
HOUSE BILL 2309

State of Washington 54th Legislature 1996 Regular Session

By Representatives Dyer, Conway, Murray, D. Sommers, Dellwo, Cairnes, Ogden, Linville, Cody and Mason

Read first time 01/09/96. Referred to Committee on Health Care.

1 AN ACT Relating to regulation of hearing and speech professions;
2 amending RCW 18.35.010, 18.35.020, 18.35.030, 18.35.040, 18.35.050,
3 18.35.060, 18.35.070, 18.35.080, 18.35.085, 18.35.090, 18.35.095,
4 18.35.100, 18.35.105, 18.35.110, 18.35.120, 18.35.140, 18.35.150,
5 18.35.161, 18.35.172, 18.35.175, 18.35.180, 18.35.185, 18.35.190,
6 18.35.195, 18.35.205, 18.35.230, 18.35.240, and 18.35.250; adding new
7 sections to chapter 18.35 RCW; creating a new section; and repealing
8 RCW 18.35.170.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** A new section is added to chapter 18.35 RCW
11 to read as follows:

12 It is the intent of this chapter to protect the public health,
13 safety, and welfare; to protect the public from being misled by
14 incompetent, unethical, and unauthorized persons; and to assure the
15 availability of hearing and speech services of high quality to persons
16 in need of such services.

17 **Sec. 2.** RCW 18.35.010 and 1993 c 313 s 1 are each amended to read
18 as follows:

1 As used in this chapter, unless the context requires otherwise:

2 (1) (~~"Department" means the department of health.~~

3 ~~(2))~~ "Assistive listening device or system" means an amplification
4 system that is specifically designed to improve the signal to noise
5 ratio for the listener, reduce interference from noise in the
6 background, and enhance hearing levels at a distance by picking up
7 sound from as close to source as possible and sending it directly to
8 the ear of the listener, excluding hearing instruments as defined in
9 this chapter.

10 (2) "Audiologist" means a person who is licensed to engage in the
11 practice of audiology and meets the qualifications in this chapter.

12 (3) "Audiologist assistant" means a person who is registered by the
13 state and practices under the supervision of a licensed audiologist.
14 An audiologist assistant may not interpret formal or informal
15 assessment measures, engage in the initial delivery of hearing
16 instruments, or participate in agreements to purchase hearing
17 instruments.

18 (4) "Audiology" means the application of principles, methods, and
19 procedures related to hearing and the disorders of hearing and to
20 related language and speech disorders, whether of organic or nonorganic
21 origin, peripheral or central, that impede the normal process of human
22 communication including, but not limited to, disorders of auditory
23 sensitivity, acuity, function, processing, or vestibular function, the
24 application of aural habilitation, rehabilitation, and appropriate
25 devices including fitting and dispensing of hearing instruments, and
26 cerumen management to treat such disorders.

27 (5) "Board" means the board (~~(on fitting and dispensing))~~ of
28 hearing (~~aids~~) and speech.

29 (~~(3))~~ (6) "Department" means the department of health.

30 (7) "Direct supervision" means that the supervisor is physically
31 present and in the same room with the hearing instrument
32 fitter/dispenser permit holder, observing the nondiagnostic testing,
33 fitting, and dispensing activities of the hearing instrument
34 fitter/dispenser permit holder at all times.

35 (8) "Establishment" means any permanent site housing a person
36 engaging in the practice of fitting and dispensing of hearing
37 instruments by a hearing instrument fitter/dispenser or audiologist;
38 where the client can have personal contact and counsel with the
39 licensee during the firm's business hours; where the licensee normally

1 conducts business; and the address of which is given to the state for
2 the purpose of bonding.

3 (9) "Facility" means any permanent site housing a person engaging
4 in the practice of speech language pathology and/or audiology,
5 excluding the sale, lease, or rental of hearing instruments.

6 (10) "Fitting and dispensing of hearing instruments" means the
7 sale, lease, or rental or attempted sale, lease, or rental of hearing
8 instruments together with the selection and modification of hearing
9 instruments and the administration of nondiagnostic tests as specified
10 by RCW 18.35.110 and the use of procedures essential to the performance
11 of these functions; and includes recommending specific hearing
12 instrument systems, specific hearing instruments, or specific hearing
13 instrument characteristics, the taking of impressions for ear molds for
14 these purposes, the use of nondiagnostic procedures and equipment to
15 verify the appropriateness of the hearing instrument fitting, and
16 hearing instrument orientation. The fitting and dispensing of hearing
17 instruments as defined by this chapter may be equally provided by a
18 licensed hearing instrument fitter/dispenser or licensed audiologist.

19 (11) "Good standing" means a licensee whose license has not been
20 subject to sanctions pursuant to chapter 18.130 RCW or sanctions by
21 other states, territories, or the District of Columbia in the last two
22 years.

23 (12) "Hearing ((aid)) instrument" means any wearable prosthetic
24 instrument or device designed for or represented as aiding, improving,
25 compensating for, or correcting defective human hearing and any parts,
26 attachments, or accessories of such an instrument or device, excluding
27 batteries and cords ((and)), ear molds, and assistive listening
28 devices.

29 ~~((4) "Fitting and dispensing of hearing aids" means the sale,~~
30 ~~lease, or rental or attempted sale, lease, or rental of hearing aids~~
31 ~~together with the selection and adaptation of hearing aids and the use~~
32 ~~of those tests and procedures essential to the performance of these~~
33 ~~functions. It includes the taking of impressions for ear molds for~~
34 ~~these purposes.~~

35 ~~(5))~~ (13) "Hearing instrument fitter/dispenser" means a person who
36 is licensed to engage in the practice of fitting and dispensing of
37 hearing instruments and meets the qualifications of this chapter.

1 (14) "Hearing instrument fitter/dispenser permit holder" means a
2 person who practices under the direct supervision of a licensed hearing
3 instrument fitter/dispenser or licensed audiologist.

4 (15) "Licensee" means a hearing instrument fitter/dispenser,
5 audiologist, or speech-language pathologist who is licensed under this
6 chapter.

7 (16) "Secretary" means the secretary of health.

8 ~~((6) "Establishment" means any facility engaged in the fitting and~~
9 ~~dispensing of hearing aids.))~~

10 (17) "Speech-language pathologist" means a person who is licensed
11 to engage in the practice of speech-language pathology and meets the
12 qualifications of this chapter.

13 (18) "Speech-language pathologist assistant" means a person who is
14 registered by the state and practices under the supervision of a
15 licensed speech-language pathologist and meets the minimum
16 qualifications of this chapter.

17 (19) "Speech-language pathology" means the application of
18 principles, methods, and procedures related to the development and
19 disorders, whether of organic or nonorganic origin, that impede oral,
20 pharyngeal, or laryngeal sensorimotor competencies and the normal
21 process of human communication including, but not limited to, disorders
22 and related disorders of speech, articulation, fluency, voice, verbal
23 and written language, auditory comprehension, cognition/communication,
24 and the application of augmentative communication treatment and devices
25 for treatment of such disorders.

26 (20) "Supervision" means the appropriate degree of supervision, as
27 defined by the board, provided by a licensed speech-language
28 pathologist or licensed audiologist.

29 **Sec. 3.** RCW 18.35.020 and 1989 c 198 s 1 are each amended to read
30 as follows:

31 (1) No person shall engage in the fitting and dispensing of hearing
32 ~~((aids))~~ instruments or imply or represent that he or she is engaged in
33 the fitting and dispensing of hearing ~~((aids))~~ instruments unless he or
34 she ~~((holds))~~ is a ~~((valid license))~~ licensed hearing instrument
35 fitter/dispenser or licensed audiologist or holds a hearing instrument
36 fitter/dispenser permit or audiology interim permit issued by the
37 department as provided in this chapter and is an owner or employee of
38 an establishment that is bonded as provided by RCW 18.35.240. The

1 owner or manager of ~~((a))~~ an establishment that dispenses hearing ~~((aid~~
2 establishment)) instruments is responsible under this chapter for all
3 transactions made in the establishment name or conducted on its
4 premises by agents or ~~((employees of))~~ persons employed by the
5 establishment engaged in fitting and dispensing of hearing ~~((aids))~~
6 instruments. Every establishment that fits and dispenses shall have in
7 its employ at least one licensed ~~((fitter dispenser))~~ hearing
8 instrument fitter/dispenser or licensed audiologist at all times, and
9 shall annually submit proof that all ~~((audiometric))~~ testing equipment
10 at that establishment that is required by the board to be calibrated
11 has been properly calibrated.

12 (2) No person shall engage in the practice of speech-language
13 pathology or imply that he or she is engaged in the practice unless he
14 or she holds a valid speech-language pathology license issued by the
15 department as provided in this chapter and is an owner or is employed
16 by a facility.

17 (3) No person shall engage in the practice of audiology or imply
18 that he or she is engaged in the practice unless he or she holds a
19 valid audiology license issued by the department as provided in this
20 chapter and is an owner or is employed by an establishment or facility.
21 The establishment or facility shall annually submit proof that all
22 testing equipment that is required by the board to be calibrated has
23 been properly calibrated.

24 **Sec. 4.** RCW 18.35.030 and 1983 c 39 s 3 are each amended to read
25 as follows:

26 Any person who engages in ~~((the))~~ fitting and dispensing of hearing
27 ~~((aids))~~ instruments shall provide to each person who enters into an
28 agreement to purchase a hearing ~~((aid))~~ instrument a receipt at the
29 time of the agreement containing the following information:

30 (1) The seller's name, signature, license or permit number,
31 address, and phone number of his or her regular place of business;

32 (2) A description of the ~~((aid))~~ instrument furnished, including
33 make, model, circuit options, and the term "used" or "reconditioned" if
34 applicable;

35 (3) A disclosure of the cost of all services including but not
36 limited to the cost of testing and fitting, the actual cost of the
37 hearing ~~((aid))~~ instrument furnished, the cost of ear molds if any, and
38 the terms of the sale. These costs, including the cost of ear molds,

1 shall be known as the total purchase price. The receipt shall also
2 contain a statement of the purchaser's rescission rights under this
3 chapter and an acknowledgment that the purchaser has read and
4 understands these rights. Upon request, the purchaser shall also be
5 supplied with a signed and dated copy of any hearing evaluation
6 performed by the seller.

7 (4) At the time of delivery of the hearing ~~((aid))~~ instrument, the
8 purchaser shall also be furnished with the serial number of the hearing
9 ~~((aid))~~ instrument supplied.

10 **Sec. 5.** RCW 18.35.040 and 1991 c 3 s 81 are each amended to read
11 as follows:

12 ~~((1))~~ (1) An applicant for ~~((license shall be at least eighteen years of
13 age))~~ licensure as a hearing instrument fitter/dispenser must have the
14 following minimum qualifications and shall pay a fee determined by the
15 secretary as provided in RCW 43.70.250. An applicant shall ~~((not))~~ be
16 issued a license under the provisions of this chapter ~~((unless))~~ if the
17 applicant:

18 ~~((1))~~ (a)(i) Satisfactorily completes the hearing instrument
19 fitter/dispenser examination required by this chapter; or

20 ~~((2))~~ (ii) Holds a current, unsuspended, unrevoked license or
21 certificate from a state or jurisdiction with which the department has
22 entered into a reciprocal agreement, ~~((and))~~ shows evidence
23 satisfactory to the department that the applicant is licensed in good
24 standing in the other jurisdiction, and satisfactorily completes
25 sections of the hearing instrument fitter/dispenser examination
26 pertaining to RCW 18.235.070 (3), (4), and (5);

27 (b) After December 31, 1996, has at least six months of
28 apprenticeship training that meets requirements established by the
29 board. The board may waive part or all of the apprenticeship training
30 in recognition of formal education in fitting and dispensing of hearing
31 instruments or in recognition of previous licensure in Washington or in
32 another state, territory, or the District of Columbia;

33 (c) Is at least twenty-one years of age; and

34 (d) Has not committed unprofessional conduct as specified by the
35 uniform disciplinary act.

36 The applicant must present proof of qualifications to the board in
37 the manner and on forms prescribed by the board and proof of completion

1 of a minimum of four clock hours of AIDS education and training per
2 rules adopted by the board.

3 (2) An applicant for a license as a speech-language pathologist or
4 audiologist must have the following minimum qualifications:

5 (a) Has not committed unprofessional conduct as specified by the
6 uniform disciplinary act;

7 (b) Has a master's degree or the equivalent, or a doctorate degree
8 or the equivalent, from a program at a board-approved institution of
9 higher learning, which includes completion of a supervised clinical
10 practicum experience as defined by rules adopted by the board; and

11 (c) Has completed postgraduate professional work experience
12 approved by the board.

13 All qualified applicants must satisfactorily complete the speech-
14 language pathology or audiology examinations required by this chapter.

15 The applicant must present proof of qualifications to the board in
16 the manner and on forms prescribed by the board and proof of completion
17 of a minimum of four clock hours of AIDS education and training per
18 rules adopted by the board.

19 (3) An applicant for registration as a speech-language pathologist
20 assistant or audiologist assistant must have the following minimum
21 qualifications:

22 (a) Has not committed unprofessional conduct as specified by the
23 uniform disciplinary act;

24 (b) Is a graduate of an educational program that is approved by the
25 board as defined by rules adopted by the board; and

26 (c) Has appropriate clinical experience that has been approved by
27 the board.

28 The applicant must present proof of qualifications to the board in
29 the manner and on forms prescribed by the board and proof of completion
30 of a minimum of four clock hours of AIDS education and training per
31 rules adopted by the board.

32 **Sec. 6.** RCW 18.35.050 and 1993 c 313 s 2 are each amended to read
33 as follows:

34 Except as otherwise provided in this chapter an applicant for
35 license shall appear at a time and place and before such persons as the
36 department may designate to be examined by written ((and)) or practical
37 tests, or both. ~~((The department shall give an examination in May and~~
38 ~~November of each year.))~~ Examinations in hearing instrument

1 fitting/dispensing, speech-language pathology, and audiology shall be
2 held within the state at least once a year. The examinations shall be
3 reviewed annually by the board and the department, and revised as
4 necessary. (~~No examination of any established association may be used~~
5 ~~as the exclusive replacement for the examination unless approved by the~~
6 ~~board.~~) The examinations shall include appropriate subject matter to
7 ensure the competence of the applicant. Nationally recognized
8 examinations in the fields of fitting and dispensing of hearing
9 instruments, speech-language pathology, and audiology may be used to
10 determine if applicants are qualified for licensure. An applicant who
11 fails an examination may apply for reexamination upon payment of a
12 reexamination fee. The hearing instrument fitting/dispensing
13 reexamination fee for hearing instrument fitter/dispensers and
14 audiologists shall be set by the secretary under RCW 43.70.250.

15 **Sec. 7.** RCW 18.35.060 and 1993 c 313 s 3 are each amended to read
16 as follows:

17 (1) The department shall issue a (~~trainee license~~) hearing
18 instrument fitting/dispensing permit to any applicant who has shown to
19 the satisfaction of the department that the applicant:

20 (a) (~~The applicant~~) Is at least (~~eighteen~~) twenty-one years of
21 age;

22 (b) If issued a (~~trainee license~~) hearing instrument
23 fitter/dispenser permit, would be employed and directly supervised in
24 the fitting and dispensing of hearing (~~aids~~) instruments by a person
25 licensed in good standing as a (~~fitter dispenser~~) hearing instrument
26 fitter/dispenser or audiologist for at least (~~one year~~) two years
27 unless otherwise approved by the board; (~~and~~)

28 (c) Has paid an application fee determined by the secretary as
29 provided in RCW 43.70.250, to the department;

30 (d) Has not committed unprofessional conduct as specified by the
31 uniform disciplinary act; and

32 (e) Is a high school graduate or the equivalent.

33 The provisions of RCW 18.35.030, 18.35.110, and 18.35.120 shall
34 apply to any person issued a (~~trainee license~~) hearing instrument
35 fitter/dispenser permit. Pursuant to the provisions of this section,
36 a person issued a (~~trainee license~~) hearing instrument
37 fitter/dispenser permit may engage in the fitting and dispensing of

1 hearing ~~((aids))~~ instruments without having first passed the hearing
2 instrument fitter/dispenser examination provided under this chapter.

3 (2) The ~~((trainee license))~~ hearing instrument fitter/dispenser
4 permit shall contain the names of the ~~((person))~~ employer and the
5 licensed supervisor under this chapter who ~~((is))~~ are employing and
6 supervising the ~~((trainee))~~ hearing instrument fitter/dispenser permit
7 holder and ~~((that))~~ those persons shall execute an acknowledgment of
8 responsibility for all acts of the ~~((trainee))~~ hearing instrument
9 fitter/dispenser permit holder in connection with the fitting and
10 dispensing of hearing ~~((aids))~~ instruments.

11 (3) A ~~((trainee))~~ hearing instrument fitter/dispenser permit holder
12 may fit and dispense hearing ~~((aids))~~ instruments, but only if the
13 ~~((trainee))~~ hearing instrument fitter/dispenser permit holder is under
14 the direct supervision of a ~~((person))~~ hearing instrument
15 fitter/dispenser or audiologist licensed under this chapter in a
16 capacity other than as a ~~((trainee))~~ hearing instrument
17 fitter/dispenser permit holder. Direct supervision by a licensed
18 ~~((fitter-dispenser))~~ hearing instrument fitter/dispenser or licensed
19 audiologist shall be required whenever the ~~((trainee))~~ hearing
20 instrument fitter/dispenser permit holder is engaged in the fitting or
21 dispensing of hearing ~~((aids))~~ instruments during the ~~((trainee's first~~
22 ~~three months of full-time))~~ hearing instrument fitter/dispenser permit
23 holder's employment. The board shall develop and adopt guidelines on
24 any additional supervision or training it deems necessary.

25 (4) The ~~((trainee license))~~ hearing instrument fitter/dispenser
26 permit shall expire one year from the date of its issuance except that
27 on recommendation of the board the ~~((license))~~ permit may be reissued
28 for one additional year only.

29 (5) No ~~((person))~~ licensed audiologist or licensed hearing
30 instrument fitter/dispenser under this chapter may assume the
31 responsibility for more than ~~((two trainees))~~ one hearing instrument
32 fitter/dispenser permit holder at any one time ~~((, except that the~~
33 ~~department may approve one additional trainee if none of the trainees~~
34 ~~is within the initial ninety-day period of direct supervision and the~~
35 ~~licensee demonstrates to the department's satisfaction that adequate~~
36 ~~supervision will be provided for all trainees))~~.

37 (6) The department, upon approval by the board, shall issue an
38 interim permit authorizing an applicant for speech-language pathologist
39 or audiologist licensure who, except for the postgraduate professional

1 experience and the examination requirements, meets the academic and
2 practicum requirements of RCW 18.35.040 to practice under interim
3 permit supervision by a licensed speech-language pathologist or
4 licensed audiologist. The interim permit is valid for a period of one
5 year from date of issuance. The board shall determine conditions for
6 the interim permit.

7 **Sec. 8.** RCW 18.35.070 and 1973 1st ex.s. c 106 s 7 are each
8 amended to read as follows:

9 The hearing instrument fitter/dispenser written or practical
10 examination, or both, provided in RCW 18.35.050 shall consist of:

11 (1) Tests of knowledge in the following areas as they pertain to
12 the fitting of hearing ~~((aids))~~ instruments:

13 (a) Basic physics of sound;

14 (b) The human hearing mechanism, including the science of hearing
15 and the causes and rehabilitation of abnormal hearing and hearing
16 disorders; and

17 (c) Structure and function of hearing ~~((aids))~~ instruments.

18 (2) Tests of proficiency in the following ~~((techniques))~~ areas as
19 they pertain to the fitting of hearing ~~((aids))~~ instruments:

20 (a) Pure tone audiometry, including air conduction testing and bone
21 conduction testing;

22 (b) Live voice or recorded voice speech audiometry, including
23 speech reception threshold testing and speech discrimination testing;

24 (c) Effective masking;

25 (d) Recording and evaluation of audiograms and speech audiometry to
26 determine hearing ~~((aid))~~ instrument candidacy;

27 (e) Selection and adaptation of hearing ~~((aids))~~ instruments and
28 testing of hearing ~~((aids))~~ instruments; and

29 (f) Taking ear mold impressions.

30 (3) Evidence of knowledge regarding the medical and rehabilitation
31 facilities for children and adults that are available in the area
32 served.

33 (4) Evidence of knowledge of grounds for revocation or suspension
34 of license under the provisions of this chapter.

35 (5) Any other tests as the ~~((department))~~ board may by rule
36 establish.

1 NEW SECTION. **Sec. 9.** A new section is added to chapter 18.35 RCW
2 to read as follows:

3 (1) Upon recommendation by the board, the secretary shall register
4 as a speech-language pathologist assistant or an audiologist assistant
5 an applicant who successfully meets the requirements adopted by the
6 board and who provides to the secretary the name and license number of
7 the supervising speech-language pathologist or audiologist. The
8 secretary shall furnish registrations to registrants.

9 (2) The board shall waive the requirement of RCW 18.35.040 and
10 shall register speech-language pathologist assistants and audiologist
11 assistants engaged in practice in this state on the effective date of
12 this section upon presentation of two sworn affidavits. One affidavit
13 must be made by the speech-language pathologist assistant or
14 audiologist assistant and contain information about educational
15 background and clinical experience. One affidavit must be made by
16 either the speech-language pathologist or audiologist who has
17 supervised the assistant and must contain information verifying the
18 assistant's work experience or by the speech-language pathologist or
19 audiologist who will be supervising the assistant, whichever is
20 applicable. Persons eligible for registration under this subsection
21 must apply for registration before July 1, 1997.

22 **Sec. 10.** RCW 18.35.080 and 1991 c 3 s 83 are each amended to read
23 as follows:

24 (1) The department shall license each qualified applicant, without
25 discrimination, who satisfactorily completes the required examinations
26 for his or her profession and, upon payment of a fee determined by the
27 secretary as provided in RCW 43.70.250 to the department, shall issue
28 to the applicant a license. A person shall not knowingly make a false,
29 material statement in an application for a license, registration, or
30 permit or for a renewal of a license, registration, or permit.

31 If a ((person)) prospective hearing instrument fitter/dispenser
32 does not apply for a license within three years of the successful
33 completion of the hearing instrument fitter/dispenser license
34 examination, reexamination is required for licensure. The license
35 shall be effective until the licensee's next birthday at which time it
36 is subject to renewal. Subsequent renewal dates shall coincide with
37 the licensee's birthday.

1 (2) The board shall waive the examination and grant a speech-
2 language pathology license to a person engaged in the profession of
3 speech-language pathology in this state on the effective date of this
4 section if the board determines that the person meets commonly accepted
5 standards for the profession, as defined by rules adopted by the board.
6 Persons eligible for licensure under this subsection must apply for a
7 license before July 1, 1997.

8 (3) The board shall waive the examinations and grant an audiology
9 license to a person engaged in the profession of audiology in this
10 state on the effective date of this section if the board determines
11 that the person meets the commonly accepted standards for the
12 profession and has passed the hearing instrument fitter/dispenser
13 examination. Persons eligible for licensure under this subsection must
14 apply for a license before July 1, 1997.

15 (4) The board shall grant an audiology license to a person engaged
16 in the profession of audiology, who has not been licensed as a hearing
17 aid fitter/dispenser, but who meets the commonly accepted standards for
18 the profession of audiology and graduated from a board-approved program
19 after January 1, 1993, and has passed sections of the examination
20 pertaining to RCW 18.35.070 (3), (4), and (5). Persons eligible for
21 licensure under this subsection must apply for a license before July 1,
22 1997.

23 (5) Persons engaged in the profession of audiology who meet the
24 commonly accepted standards for the profession of audiology and
25 graduated from a board-approved program prior to January 1, 1993, and
26 who have not passed the hearing instrument fitter/dispenser examination
27 shall be granted a temporary audiology license (nondispensing) for a
28 period of two years from the effective date of this section during
29 which time they must pass sections of the hearing instrument
30 fitter/dispenser examination pertaining to RCW 18.35.070 (1)(c), (2)(e)
31 and (f), (3), (4), and (5). The board may extend the term of the
32 temporary license upon review. Persons eligible for licensure under
33 this subsection must apply for a license before July 1, 1997.

34 **Sec. 11.** RCW 18.35.085 and 1991 c 332 s 31 are each amended to
35 read as follows:

36 An applicant holding a credential in another state, territory, or
37 the District of Columbia may be credentialed to practice in this state
38 without examination if the board determines that the other state's

1 credentialing standards are substantially equivalent to the standards
2 in this state. An applicant for a license in hearing instrument
3 fitting/dispensing or audiology must pass sections of the examination
4 pertaining to RCW 18.35.070 (3), (4), and (5). The secretary shall
5 furnish licenses to licensees. At the time of making application, the
6 applicant shall pay to the department a fee determined by the
7 secretary.

8 **Sec. 12.** RCW 18.35.090 and 1991 c 3 s 84 are each amended to read
9 as follows:

10 Each person who engages in (~~the fitting and dispensing of hearing~~
11 ~~aids~~)) practice under this chapter shall, as the department prescribes
12 by rule, pay to the department a fee established by the secretary under
13 RCW 43.70.250 for a renewal of the license, registration, or permit and
14 shall keep the license, registration, or permit conspicuously posted in
15 the place of business at all times. The license, registration, or
16 permit of any person who fails to renew his or her license (~~prior to~~
17 ~~the expiration date must pay a penalty fee in addition to the renewal~~
18 ~~fee and satisfy the requirements)), registration, or permit within
19 thirty days of the date set by the secretary for renewal shall
20 automatically lapse. Within three years from the date of lapse and
21 upon recommendation of the board, the secretary may revive a lapsed
22 license upon payment of all past unpaid renewal fees and a penalty fee
23 to be determined by the secretary and satisfaction of any requirements,
24 which may include reexamination, that may be set forth by rule
25 promulgated by the secretary for reinstatement. The secretary may by
26 rule establish mandatory continuing education requirements and/or
27 continued competency standards to be met by licensees, registrants, or
28 permit holders as a condition for license, registration, or permit
29 renewal.~~

30 **Sec. 13.** RCW 18.35.095 and 1993 c 313 s 12 are each amended to
31 read as follows:

32 (1) A (~~person~~)) hearing instrument fitter/dispenser licensed under
33 this chapter and not actively (~~fitting and dispensing hearing aids~~)
34 practicing may be placed on inactive status by the department at the
35 written request of the licensee. The board shall define by rule the
36 conditions for inactive status licensure. In addition to the
37 requirements of RCW 43.24.086, the licensing fee for a licensee on

1 inactive status shall be directly related to the costs of administering
2 an inactive license by the department. A ~~((person))~~ hearing instrument
3 fitter/dispenser on inactive status may be voluntarily placed on active
4 status by notifying the department in writing, paying the remainder of
5 the licensing fee for the licensing year, and complying with subsection
6 (2) of this section.

7 (2) Hearing instrument fitter/dispenser inactive licensees applying
8 for active licensure shall comply with the following: A licensee who
9 has not fitted or dispensed hearing ~~((aids))~~ instruments for more than
10 five years from the expiration of the licensee's full fee license shall
11 retake the practical or the written, or both, hearing instrument
12 fitter/dispenser examinations required under this chapter ~~((and))~~, as
13 determined by the board. The hearing instrument fitter/dispenser
14 inactive licensee shall have completed continuing education
15 requirements within the previous twelve-month period. Persons who have
16 been on inactive status from two to five years must have within the
17 previous twelve months completed continuing education requirements.
18 Persons who have been on inactive status for one year or less shall
19 upon application be reinstated as active licensees. Persons who have
20 inactive status in this state but who are actively licensed and in good
21 standing in any other state shall not be required to meet continuing
22 education requirements or to take the hearing instrument
23 fitter/dispenser practical examination~~((s))~~, but must submit an
24 affidavit attesting to their knowledge of the current Washington
25 Administrative Code rules and Revised Code of Washington statutes
26 pertaining to the fitting and dispensing of hearing ~~((aids))~~
27 instruments.

28 (3) A speech-language pathologist or audiologist licensed or
29 registered under this chapter and not actively practicing either
30 speech-language pathology or audiology may be placed on inactive status
31 by the department at the written request of the licensee. The board
32 shall define by rule the conditions for inactive status licensure. In
33 addition to the requirements of RCW 43.24.086, the licensing fee for a
34 licensee on inactive status shall be directly related to the cost of
35 administering an inactive license by the department. A person on
36 inactive status may be voluntarily placed on active status by notifying
37 the department in writing, paying the remainder of the licensing fee
38 for the licensing year, and complying with subsection (4) of this
39 section.

1 (4) Speech-language pathologist or audiologist inactive licensees
2 applying for active licensure shall comply with requirements set forth
3 by the board, which may include completion of continuing competency
4 requirements and taking an examination.

5 **Sec. 14.** RCW 18.35.100 and 1983 c 39 s 8 are each amended to read
6 as follows:

7 (1) Every ~~((person who holds a license))~~ hearing instrument
8 fitter/dispenser, audiologist, speech-language pathologist, audiologist
9 assistant, speech-language pathologist assistant, hearing instrument
10 fitter/dispenser permit holder, or interim permit holder, who is
11 regulated under this chapter, shall notify the department in writing of
12 the regular address of the place or places in the state of Washington
13 where the person ~~((engages or intends to engage in the fitting and~~
14 ~~dispensing of hearing aids))~~ practices or intends to practice more than
15 twenty consecutive business days and of any change thereof within ten
16 days of such change. Failure to notify the department in writing shall
17 be grounds for suspension or revocation of license, registration, or
18 permit.

19 (2) The department shall keep a record of the places of business of
20 persons who hold licenses, registrations, or permits.

21 (3) Any notice required to be given by the department to a person
22 who holds a license, registration, or permit may be given by mailing it
23 to the address of the last ~~((place of business))~~ establishment or
24 facility of which the person has notified the department, except that
25 notice to a licensee, registrant, or permit holder of proceedings to
26 deny, suspend, or revoke the license, registration, or permit shall be
27 by certified or registered mail or by means authorized for service of
28 process.

29 **Sec. 15.** RCW 18.35.105 and 1989 c 198 s 6 are each amended to read
30 as follows:

31 Each licensee and permit holder under this chapter shall keep
32 records of all services rendered for a ~~((period))~~ minimum of three
33 years. These records shall contain the names and addresses of all
34 persons to whom services were provided~~((7))~~. Hearing instrument
35 fitter/dispensers, audiologists, and permit holders shall also record
36 the date the hearing instrument warranty expires, a description of the
37 services and the dates the services were provided, and copies of any

1 contracts and receipts. All records, as required pursuant to this
2 chapter or by rule, kept by licensees shall be owned by the
3 establishment or facility and shall remain with the establishment or
4 facility in the event the licensee changes employment. If a contract
5 between the establishment or facility and the licensee provides that
6 the records are to remain with the licensee, copies of such records
7 shall be provided to the establishment or facility.

8 **Sec. 16.** RCW 18.35.110 and 1993 c 313 s 4 are each amended to read
9 as follows:

10 In addition to causes specified under RCW 18.130.170 and
11 18.130.180, any person licensed, holding a permit, or registered under
12 this chapter may be subject to disciplinary action by the board for any
13 of the following causes:

14 (1) For unethical conduct in (~~dealing in~~) dispensing hearing
15 (~~aids~~) instruments. Unethical conduct shall include, but not be
16 limited to:

17 (a) Using or causing or promoting the use of, in any advertising
18 matter, promotional literature, testimonial, guarantee, warranty,
19 label, brand, insignia, or any other representation, however
20 disseminated or published, which is false, misleading or deceptive;

21 (b) Failing or refusing to honor or to perform as represented any
22 representation, promise, agreement, or warranty in connection with the
23 promotion, sale, dispensing, or fitting of the hearing (~~aids~~)
24 instrument;

25 (c) Advertising a particular model, type, or kind of hearing
26 (~~aids~~) instrument for sale which purchasers or prospective purchasers
27 responding to the advertisement cannot purchase or are dissuaded from
28 purchasing and where it is established that the purpose of the
29 advertisement is to obtain prospects for the sale of a different model,
30 type, or kind than that advertised;

31 (d) Falsifying hearing test or evaluation results;

32 (e)(i) Whenever any of the following conditions are found or should
33 have been found to exist either from observations by the licensee or
34 permit holder or on the basis of information furnished by the
35 prospective hearing (~~aids~~) instrument user prior to fitting and
36 dispensing a hearing (~~aids~~) instrument to any such prospective hearing
37 (~~aids~~) instrument user, failing to advise that prospective hearing
38 (~~aids~~) instrument user in writing that the user should first consult

1 a licensed physician specializing in diseases of the ear or if no such
2 licensed physician is available in the community then to any duly
3 licensed physician:

4 (A) Visible congenital or traumatic deformity of the ear, including
5 perforation of the eardrum;

6 (B) History of, or active drainage from the ear within the previous
7 ninety days;

8 (C) History of sudden or rapidly progressive hearing loss within
9 the previous ninety days;

10 (D) Acute or chronic dizziness;

11 (E) Any unilateral hearing loss;

12 (F) Significant air-bone gap when generally acceptable standards
13 have been established as defined by the food and drug administration;

14 (G) Visible evidence of significant cerumen accumulation or a
15 foreign body in the ear canal;

16 (H) Pain or discomfort in the ear; or

17 (I) Any other conditions that the board may by rule establish. It
18 is a violation of this subsection for any licensee or that licensee's
19 employees and putative agents upon making such required referral for
20 medical opinion to in any manner whatsoever disparage or discourage a
21 prospective hearing ((aid)) instrument user from seeking such medical
22 opinion prior to the fitting and dispensing of a hearing ((aid))
23 instrument. No such referral for medical opinion need be made by any
24 hearing instrument fitter/dispenser or audiologist licensee or permit
25 holder in the instance of replacement only of a hearing ((aid))
26 instrument which has been lost or damaged beyond repair within ((six))
27 twelve months of the date of purchase. The hearing instrument
28 fitter/dispenser or audiologist licensee or permit holder or the
29 hearing instrument fitter/dispenser or audiologist licensee's or permit
30 holder's employees or putative agents shall obtain a signed statement
31 from the hearing ((aid)) instrument user documenting the waiver of
32 medical clearance and the waiver shall inform the prospective user that
33 signing the waiver is not in the user's best health interest:
34 PROVIDED, That the hearing instrument fitter/dispenser or audiologist
35 licensee or permit holder shall maintain a copy of either the
36 physician's statement showing that the prospective hearing ((aid))
37 instrument user has had a medical evaluation within the previous six
38 months or the statement waiving medical evaluation, for a period of
39 three years after the purchaser's receipt of a hearing ((aid))

1 instrument. Nothing in this section required to be performed by a
2 licensee or permit holder shall mean that the licensee or permit holder
3 is engaged in the diagnosis of illness or the practice of medicine or
4 any other activity prohibited under the laws of this state;

5 (ii) Fitting and dispensing a hearing ~~((aid))~~ instrument to any
6 person under eighteen years of age who has not been examined and
7 cleared for hearing ~~((aid))~~ instrument use within the previous six
8 months by a physician specializing in otolaryngology except in the case
9 of replacement instruments or except in the case of the parents or
10 guardian of such person refusing, for good cause, to seek medical
11 opinion: PROVIDED, That should the parents or guardian of such person
12 refuse, for good cause, to seek medical opinion, the hearing instrument
13 fitter/dispenser or audiologist licensee shall obtain from such parents
14 or guardian a certificate to that effect in a form as prescribed by the
15 department;

16 (iii) Fitting and dispensing a hearing ~~((aid))~~ instrument to any
17 person under eighteen years of age who has not been examined by ~~((an))~~
18 a licensed audiologist ~~((who holds at least a master's degree in~~
19 ~~audiology for recommendations during the previous six months))~~, without
20 first advising such person or his or her parents or guardian in writing
21 that he or she should first consult ~~((an))~~ a licensed audiologist ~~((who~~
22 ~~holds at least a master's degree in audiology))~~, except in cases of
23 hearing ~~((aids))~~ instruments replaced within six months of their
24 purchase;

25 (f) Representing that the services or advice of a person licensed
26 to practice medicine and surgery under chapter 18.71 RCW or osteopathy
27 and surgery under chapter 18.57 RCW or of a clinical audiologist will
28 be used or made available in the selection, fitting, adjustment,
29 maintenance, or repair of hearing ~~((aids))~~ instruments when that is not
30 true, or using the word "doctor," "clinic," or other like words,
31 abbreviations, or symbols which tend to connote a medical or
32 osteopathic profession when such use is not accurate;

33 (g) Permitting another to use his or her license, permit, or
34 registration;

35 (h) Stating or implying that the use of any hearing ~~((aid))~~
36 instrument will restore normal hearing, preserve hearing, prevent or
37 retard progression of a hearing impairment, or any other false,
38 misleading, or medically or audilogically unsupportable claim
39 regarding the efficiency of a hearing ~~((aid))~~ instrument;

1 (i) Representing or implying that a hearing (~~aid~~) instrument is
2 or will be "custom-made," "made to order," "prescription made," or in
3 any other sense specially fabricated for an individual when that is not
4 the case; or

5 (j) Directly or indirectly offering, giving, permitting, or causing
6 to be given, money or anything of value to any person who advised
7 another in a professional capacity as an inducement to influence that
8 person, or to have that person influence others to purchase or contract
9 to purchase any product sold or offered for sale by the (~~licensee~~)
10 hearing instrument fitter/dispenser, audiologist, or permit holder, or
11 to influence any person to refrain from dealing in the products of
12 competitors.

13 (2) Engaging in any unfair or deceptive practice or unfair method
14 of competition in trade within the meaning of RCW 19.86.020.

15 (3) If a person violates the provisions of this chapter, the
16 attorney general, prosecuting attorney, secretary, board, or a citizen
17 of the state may maintain an action in the name of the state to enjoin
18 the person from practicing or holding himself or herself out as a
19 practicing hearing instrument fitter/dispenser, speech-language
20 pathologist, or audiologist. The injunction does not relieve criminal
21 prosecution but the remedy by injunction is in addition to the
22 liability of the offender for criminal prosecution and the suspension
23 or revocation of his or her license.

24 (4) Aiding or abetting any violation of the rebating laws as stated
25 in chapter 19.68 RCW.

26 NEW SECTION. Sec. 17. A new section is added to chapter 18.35 RCW
27 to read as follows:

28 (1) A person who is not licensed with the secretary as a hearing
29 instrument fitter/dispenser under the requirements of this chapter may
30 not represent himself or herself as being so licensed and may not use
31 in connection with his or her name the words "hearing instrument
32 fitter/dispenser," "hearing instrument specialist," or "hearing aid
33 fitter/dispenser," or a variation, synonym, word, sign, number,
34 insignia, coinage, or whatever expresses, employs, or implies these
35 terms, names, or functions of a hearing instrument fitter/dispenser.

36 (2) A person who is not licensed with the secretary as a speech-
37 language pathologist under the requirements of this chapter may not
38 represent himself or herself as being so licensed and may not use in

1 connection with his or her name the words including "speech
2 pathologist," "language pathologist," "speech-language pathologist,"
3 "language therapist," "speech correctionist," "language correctionist,"
4 "speech clinician," "language clinician," "voice pathologist,"
5 "logopedist," "communicologist," "aphasiologist," "communication
6 disorders specialist," or "phoniatrix," or a variation, synonym, word,
7 sign, number, insignia, coinage, or whatever expresses, employs, or
8 implies these terms, names, or functions as a speech-language
9 pathologist.

10 (3) A person who is not licensed with the secretary as an
11 audiologist under the requirements of this chapter may not represent
12 himself or herself as being so licensed and may not use in connection
13 with his or her name the words "audiologist," "audiometrist," "hearing
14 therapist," "hearing clinician," "hearing aid audiologist,"
15 "educational audiologist," or "auditory integration specialist," or a
16 variation, synonym, letter, word, sign, number, insignia, coinage, or
17 whatever expresses, employs, or implies these terms, names, or
18 functions of an audiologist.

19 (4) A person who does not hold a permit issued by the secretary as
20 a hearing instrument fitter/dispenser permittee under the requirements
21 of this chapter may not represent himself or herself as being so
22 permitted and may not use in connection with his or her name the words
23 "hearing instrument fitter/dispenser permit holder," or "hearing
24 instrument fitter/dispenser," or "hearing aid fitter/dispenser," or a
25 variation, synonym, word, sign, number, insignia, coinage, or whatever
26 expresses, employs, or implies these terms, names, or functions of a
27 hearing instrument fitter/dispenser permit holder.

28 (5) A person who is not registered as a speech-language pathologist
29 assistant or an audiologist assistant may not use the words "speech-
30 language pathologist assistant" or "audiologist assistant" or any term,
31 including those specified in subsections (1), (2), (3), and (4) of this
32 section, or a variation, synonym, word, sign, number, insignia,
33 coinage, or whatever expresses, employs, or implies these terms, names,
34 or functions of a registered speech-language pathologist assistant or
35 audiologist assistant.

36 (6) No person may practice hearing instrument fitting/dispensing,
37 speech-language pathology, or audiology without first having a valid
38 license and using the state-approved title.

1 (7) Nothing in this chapter prohibits a person licensed in this
2 state under another act from engaging in the practice for which he or
3 she is licensed.

4 **Sec. 18.** RCW 18.35.120 and 1983 c 39 s 10 are each amended to read
5 as follows:

6 A licensee, registrant, or permit holder under this chapter may
7 also be subject to disciplinary action if the licensee, registrant, or
8 permit holder:

9 (1) Is found guilty in any court of any crime involving forgery,
10 embezzlement, obtaining money under false pretenses, larceny,
11 extortion, or conspiracy to defraud and ten years have not elapsed
12 since the date of the conviction; or

13 (2) Has a judgment entered against him or her in any civil action
14 involving forgery, embezzlement, obtaining money under false pretenses,
15 larceny, extortion, or conspiracy to defraud and five years have not
16 elapsed since the date of the entry of the final judgment in the
17 action, but a license shall not be issued unless the judgment debt has
18 been discharged; or

19 (3) Has a judgment entered against him or her under chapter 19.86
20 RCW and two years have not elapsed since the entry of the final
21 judgment; but a license shall not be issued unless there has been full
22 compliance with the terms of such judgment, if any. The judgment shall
23 not be grounds for denial, suspension, nonrenewal, or revocation of a
24 license unless the judgment arises out of and is based on acts of the
25 applicant, licensee, or employee of the licensee; or

26 (4) Violates any section of RCW 18.130.180 of the uniform
27 disciplinary act.

28 **Sec. 19.** RCW 18.35.140 and 1993 c 313 s 5 are each amended to read
29 as follows:

30 The powers and duties of the department, in addition to the powers
31 and duties provided under other sections of this chapter, are as
32 follows:

33 (1) To provide ~~((facilities))~~ space necessary to carry out the
34 examination ((of applicants for license)) set forth in RCW 18.35.070 of
35 applicants for hearing instrument fitter/dispenser licenses or
36 audiology licenses.

1 (2) To authorize all disbursements necessary to carry out the
2 provisions of this chapter.

3 (3) To require the periodic examination of ~~((the audiometric))~~
4 testing equipment, as defined by the board, and to carry out the
5 periodic inspection of facilities or establishments of persons who
6 ~~((deal in hearing aids))~~ are licensed under this chapter, as reasonably
7 required within the discretion of the department.

8 (4) To appoint advisory committees.

9 (5) To keep a record of proceedings under this chapter and a
10 register of all persons licensed, registered, or holding permits under
11 this chapter. The register shall show the name of every living
12 licensee or permit holder for hearing instrument fitting/dispensing,
13 every living licensee or interim permit holder for speech-language
14 pathology, every living licensee or interim permit holder for
15 audiology, every registered speech-language pathologist assistant and
16 audiologist assistant, with his or her last known place of residence
17 and the date and number of his or her license, permit, or registration.

18 **Sec. 20.** RCW 18.35.150 and 1993 c 313 s 6 are each amended to read
19 as follows:

20 (1) There is created hereby the board ~~((on fitting and dispensing~~
21 ~~of hearing aids))~~ of hearing and speech to govern the three separate
22 professions: Hearing instrument fitting/dispensing, audiology, and
23 speech-language pathology. The board shall consist of ~~((seven))~~ nine
24 members to be appointed by the ~~((governor))~~ secretary.

25 (2) Members of the board shall be residents of this state. ~~((Two))~~
26 Three members shall represent the public and shall have an interest in
27 the rights of consumers of health services, and shall not be or have
28 been a member of, or married to a member of, another licensing board,
29 a licensee of a health occupation board, an employee of a health
30 facility, nor derive his or her primary livelihood from the provision
31 of health services at any level of responsibility. Two members shall
32 be ~~((persons experienced in the fitting of hearing aids))~~ hearing
33 instrument fitter/dispensers who ~~((shall hold valid licenses))~~ are
34 licensed under this chapter ~~((and who do not have a masters level~~
35 college degree in audiology)), have at least five years of experience
36 in the practice of hearing instrument fitting and dispensing, and must
37 be actively engaged in fitting and dispensing within two years of
38 appointment. Two members of the board shall be audiologists licensed

1 under this chapter who have at least five years of experience in the
2 practice of audiology and must be actively engaged in practice within
3 two years of appointment. Two members of the board shall be speech-
4 language pathologists licensed under this chapter who have at least
5 five years of experience in the practice of speech-language pathology
6 and must be actively engaged in practice within two years of
7 appointment. One advisory nonvoting member shall be a medical ((or
8 osteopathic)) physician ((specializing in diseases of the ear.—Two
9 members must be experienced in the fitting of hearing aids, must be
10 licensed under this chapter, and shall have received at a minimum a
11 masters level college degree in audiology)) licensed in the state of

12 Washington.

13 (3) The term of office of a member is three years. Of the initial
14 appointments, one hearing instrument fitter/dispenser, one speech-
15 language pathologist, one audiologist, and one consumer shall be
16 appointed for a term of two years, and one hearing instrument
17 fitter/dispenser, one speech-language pathologist, one audiologist, and
18 two consumers shall be appointed for a term of three years.
19 Thereafter, all appointments shall be made for expired terms. No
20 member shall be appointed to serve more than two consecutive terms. A
21 member shall continue to serve until a successor has been appointed.
22 The ((governor)) secretary shall either reappoint the member or appoint
23 a successor to assume the member's duties at the expiration of his or
24 her predecessor's term. A vacancy in the office of a member shall be
25 filled by appointment for the unexpired term.

26 (4) ~~((The chair of the board shall be elected from the membership~~
27 ~~of the board at the beginning of each year.)) The chair shall rotate~~
28 annually among the hearing instrument fitter/dispensers, speech-
29 language pathologists, audiologists, and public members serving on the
30 board. In the absence of the chair, the board shall appoint an interim
31 chair. In event of a tie vote, the issue shall be brought to a second
32 vote and the chair shall refrain from voting.

33 (5) The board shall meet at least once each year, at a place, day
34 and hour determined by the board, unless otherwise directed by a
35 majority of board members. The board shall also meet at such other
36 times and places as are requested by the department or by three members
37 of the board. A quorum is a majority of the board. A hearing
38 instrument fitter/dispenser, speech-language pathologist, and
39 audiologist must be represented. Meetings of the board shall be open

1 and public, except the board may hold executive sessions to the extent
2 permitted by chapter 42.30 RCW.

3 (6) Members of the board shall be compensated in accordance with
4 RCW 43.03.240 and shall be reimbursed for their travel expenses in
5 accordance with RCW 43.03.050 and 43.03.060.

6 (7) The secretary may remove a member of the board at the
7 recommendation of a majority of the board.

8 **Sec. 21.** RCW 18.35.161 and 1993 c 313 s 7 are each amended to read
9 as follows:

10 The board shall have the following powers and duties:

11 (1) To establish by rule such minimum standards and procedures in
12 the fitting and dispensing of hearing ~~((aids))~~ instruments as deemed
13 appropriate and in the public interest;

14 (2) To develop guidelines on the training and supervision of
15 ~~((trainees))~~ hearing instrument fitter/dispenser permit holders and to
16 establish requirements regarding the extent of apprenticeship training
17 and certification to the department;

18 (3) To adopt any other rules necessary to implement this chapter
19 and which are not inconsistent with it;

20 (4) To develop, approve, and administer ~~((all—licensing~~
21 ~~examinations required by this chapter))~~ or supervise the administration
22 of licensing examinations to applicants for licensure under this
23 chapter; ((and))

24 (5) To require a licensee, registrant, or permit holder to make
25 restitution to any individual injured by a violation of this chapter or
26 chapter 18.130 RCW, the uniform disciplinary act. The authority to
27 require restitution does not limit the board's authority to take other
28 action deemed appropriate and provided for in this chapter or chapter
29 18.130 RCW;

30 (6) To pass upon the qualifications of applicants for licensure,
31 registration, or permits and to certify to the secretary;

32 (7) To recommend requirements for continuing education and
33 continuing competency requirements as a prerequisite to renewing a
34 license or registration under this chapter;

35 (8) To keep an official record of all its proceedings. The record
36 is evidence of all proceedings of the board that are set forth in this
37 record;

1 (9) To establish by rule standards for duties, roles, and
2 responsibilities of assistants to speech-language pathologists and
3 audiologists, including but not limited to the ratio of speech-language
4 pathologists and audiologists to supervised assistants and the
5 frequency, duration, and documentation of supervision;

6 (10) To adopt rules, if the board finds it appropriate, in response
7 to questions put to it by professional health associations, hearing
8 instrument fitter/dispensers or audiologists, speech-language
9 pathologists, speech-language pathologist assistants, audiologist
10 assistants, permit holders, and consumers in this state; and

11 (11) To adopt rules relating to standards of care relating to
12 hearing instrument fitter/dispensers or audiologists, including the
13 dispensing of hearing instruments, and relating to speech-language
14 pathologists, including dispensing of communication devices.

15 NEW SECTION. Sec. 22. A new section is added to chapter 18.35 RCW
16 to read as follows:

17 Violation of the standards adopted by rule under RCW 18.35.161 is
18 unprofessional conduct under this chapter and chapter 18.130 RCW.

19 **Sec. 23.** RCW 18.35.172 and 1987 c 150 s 21 are each amended to
20 read as follows:

21 The uniform disciplinary act, chapter 18.130 RCW, governs
22 unlicensed and unregulated practice, the issuance and denial of
23 licenses, registrations, and permits, and the discipline of licensees,
24 registrants, and permit holders under this chapter.

25 **Sec. 24.** RCW 18.35.175 and 1983 c 39 s 21 are each amended to read
26 as follows:

27 It is unlawful to ~~((sell))~~ fit or dispense a hearing ~~((aid))~~
28 instrument to a resident of this state if the attempted sale or
29 purchase is offered or made by telephone or mail order and there is no
30 face-to-face contact to test or otherwise determine the needs of the
31 prospective purchaser. This section does not apply to the sale of
32 hearing ~~((aids))~~ instruments by wholesalers to licensees under this
33 chapter.

34 **Sec. 25.** RCW 18.35.180 and 1973 1st ex.s. c 106 s 18 are each
35 amended to read as follows:

1 Acts and practices in the course of trade in the promoting,
2 advertising, selling, fitting, and dispensing of hearing ~~((aids))~~
3 instruments shall be subject to the provisions of chapter 19.86 RCW
4 (Consumer Protection Act) and RCW 9.04.050 (False Advertising Act) and
5 any violation of the provisions of this chapter shall constitute
6 violation of RCW 19.86.020.

7 **Sec. 26.** RCW 18.35.185 and 1993 c 313 s 9 are each amended to read
8 as follows:

9 (1) In addition to any other rights and remedies a purchaser may
10 have, the purchaser of a hearing ~~((aid))~~ instrument shall have the
11 right to rescind the transaction for other than the hearing instrument
12 fitter/dispenser or audiologist licensee's or permit holder's breach
13 if:

14 (a) The purchaser, for reasonable cause, returns the hearing
15 ~~((aid))~~ instrument or holds it at the ~~((licensee's))~~ hearing instrument
16 fitter/dispenser or audiologist's or permit holder's disposal, if the
17 hearing ~~((aid))~~ instrument is in its original condition less normal
18 wear and tear. "Reasonable cause" shall be defined by the board but
19 shall not include a mere change of mind on the part of the purchaser or
20 a change of mind related to cosmetic concerns of the purchaser about
21 wearing a hearing ~~((aid))~~ instrument; and

22 (b) The purchaser sends notice of the cancellation by certified
23 mail, return receipt requested, to the establishment employing the
24 hearing instrument fitter/dispenser or audiologist licensee or permit
25 holder at the time the hearing ~~((aid))~~ instrument was originally
26 purchased, and the notice is posted not later than thirty days
27 following the date of delivery, but the purchaser and the hearing
28 instrument fitter/dispenser or audiologist licensee or permit holder
29 may extend the deadline for posting of the notice of rescission by
30 mutual, written agreement. In the event the hearing ~~((aid is in the~~
31 ~~possession of the licensee or the licensee's representative))~~
32 instrument develops a problem which qualifies as a reasonable cause for
33 recision or which prevents the purchaser from evaluating the hearing
34 instrument, and the purchaser notifies the establishment employing the
35 hearing instrument fitter/dispenser or audiologist licensee or permit
36 holder of the problem during the thirty days following the date of
37 delivery and documents such notification, the deadline for posting the
38 notice of rescission shall be extended by an equal number of days

1 (~~that the aid is in the possession of the licensee or the licensee's~~
2 ~~representative~~) as those between the date of the notification of the
3 problem to the date of its resolution. Where the hearing ((aid))
4 instrument is returned to the hearing instrument fitter/dispenser or
5 audiologist licensee or permit holder for any inspection for
6 modification or repair, and the hearing instrument fitter/dispenser or
7 audiologist licensee or permit holder has notified the purchaser that
8 the hearing ((aid)) instrument is available for redelivery, and where
9 the purchaser has not responded by either taking possession of the
10 hearing ((aid)) instrument or instructing the hearing instrument
11 fitter/dispenser or audiologist licensee or permit holder to forward it
12 to the purchaser, then the deadline for giving notice of the rescission
13 shall ((begin)) extend no more than seven working days after this
14 notice of availability.

15 (2) If the transaction is rescinded under this section or as
16 otherwise provided by law and the hearing ((aid)) instrument is
17 returned to the hearing instrument fitter/dispenser or audiologist
18 licensee or permit holder, the hearing instrument fitter/dispenser or
19 audiologist licensee or permit holder shall refund to the purchaser any
20 payments or deposits for that hearing ((aid)) instrument. However, the
21 hearing instrument fitter/dispenser or audiologist licensee or permit
22 holder may retain, for each hearing ((aid, ~~fifteen percent of the total~~
23 ~~purchase price or one hundred dollars, whichever is less~~)) instrument,
24 fifteen percent of the total purchase price or one hundred and twenty-
25 five dollars, whichever is less. After December 31, 1996, the rescission
26 amount shall be determined by the board. The hearing instrument
27 fitter/dispenser or audiologist licensee or permit holder shall also
28 return any goods traded in contemplation of the sale, less any costs
29 incurred by the hearing instrument fitter/dispenser or audiologist
30 licensee or permit holder in making those goods ready for resale. The
31 refund shall be made within ten business days after the rescission.
32 The buyer shall incur no additional liability for such rescission.

33 (3) For the purposes of this section, the purchaser shall have
34 recourse against the bond held by the establishment entering into a
35 purchase agreement with the buyer, as provided by RCW 18.35.240.

36 **Sec. 27.** RCW 18.35.190 and 1989 c 198 s 8 are each amended to read
37 as follows:

1 In addition to remedies otherwise provided by law, in any action
2 brought by or on behalf of a person required to be licensed or
3 registered or hold a permit hereunder, or by any assignee or transferee
4 (~~thereof, arising out of the business of fitting and dispensing of~~
5 ~~hearing aids~~)), it shall be necessary to allege and prove that the
6 licensee, registrant, or permit holder at the time of the transaction
7 held a valid license, registration, or permit as required by this
8 chapter, and that such license, registration, or permit has not been
9 suspended or revoked pursuant to RCW 18.35.110, 18.35.120, or
10 18.130.160.

11 **Sec. 28.** RCW 18.35.195 and 1983 c 39 s 22 are each amended to read
12 as follows:

13 (1) This chapter shall not apply to military or federal government
14 employees(~~(, nor shall it apply to)~~).

15 (2) This chapter does not prohibit or regulate:

16 (a) Fitting or dispensing by students enrolled in ((an accredited))
17 a board-approved program who are directly supervised by a licensed
18 hearing ((aid)) instrument fitter/dispenser or licensed audiologist
19 under the provisions of this chapter;

20 (b) The practice of speech-language pathology or audiology by a
21 student who is enrolled in a course of study leading to a degree in
22 audiology or speech-language pathology at a college or university and
23 who is working under the educational supervision of a licensed speech-
24 language pathologist or licensed audiologist; and

25 (c) Hearing instrument fitter/dispensers, speech-language
26 pathologists, or audiologists of other states, territories, or
27 countries, or the District of Columbia while appearing as clinicians of
28 bona fide educational seminars sponsored by speech-language pathology,
29 audiology, hearing instrument fitter/dispenser, medical, or other
30 healing art professional associations so long as such activities do not
31 go beyond the scope of practice defined by this chapter.

32 **Sec. 29.** RCW 18.35.205 and 1983 c 39 s 24 are each amended to read
33 as follows:

34 The legislature finds that the public health, safety, and welfare
35 would best be protected by uniform regulation of hearing (~~aid fitter-~~
36 ~~dispensers~~) instrument fitter/dispensers, speech-language
37 pathologists, audiologists, permit holders, and respective assistants

1 throughout the state. Therefore, the provisions of this chapter
2 relating to the licensing of hearing (~~aid fitter dispensers and~~
3 ~~hearing aid~~) instrument fitter/dispensers, speech-language
4 pathologists, and audiologists, registration of speech-language
5 pathologist assistants and audiologist assistants, and regulation of
6 permit holders and their respective establishments or facilities is
7 exclusive. No political subdivision of the state of Washington within
8 whose jurisdiction a hearing (~~aid~~) instrument fitter/dispenser,
9 audiologist, or speech-language pathologist establishment or facility
10 is located may require any registrations, bonds, licenses, or permits
11 of the establishment or facility or its employees or charge any fee for
12 the same or similar purposes: PROVIDED, HOWEVER, That nothing herein
13 shall limit or abridge the authority of any political subdivision to
14 levy and collect a general and nondiscriminatory license fee levied on
15 all businesses, or to levy a tax based upon the gross business
16 conducted by any firm within the political subdivision.

17 **Sec. 30.** RCW 18.35.230 and 1989 c 198 s 9 are each amended to read
18 as follows:

19 (1) Each licensee registrant, or permit holder shall name a
20 registered agent to accept service of process for any violation of this
21 chapter or rule adopted under this chapter.

22 (2) The registered agent may be released at the expiration of one
23 year after the license, registration, or permit issued under this
24 chapter has expired or been revoked.

25 (3) Failure to name a registered agent for service of process for
26 violations of this chapter or rules adopted under this chapter may be
27 grounds for disciplinary action.

28 **Sec. 31.** RCW 18.35.240 and 1993 c 313 s 11 are each amended to
29 read as follows:

30 (1) Every establishment engaged in the fitting and dispensing of
31 hearing (~~aids~~) instruments shall file with the department a surety
32 bond in the sum of ten thousand dollars, running to the state of
33 Washington, for the benefit of any person injured or damaged as a
34 result of any violation by the establishment's employees or agents of
35 any of the provisions of this chapter or rules adopted by the
36 secretary.

1 (2) In lieu of the surety bond required by this section, the
2 establishment may file with the department a cash deposit or other
3 negotiable security acceptable to the department. All obligations and
4 remedies relating to surety bonds shall apply to deposits and security
5 filed in lieu of surety bonds.

6 (3) If a cash deposit is filed, the department shall deposit the
7 funds (~~with the state treasurer~~). The cash or other negotiable
8 security deposited with the department shall be returned to the
9 depositor one year after the establishment has discontinued the fitting
10 and dispensing of hearing (~~aids~~) instruments if no legal action has
11 been instituted against the establishment, its agents or employees, or
12 the cash deposit or other security. The establishment owners shall
13 notify the department if the establishment is sold, changes names, or
14 has discontinued the fitting and dispensing of hearing (~~aids~~)
15 instruments in order that the cash deposit or other security may be
16 released at the end of one year from that date.

17 (4) A surety may file with the department notice of withdrawal of
18 the bond of the establishment. Upon filing a new bond, or upon the
19 expiration of sixty days after the filing of notice of withdrawal by
20 the surety, the liability of the former surety for all future acts of
21 the establishment terminates.

22 (5) Upon the filing with the department notice by a surety of
23 withdrawal of the surety on the bond of an establishment or upon the
24 cancellation by the department of the bond of a surety under this
25 section, the department shall immediately give notice to the
26 establishment by certified or registered mail with return receipt
27 requested addressed to the establishment's last place of business as
28 filed with the department.

29 (6) The department shall immediately cancel the bond given by a
30 surety company upon being advised that the surety company's license to
31 transact business in this state has been revoked.

32 (7) Each invoice for the purchase of a hearing (~~aids~~) instrument
33 provided to a customer must clearly display on the first page the bond
34 number of the establishment or the licensee (~~selling~~) or permit
35 holder fitting/dispensing the hearing (~~aids~~) instrument.

36 **Sec. 32.** RCW 18.35.250 and 1991 c 3 s 86 are each amended to read
37 as follows:

1 (1) In addition to any other legal remedies, an action may be
2 brought in any court of competent jurisdiction upon the bond, cash
3 deposit, or security in lieu of a surety bond required by this chapter,
4 by any person having a claim against a licensee or permit holder,
5 agent, or establishment for any violation of this chapter or any rule
6 adopted under this chapter. The aggregate liability of the surety to
7 all claimants shall in no event exceed the sum of the bond. Claims
8 shall be satisfied in the order of judgment rendered.

9 (2) An action upon the bond shall be commenced by serving and
10 filing the complaint within one year from the date of the cancellation
11 of the bond. An action upon a cash deposit or other security shall be
12 commenced by serving and filing the complaint within one year from the
13 date of notification to the department of the change in ownership of
14 the establishment or the discontinuation of the fitting and dispensing
15 of hearing ((~~aids~~)) instruments by that establishment. Two copies of
16 the complaint shall be served by registered or certified mail, return
17 receipt requested, upon the department at the time the suit is started.
18 The service constitutes service on the surety. The secretary shall
19 transmit one copy of the complaint to the surety within five business
20 days after the copy has been received.

21 (3) The secretary shall maintain a record, available for public
22 inspection, of all suits commenced under this chapter under surety
23 bonds, or the cash or other security deposited in lieu of the surety
24 bond. In the event that any final judgment impairs the liability of
25 the surety upon a bond so furnished or the amount of the deposit so
26 that there is not in effect a bond undertaking or deposit in the full
27 amount prescribed in this section, the department shall suspend the
28 license until the bond undertaking or deposit in the required amount,
29 unimpaired by unsatisfied judgment claims, has been furnished.

30 (4) If a judgment is entered against the deposit or security
31 required under this chapter, the department shall, upon receipt of a
32 certified copy of a final judgment, pay the judgment from the amount of
33 the deposit or security.

34 NEW SECTION. Sec. 33. RCW 18.35.170 and 1993 c 313 s 8 & 1973 1st
35 ex.s. c 106 s 17 are each repealed.

36 NEW SECTION. Sec. 34. The governing authorities of the Washington
37 hearing aid society, the Washington speech and hearing association, and

1 the Washington society of audiology are requested to jointly initiate
2 a study and develop consensus recommendations regarding the merits of
3 requiring a two-year degree as an entry level requirement for licensing
4 hearing instrument fitter/dispensers under chapter 18.35 RCW. The
5 study and recommendations, at a minimum, must include consideration of
6 the fiscal impact of the proposal, the feasibility of providing a two-
7 year degree curriculum, and the status of those currently licensed as
8 hearing instrument fitter/dispensers under chapter 18.35 RCW. The
9 study must be coordinated with the state board of community and
10 technical colleges, the international hearing instrument society, and
11 the national certification examination committee. The agreed upon
12 recommendations must be presented to the senate health and human
13 services and the house of representatives health care committees prior
14 to January 1, 2000.

15 NEW SECTION. **Sec. 35.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

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