

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1592

Short Title: Allow Audiologist to Fit/Sell Hearing Aids. (Public)

Sponsors: Representatives England; Brown, Faison, Fisher, and Harrison.

Referred to: Health, if favorable, Finance.

April 19, 2007

A BILL TO BE ENTITLED
AN ACT ALLOWING AUDIOLOGISTS TO FIT AND DISPENSE HEARING AIDS,
AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS
AND FITTERS BOARD TO ADOPT RULES TO IMPLEMENT THIS ACT, AND
AUTHORIZING THE BOARD OF EXAMINERS FOR SPEECH AND
LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS TO CHARGE A FEE TO
FIT OR SELL HEARING AIDS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 90-293(6) reads as rewritten:

"As used in this Article, unless the context otherwise requires:

...

(6) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, evaluation, prediction, consultation, counseling, instruction, habilitation, or rehabilitation related to hearing and disorders of hearing for the purpose of identifying, preventing, ameliorating, or modifying such disorders and conditions in individuals and/or groups of individuals. For the purpose of this subdivision, the words "habilitation" and "rehabilitation" shall include auditory training, speech reading, hearing aid use evaluation and recommendations, which shall include fitting and selling hearing aids, and fabrication of earmolds and similar accessories for clinical testing purposes only.

...."

SECTION 2. G.S. 93D-2 reads as rewritten:

"§ 93D-2. Fitting and selling without license unlawful.

It shall be unlawful for any person to fit or sell hearing aids unless ~~he~~ the person has first obtained a license from the North Carolina State Hearing Aid Dealers and Fitters ~~Board or Board,~~ is an apprentice working under the supervision of a ~~board~~

1 ~~licensee.~~Board licensee, or is licensed by the North Carolina Board of Examiners for
2 Speech and Language Pathologists and Audiologists."

3 **SECTION 3.** G.S. 93D-3(c) is amended by adding a new subdivision to
4 read:

5 "(c) The Board shall:

6 ...

7 (16) Adopt rules allowing persons licensed to practice audiology under
8 Article 22 of Chapter 90 of the General Statutes to fit or sell hearing
9 aids."

10 **SECTION 4.** Chapter 93D is amended by adding a new section to read:

11 "**§ 93D-3.1. Joint committee established.**

12 There is established a joint committee of the North Carolina State Hearing Aid
13 Dealers and Fitters Board and the Board of Examiners for Speech and Language
14 Pathologists and Audiologists to review and make recommendations regarding the
15 development of new proposals, requirements, or rules governing the sale of hearing
16 aids. The North Carolina State Hearing Aid Dealers and Fitters Board and the Board of
17 Examiners for Speech and Language Pathologists and Audiologists shall each appoint
18 three members to serve on the joint committee. Before adopting any new proposed rule
19 from either Board, the joint committee shall review and make recommendations
20 regarding the potential impact of the new rule on all affected licensees. The joint
21 committee shall make its recommendations, if any, within 30 business days of receipt of
22 the proposal. Either Board may resubmit the proposal if there are objections, questions,
23 or clarifications; provided, that the final recommendations shall not be binding on either
24 Board."

25 **SECTION 5.** G.S. 93D-5 reads as rewritten:

26 "**§ 93D-5. Requirements for ~~registration;~~ licensure; examinations; apprentice**
27 **licenses.**

28 (a) No person shall begin the fitting and selling of hearing aids in this State
29 unless the person has been issued a license by the ~~Board or~~Board, is an apprentice
30 working under the supervision of a ~~licensee.~~licensee, or licensed by the North Carolina
31 Board of Examiners for Speech and Language Pathologists and Audiologists. Except as
32 hereinafter provided, each applicant for a license shall pay a fee set by the Board, not to
33 exceed one hundred fifty dollars (\$150.00), and shall show to the satisfaction of the
34 Board that the applicant:

- 35 (1) Is a person of good moral character,
36 (2) Is 18 years of age or older,
37 (3) Has an education equivalent to a four-year course in an accredited high
38 school,
39 (4) Is free of contagious or infectious disease.

40 (b) Except as hereinafter provided, no license shall be issued to a person until he
41 has successfully passed a qualifying examination administered by the Board.

42 (c) No license shall be issued to any person until ~~he~~the person has served as an
43 apprentice as set forth in G.S. 93D-9 for a period of at least one year; provided, that this
44 subsection shall not apply to those persons qualified under ~~G.S. 93D-6~~ nor to those

1 persons holding masters degrees in Audiology who have undergone 250 hours of
2 supervised activity fitting and selling hearing aids under the direct supervision of a
3 licensed hearing aid dealer approved by the Board, G.S. 93D-6, or have met the
4 licensure requirements under Article 22 of Chapter 90 of the General Statutes and have
5 worked full time for one year fitting and selling hearing aids in the office of and under
6 the direct supervision of an otolaryngologist and have participated in 250 hours of
7 Board supervised, continuing professional education in fitting hearing aids. Statutes."

8 **SECTION 6.** G.S. 93D-14 reads as rewritten:

9 **"§ 93D-14. Persons not affected.**

10 This Chapter shall not prevent any person from engaging in the measuring of human
11 hearing for the purpose of selection of hearing aids, provided ~~such~~ the person or
12 organization employing ~~such~~ the person does not sell hearing aids or accessories
13 ~~thereto~~, thereto. This Chapter shall not prohibit any person who is licensed by the North
14 Carolina Board of Examiners for Speech and Language Pathologists and Audiologists
15 from fitting or selling hearing aids, nor shall this Chapter apply to any physician
16 licensed to practice medicine or surgery in the State of North Carolina. Nothing in this
17 Chapter shall permit a licensee hereunder to perform any practices or services set forth
18 in Article 17 of Chapter 90 of the General Statutes of North Carolina."

19 **SECTION 7.** The Board of Examiners for Speech and Language
20 Pathologists and Audiologists may charge a person licensed to practice audiology under
21 Article 22 of Chapter 90 of the General Statutes a fee not to exceed one hundred dollars
22 (\$100.00) to fit or sell hearing aids in accordance with Chapter 93D of the General
23 Statutes, as enacted by Sections 1 through 6 of this act.

24 **SECTION 8.** This act is effective when it becomes law.