

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 556

Short Title: Hearing Aid Dealer Fees.

(Public)

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Sponsors: Representatives Hightower; Beall, Gray, and Jeffus.

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Referred to: Finance.

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April 1, 1991

1 A BILL TO BE ENTITLED  
2 AN ACT TO INCREASE THE FEES RELATED TO THE HEARING AID DEALERS  
3 AND FITTERS BOARD.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 93D-3(c) reads as rewritten:

6 "(c) The Board shall:

- 7 (1) Authorize all disbursements necessary to carry out the provisions of  
8 this Chapter;
- 9 (2) Supervise and administer qualifying examinations to test and  
10 determine the knowledge and proficiency of applicants for licenses;
- 11 (3) Issue licenses to qualified persons who apply to the Board;
- 12 (4) Obtain audiometric equipment and facilities necessary to carry out the  
13 examination of applicants for licenses;
- 14 (5) Suspend or revoke licenses pursuant to this Chapter;
- 15 (6) Make and publish rules and regulations (including a code of ethics)  
16 which are necessary and proper to regulate the fitting and selling of  
17 hearing aids and to carry out the provisions of this Chapter;
- 18 (7) Exercise jurisdiction over the hearing of complaints, charges of  
19 malpractice including corrupt or unprofessional conduct, and  
20 allegations of violations of the Board's rules or regulations, which are  
21 made against any fitter and seller of hearing aids in North Carolina;
- 22 (8) Require the periodic inspection and calibration of audiometric testing  
23 equipment of persons who are fitting and selling hearing aids;

- 1 (9) In connection with any matter within the jurisdiction of the Board,  
2 summon and subpoena and examine witnesses under oath and to  
3 compel their attendance and the production of books, papers, or other  
4 documents or writings deemed by the Board to be necessary or  
5 material to the inquiry. Each summons or subpoena shall be issued  
6 under the hand of the secretary and treasurer or the president of the  
7 Board and shall have the force and effect of a summons or subpoena  
8 issued by a court of record. Any witness who shall refuse or neglect to  
9 appear in obedience thereto or to testify or produce books, papers, or  
10 other documents or writings required shall be liable to contempt  
11 charges. The Board shall pay to any witness subpoenaed before it the  
12 fees and per diem as paid witnesses in civil actions in the superior  
13 court of the county where such hearing is held;
- 14 (10) Inform the Attorney General of any information or knowledge it  
15 acquires regarding any 'price-fixing' activity whatsoever in connection  
16 with the sales and service of hearing aids;
- 17 (11) Establish and enforce regulations which will guarantee that a full  
18 refund will be made by the seller of a hearing aid to the purchaser  
19 when presented with a written medical opinion of an otolaryngologist  
20 that the purchaser's hearing cannot be improved by the use of a hearing  
21 aid;
- 22 (12) Fund, establish, conduct, approve and sponsor instructional programs  
23 for registered apprentices and for persons who hold a license as well as  
24 for persons interested in obtaining adequate instruction or programs of  
25 study to qualify them for registration to the extent that the Board  
26 deems such instructional programs to be beneficial or necessary;
- 27 (13) Register persons serving as apprentices as set forth in G.S. 93D-9; G.S.  
28 93D-9; and
- 29 (14) Set and collect fees for examinations; training classes for apprentices;  
30 annual continuing education programs; issuance and renewal of  
31 licenses, registrations, and replacement licenses and registrations;  
32 reproduction of documents; and for processing continuing education  
33 program approval and verification of attendance."

34 Sec. 2. G.S. 93D-5(a) reads as rewritten:

35 "(a) No person shall begin the fitting and selling of hearing aids in this State after  
36 the effective date of this Chapter until he is issued a license by the Board or is an  
37 apprentice working under the supervision of a licensee. Except as hereinafter provided,  
38 each applicant for a license shall pay a fee of ~~one hundred dollars (\$100.00)~~ not to exceed  
39 two hundred dollars (\$200.00) and shall show to the satisfaction of the Board that he:

- 40 (1) Is a person of good moral character,  
41 (2) Is 18 years of age or older,  
42 (3) Has an education equivalent to a four-year course in an accredited high  
43 school,  
44 (4) Is free of contagious or infectious disease."

1           Sec. 3. G.S. 93D-6 reads as rewritten:

2   **"§ 3D-6. Persons selling in other jurisdictions.**

3           Whenever the Board determines that another state or jurisdiction has requirements at  
4 least equivalent to those in effect pursuant to this Chapter for the fitting and selling of  
5 hearing aids, and that such state or jurisdiction has a program at least equivalent to the  
6 program for determining whether applicants pursuant to this Article [Chapter] are  
7 qualified to sell and fit hearing aids, the Board may issue, but is not compelled to issue,  
8 licenses to applicants therefor who hold current, unsuspended and unrevoked  
9 certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No  
10 such applicant shall be required to submit to any examination or other procedure  
11 required by G.S. 93D-5, except that he shall pay a fee of ~~one hundred dollars (\$100.00)~~ not  
12 to exceed two hundred dollars (\$200.00) to the Board upon application. Such applicant  
13 must have one full year of experience satisfactory to the Board before issuance of the  
14 license."

15           Sec. 4. G.S. 93D-8(b) reads as rewritten:

16           "(b) Upon payment of ~~five dollars (\$5.00)~~ a fee not to exceed twenty dollars  
17 (\$20.00) the Board shall issue a license certificate to each applicant who successfully  
18 passes the examination."

19           Sec. 5. G.S. 93D-9 reads as rewritten:

20   **"§ 93D-9. Registration of apprentices.**

21           (a) Any person age 17 or older may apply to the Board for registration as an  
22 apprentice. Each such applicant must be sponsored by a hearing aid dealer and fitter  
23 licensed by the Board.

24           (b) Upon receiving an application accompanied by a fee of ~~fifty-five dollars~~  
25 ~~(\$55.00)~~, not to exceed one hundred dollars (\$100.00), the Board may register the  
26 applicant as an apprentice, which shall entitle the applicant to fit and sell hearing aids  
27 under the supervision of a holder of a regular license.

28           (c) No apprentice shall be registered by the Board under this section unless the  
29 applicant shows to the satisfaction of the Board that he is or will be supervised and  
30 trained by a hearing aid fitter and seller who holds a license.

31           (d) If a person 18 years of age or older who is registered as an apprentice under  
32 this section does not take the next succeeding examination given after a minimum of  
33 one full year of apprenticeship, his registration shall not be renewed, except for good  
34 cause shown to the satisfaction of the Board.

35           (e) If a person who is registered as an apprentice takes and fails to pass the next  
36 succeeding examination given after one full year of apprenticeship, the Board may  
37 renew the apprenticeship license for a period of time to end 30 days after the results of  
38 the examination given next after the date of renewal of said registration. The fee for  
39 renewal of apprenticeship registration shall be ~~one hundred dollars (\$100.00)~~ not exceed  
40 two hundred dollars (\$200.00).

41           (f) The Board shall adopt rules and regulations implementing initial and renewal  
42 registration of apprentices."

43           Sec. 6. G.S. 93D-11 reads as rewritten:

1 "§ 93D-11. Annual fees; failure to pay; expiration of license; occupational  
2 instruction courses.

3 Every licensed person who engages in the fitting and selling of hearing aids shall  
4 pay to the Board an annual license renewal fee of ~~one hundred dollars (\$100.00)~~ not to  
5 exceed two hundred dollars (\$200.00). Such payment shall be made prior to the first  
6 day of April in each year. In case of default in payment the license shall expire 30 days  
7 after notice by the secretary-treasurer to the last known address of the licensee by  
8 registered mail. The Board may reinstate an expired license upon the showing of good  
9 cause for late payment of fees, upon payment of said fees within 60 days after  
10 expiration of the license, and upon the further payment of a late penalty of ~~ten dollars~~  
11 ~~(\$10.00)~~ of twenty-five dollars (\$25.00). After 60 days after the expiration date, the  
12 Board may reinstate the license for good cause shown upon application for  
13 reinstatement and payment of the late penalty of ~~ten dollars (\$10.00)~~ not to exceed  
14 twenty-five dollars (\$25.00) and renewal fee. The Board may require all licensees to  
15 successfully attend and complete a course or courses of occupational instruction funded,  
16 conducted or approved or sponsored by the Board on an annual basis as a condition to  
17 any license renewal and evidence of satisfactory attendance and completion of any such  
18 course or courses shall be provided the Board by the licensee."

19 Sec. 7. G.S. 93D-13(b) reads as rewritten:

20 "(b) Board action in revoking or suspending a license shall be in accordance with  
21 the provisions of Chapter 150A of the General Statutes. Any person whose license has  
22 been suspended for any of the grounds or reasons herein set forth, may, after the  
23 expiration of 90 days but within two years, apply to the Board to have the same  
24 reissued; upon a showing satisfactory to the Board that such reissuance will not  
25 endanger the public health and welfare, the Board may reissue a license to such person  
26 for a fee of ~~one hundred dollars (\$100.00)~~ ~~plus five dollars (\$5.00)~~ not to exceed two  
27 hundred dollars (\$200.00) for a certificate of license. If application is made subsequent  
28 to two years from date of suspension, reissuance shall be in accordance with the  
29 provisions of G.S. 93D-8."

30 Sec. 8. This act becomes effective October 1, 1991.