a single manufacturer of hearing aids may not  
7 satisfy more than ~~four~~ EIGHT hours of continuing education within the prior  
8 ~~twelve~~ TWENTY-FOUR months for persons with a license in audiology.

9 E. The director by rule shall provide standards for continuing  
10 education courses required by this section. EDUCATIONAL COURSES THAT ARE  
11 DEVELOPED BY PROFESSIONAL ORGANIZATIONS OF HEARING AID DISPENSERS,  
12 AUDIOLOGISTS OR SPEECH LANGUAGE PATHOLOGISTS AND THAT ARE USED BY THOSE  
13 ASSOCIATIONS TO COMPLY WITH CONTINUING EDUCATION REQUIREMENTS ARE DEEMED TO  
14 COMPLY WITH DEPARTMENT STANDARDS.

15 F. The director may refuse to renew a regular license for any cause  
16 provided in section 36-1934.

17 G. A person who does not renew a regular license as prescribed by this  
18 section shall apply for a new license pursuant to the requirements of this  
19 chapter. If an application is received by the director within one year ~~of~~  
20 AFTER the expiration date of the license, the applicant is not required to  
21 take an examination.

22 H. A person who reapplies for a regular license issued pursuant to  
23 this chapter must provide proof of completion of the continuing education  
24 hours prescribed by subsection C or D of this section within the previous  
25 ~~twelve~~ TWENTY-FOUR months before the date of reapplication.

26 I. A license issued pursuant to this chapter to any member of the  
27 Arizona national guard or the United States armed forces reserves ~~shall~~ DOES  
28 not expire while the member is serving on federal active duty and ~~shall be~~ IS  
29 extended one hundred eighty days after the member returns from federal active  
30 duty, ~~provided that~~ IF the member, or the legal representative of the member,  
31 notifies the director of the federal active duty status of the member. A  
32 license issued pursuant to this chapter to any member serving in the regular  
33 component of the United States armed forces ~~shall be~~ IS extended one hundred  
34 eighty days ~~from~~ AFTER the date of expiration, ~~provided that~~ IF the member,  
35 or the legal representative of the member, notifies the director of the  
36 federal active duty status of the member. If the license is renewed during  
37 the applicable extended time period after the member returns from federal  
38 active duty, the member is responsible only for normal fees and activities  
39 relating to renewal of the license and shall not be charged any additional  
40 costs such as late fees or delinquency fees. The member, or the legal  
41 representative of the member, shall present to the director a copy of the  
42 member's official military orders, a redacted military identification card or  
43 a written verification from the member's commanding officer before the end of  
44 the applicable extended time period in order to qualify for the extension.

1 J. A license issued pursuant to this chapter to any member of the  
2 Arizona national guard, the United States armed forces reserves or the  
3 regular component of the United States armed forces ~~shall~~ DOES not expire and  
4 ~~shall be~~ IS extended one hundred eighty days ~~from~~ AFTER the date the military  
5 member is able to perform activities necessary under the license if the  
6 member both:

7 1. Is released from active duty service.

8 2. Suffers an injury as a result of active duty service that  
9 temporarily prevents the member from being able to perform activities  
10 necessary under the license.

11 Sec. 4. Section 36-1923, Arizona Revised Statutes, is amended to read:  
12 36-1923. Hearing aid dispensers; licensure; requirements

13 A. An applicant for a hearing aid dispenser license shall pay to the  
14 director a nonrefundable application fee and shall show to the satisfaction  
15 of the director that ~~he~~ THE APPLICANT:

16 1. Is a person of good moral character.

17 2. Has an education equivalent to a four-year course in an accredited  
18 high school or has continuously engaged in the practice of fitting and  
19 dispensing hearing aids during the three years preceding August 11, 1970.

20 3. Has not had ~~his~~ THE APPLICANT'S license revoked or suspended by a  
21 state within the past two years and is presently not ineligible for licensure  
22 in any state due to prior revocation or suspension.

23 B. An applicant for a hearing aid dispenser license who is notified by  
24 the director that ~~he~~ THE APPLICANT has fulfilled the requirements of  
25 subsection A OF THIS SECTION shall appear ~~at a time, place and before persons~~  
26 ~~the director designates,~~ to be examined by written and practical tests AS  
27 DESIGNATED BY THE DIRECTOR in order to demonstrate that ~~he~~ THE APPLICANT is  
28 qualified to practice the fitting and dispensing of hearing aids.

29 C. The director shall give at least ~~one~~ TWO and not exceeding four  
30 examinations of the type described in this section in each calendar year ~~as~~  
31 ~~the volume of applications may make appropriate~~ UNLESS THERE IS AN  
32 INSUFFICIENT NUMBER OF APPLICANTS FOR THE SECOND ANNUAL EXAMINATION. A  
33 ~~minimum of three months shall elapse following the last examination before~~  
34 ~~another may be given.~~

35 Sec. 5. Section 36-1924, Arizona Revised Statutes, is amended to read:  
36 36-1924. Examination for license

37 A. The examination provided for in this article shall consist of:

38 1. A demonstration of minimal knowledge in the techniques of testing  
39 hearing and fitting and evaluating hearing aids.

40 2. A knowledge of the medical and rehabilitation facilities, for  
41 children and adults with hearing disorders, in this state.

42 ~~3. A knowledge of the code of ethics contained in this chapter.~~

43 ~~4.~~ 3. Tests of knowledge in the following areas as they pertain to  
44 the fitting of hearing aids:

45 (a) Physics.

1 (b) The human hearing mechanism, including its functions and causes of  
2 its disorders.

3 (c) The function of hearing aids.

4 ~~5-~~ 4. Practical tests of proficiency in the techniques of taking ear  
5 mold impressions and measurement of hearing by pure tone audiometry,  
6 including the air, bone and masking methods, and speech audiometry and other  
7 skills as they pertain to the candidacy for, selection of and adaptation of  
8 hearing aids.

9 ~~6-~~ 5. A knowledge of rehabilitation and hearing conservation  
10 techniques as they relate only to hearing aids and related devices.

11 B. The examination shall not be constructed to require knowledge or  
12 abilities inconsistent with the realistic services of a hearing aid dispenser  
13 or with the requirements of sound public health practices.

14 C. To provide adequate tests of proficiency, the examination  
15 requirements provided in this section may be changed when deemed necessary  
16 due to technological advances.

17 Sec. 6. Section 36-1926, Arizona Revised Statutes, is amended to read:  
18 36-1926. Temporary license; sponsorship; termination of

19 sponsorship

20 A. An applicant who fulfills the requirements of section 36-1923,  
21 SUBSECTION A may apply to the director for a temporary license.

22 B. On receiving an application as provided by subsection A of this  
23 section, accompanied by an application fee and proof of sponsorship, the  
24 director shall issue a temporary license. A temporary license allows the  
25 licensee to practice the fitting and dispensing of hearing aids for a  
26 TWELVE-MONTH period ~~ending on the last day of the month following a scheduled~~  
27 ~~examination.~~

28 C. An applicant shall provide proof to the satisfaction of the  
29 director that the applicant is or will be supervised and trained for fitting  
30 and dispensing activities by a sponsor licensed pursuant to this chapter.

31 D. A sponsor may terminate sponsorship at any time and for any reason.  
32 The director shall not review the reasons for the termination. A temporary  
33 license terminates on the date that the director receives notice from the  
34 sponsor that the sponsor is terminating sponsorship. This notice shall be  
35 accompanied by documentation that the sponsor has notified the licensee of  
36 the termination. The director shall prescribe by rule how the sponsor shall  
37 document this notification of termination. A person whose license is  
38 terminated shall apply for a new temporary license as prescribed by this  
39 section and shall not practice until granted a license.

40 E. ~~A person shall either take the next examination that is given~~  
41 ~~following~~ TEMPORARY LICENSEE SHALL TAKE AN EXAMINATION WITHIN SIX MONTHS  
42 AFTER issuance of a temporary license ~~or renew the temporary license.~~ If the  
43 person takes and fails the examination, the person may renew the temporary  
44 license once BEFORE THE TEMPORARY LICENSE EXPIRES. The person shall take the  
45 next examination following the issuance of the renewal license. ~~If the~~

1 ~~person does not take the examination but renews the temporary license, the~~  
2 ~~person shall take the next examination following issuance of renewal of the~~  
3 ~~temporary license.~~

4 ~~F. The director shall not issue a renewal to a person who has renewed~~  
5 ~~a temporary license and failed the examination.~~

6 ~~G. A temporary license expires on the last day of the month following~~  
7 ~~the next scheduled examination.~~

8 ~~H. F. The director may revoke or suspend a temporary license in the~~  
9 ~~same manner and for the same reasons as prescribed pursuant to section~~  
10 ~~36-1934.~~

11 ~~G. THE DIRECTOR MAY DENY AN APPLICATION FOR A TEMPORARY LICENSE IF THE~~  
12 ~~APPLICANT HAS PREVIOUSLY HELD A TEMPORARY LICENSE AND RENEWED THE TEMPORARY~~  
13 ~~LICENSE.~~

14 Sec. 7. Hearing aid dispensers; audiologists; department rules

15 For the purposes of this act, the department of health services shall  
16 adopt rules to:

17 1. Reduce the regulatory burden on persons who are licensed pursuant  
18 to title 36, chapter 17, Arizona Revised Statutes.

19 2. Prescribe an examination developed by a national professional  
20 organization of hearing aid dispensers that is consistent with the  
21 requirements of section 36-1924, Arizona Revised Statutes, as amended by this  
22 act.

23 Sec. 8. Exemption from rule making

24 For the purposes of this act, the department of health services is  
25 exempt from the rule making requirements of title 41, chapter 6, Arizona  
26 Revised Statutes, until July 1, 2014, except that the department shall  
27 provide public notice and an opportunity for public comment.

28 Sec. 9. Current licensees

29 A license issued by the department pursuant to title 36, chapter 17,  
30 Arizona Revised Statutes, before the effective date of this act expires one  
31 year after the date of issuance.

~~APPROVED BY THE GOVERNOR APRIL 3, 2013.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 4, 2013.~~

Passed the House March 20, 2013,

Passed the Senate February 18, 2013,

by the following vote: 58 Ayes,

by the following vote: 29 Ayes,

0 Nays, 2 Not Voting

1 Nays, 0 Not Voting

[Signature]  
Speaker of the House

[Signature]  
President of the Senate

Cheryl Laube  
Chief Clerk of the House

Charmian Bellinger  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of April, 2013,

at 3:45 o'clock P M.

Mikhaila Howard  
Secretary to the Governor

Approved this 3rd day of

April, 2013,

at 4:10 o'clock P M.

Jani K. Brewer  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4<sup>th</sup> day of April, 2013,

at 8:49 o'clock a M.

[Signature]  
Secretary of State

S.B. 1102