

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1332
Health Care Committee Substitute Adopted 6/20/07
House Committee Substitute Favorable 7/26/07

Short Title: Raise Fee Ceil'g/Amend Hear. Aid Dealer Laws.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE NORTH CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD TO INCREASE CERTAIN FEES AND AMENDING AND UPDATING CERTAIN OTHER PROVISIONS UNDER THE LAWS REGULATING HEARING AID DEALERS AND FITTERS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 93D-3(c)(14)f. reads as rewritten:

"(c) The Board shall:

...

(14) Have the power to set and collect fees in accordance with Chapter 150B of the General Statutes for the items listed in this subdivision and for other items for which this Chapter gives the Board the authority to set a fee:

...

f. For administering an examination, a fee ~~not to exceed seventy five dollars (\$75.00);~~ of three hundred dollars (\$300.00); and

...."

SECTION 2. G.S. 93D-3(d) reads as rewritten:

~~"(d) Out of the funds coming into the possession of said Board, each member thereof may receive as reimbursement for each day he is actually engaged in the assigned duties of his office, the sum of eight cents (8¢) per mile for travel plus the actual costs of meals and public lodging while away from home, which costs of meals and lodging may not exceed twenty dollars (\$20.00) per day. Such~~ Members of the Board shall be entitled to travel, per diem, and other expenses authorized by G.S. 93B-5. The expenses shall be paid from the fees and assessments received by the Board under the provisions of this Chapter. No part of these expenses or any other expenses of the Board, in any manner whatsoever, shall be paid out of the State

1 treasury. All moneys received in excess of expense allowance and mileage, as above
2 provided, shall be held by the secretary-treasurer as a special fund for meeting other
3 expenses of the Board and carrying out the provisions of this Chapter.

4 ~~The secretary-treasurer shall give a bond to the Board to be approved by the Board,~~
5 ~~in the sum of five thousand dollars (\$5,000) conditioned upon the faithful performance~~
6 ~~of the duties of his office.~~

7 The Board shall make an annual report of its proceedings ~~to the Governor on the~~
8 ~~first Monday in June of each year, which report shall contain an account of all moneys~~
9 ~~received and disbursed by the Board and a complete listing of names and addresses of~~
10 ~~all licensees and apprentices. Copies of the report and list of licensees and apprentices~~
11 ~~shall be filed in the office of the State Auditor, the Secretary of State, and Attorney~~
12 ~~General in accordance with G.S. 93B-2."~~

13 **SECTION 3.** G.S. 93D-5 reads as rewritten:

14 "(a) No person shall begin the fitting and selling of hearing aids in this State
15 unless the person has been issued a license by the Board or is an apprentice working
16 under the supervision of a licensee. Except as hereinafter provided, each applicant for a
17 license shall pay a fee set by the Board, not to exceed ~~one hundred fifty dollars~~
18 ~~(\$150.00),~~ two hundred fifty dollars (\$250.00), which fee may be prorated by the Board,
19 and shall show to the satisfaction of the Board that the applicant:

20 (1) Is a person of good moral ~~character,~~ character.

21 (2) Is 18 years of age or ~~older,~~ older.

22 (3) Has an education equivalent to a four-year course in an accredited high
23 ~~school,~~ school.

24 (4) ~~Is free of contagious or infectious disease.~~

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

27 (c) No license shall be issued to any person until ~~he~~ the person has served as an
28 apprentice as set forth in G.S. 93D-9 for a period of at least one year; provided, that this
29 subsection shall not apply to those persons qualified under G.S. 93D-6 nor to those
30 persons holding ~~masters degrees~~ a license in Audiology issued by the North Carolina
31 Board of Examiners for Speech and Language Pathologist and Audiologist who have
32 undergone 250 hours of supervised activity fitting and selling hearing aids under the
33 direct supervision of a licensed hearing aid ~~dealer~~ dispenser approved by the Board, or
34 have met the licensure requirements under Article 22 of Chapter 90 of the General
35 Statutes and have worked full time for one year fitting and selling hearing aids in the
36 office of and under the direct supervision of an otolaryngologist and have participated in
37 250 hours of Board-supervised, continuing professional education in fitting hearing
38 aids."

39 **SECTION 4.** G.S. 93D-11 reads as rewritten:

40 "**§ 93D-11. Annual fees; failure to pay; expiration of license; occupational**
41 **instruction courses.**

42 Every licensed person who engages in the fitting and selling of hearing aids shall
43 pay to the Board an annual license renewal fee in an amount set by the Board, not to
44 exceed ~~one hundred fifty dollars (\$150.00).~~ two hundred fifty dollars (\$250.00).

1 The payment shall be made prior to the first day of April in each year. In case of default
2 in payment the license shall expire 30 days after notice by the secretary-treasurer to the
3 last known address of the licensee by registered ~~mail-mail~~, certified mail, or in a manner
4 provided by G.S. 1A-1, Rule 4(j)(1)d. The Board may reinstate an expired license upon
5 the showing of good cause for late payment of fees, upon payment of said fees within
6 60 days after expiration of the license, and upon the further payment of a late penalty of
7 twenty-five dollars (\$25.00). After 60 days after the expiration date, the Board may
8 reinstate the license for good cause shown upon application for reinstatement and
9 payment of a late penalty of fifty dollars (\$50.00) and the renewal fee. The Board may
10 require all licensees to successfully attend and complete a course or courses of
11 occupational instruction funded, conducted or approved or sponsored by the Board on
12 an annual basis as a condition to any license renewal and evidence of satisfactory
13 attendance and completion of any such course or courses shall be provided the Board by
14 the licensee."

15 **SECTION 5.** G.S. 93D-13 reads as rewritten:

16 "**§ 93D-13. Discipline, suspension, revocation of ~~lienses~~licenses; records.**

17 (a) The Board may in its discretion administer the punishment of private
18 reprimand, suspension of license for a fixed period or revocation of license as the case
19 may warrant in their judgment for any violation of the rules and regulations of the
20 Board or for any of the following causes:

21 (1) ~~Habitual drunkenness~~

22 (2) ~~Gross incompetence~~incompetence.

23 (3) ~~Knowingly fitting and selling hearing aids while suffering with a~~
24 ~~contagious or infectious disease~~Inability to perform the functions for
25 which the person is licensed or substantial impairment of the person's
26 ability to perform the functions for which the person is licensed by
27 reason of physical or mental disability.

28 (4) Commission of a criminal offense indicating professional
29 ~~unfitness~~unfitness.

30 (5) The use of a false name or alias in ~~his business~~his or her business.

31 (6) Conduct involving willful ~~deceit~~deceit.

32 (7) Conduct involving fraud or any other business conduct involving
33 moral ~~turpitude~~turpitude.

34 (8) Advertising of a character or nature tending to deceive or mislead the
35 ~~public~~public.

36 (9) Advertising declared to be unethical by the Board or prohibited by the
37 code of ethics established by the ~~Board~~Board.

38 (10) Permitting another person to use ~~his license~~his or her license.

39 (10a) Failure by a licensee to properly supervise an apprentice under ~~his~~
40 ~~supervision~~and his or her supervision.

41 (11) For violating any of the provisions of this Chapter.

42 (b) Board action in revoking or suspending a license shall be in accordance with
43 Chapter 150B of the General Statutes. Any person whose license has been suspended
44 for any of the grounds or reasons herein set forth, may, after the expiration of 90 days

1 but within two years, apply to the Board to have the same reissued; upon a showing
2 satisfactory to the Board that such reissuance will not endanger the public health and
3 welfare, the Board may reissue a license to such person for a fee set by the Board, not to
4 exceed two hundred dollars (\$200.00). If application is made subsequent to two years
5 from date of suspension, reissuance shall be in accordance with the provisions of
6 G.S. 93D-8.

7 (c) Records, papers, and other documents containing information collected or
8 compiled by or on behalf of the Board as a result of an investigation, inquiry, or
9 interview conducted in connection with registration, licensure, or a disciplinary matter
10 shall not be considered public records within the meaning of Chapter 132 of the General
11 Statutes. Any notice or statement of charges, notice of hearing, or decision rendered by
12 the Board in connection with a hearing is a public record. However, information that
13 identifies a consumer who has not consented to the public disclosure of services
14 rendered to the consumer by a person registered or licensed under this Chapter shall be
15 deleted from the public record. All other records, papers, and documents containing
16 information collected or compiled by or on behalf of the Board shall be public records,
17 provided that any information that identifies a consumer who has not consented to the
18 public disclosure of services rendered to the consumer is deleted."

19 **SECTION 6.** This act is effective when it becomes law.