
ENGROSSED HOUSE BILL 2108

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Ross, Moeller, and Johnson

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1 AN ACT Relating to hearing instrument fitter/dispensers; amending
2 RCW 18.35.010, 18.35.020, 18.35.040, 18.35.050, 18.35.070, 18.35.090,
3 18.35.095, 18.35.100, 18.35.105, 18.35.110, 18.35.120, 18.35.140,
4 18.35.150, 18.35.161, 18.35.172, 18.35.185, 18.35.190, 18.35.195,
5 18.35.205, 18.35.230, 18.35.240, 18.35.250, and 18.35.260; adding new
6 sections to chapter 18.35 RCW; and providing an effective date.

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

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

10 (1) The department shall issue an interim work-based learning
11 permit to any applicant who meets the following requirements:

12 (a) Either:

13 (i) Possession of a two-year or four-year degree in a field of
14 study approved by the board from an accredited institution of higher
15 education; or

16 (ii) Current enrollment in a two-year or four-year degree program
17 in a field of study approved by the board in an accredited institution
18 of higher education with no more than one full-time academic year
19 remaining in his or her course of study; and

1 (b) Designation of a board-approved licensed hearing aid specialist
2 or board-approved licensed audiologist who has agreed to act as the
3 applicant's supervisor under sections 2 and 3 of this act.

4 (2) The applicant shall complete an application form designated by
5 the department and pay an application fee set by the secretary under
6 RCW 43.70.250. The application form must be signed by both the
7 applicant and the licensed hearing aid specialist or licensed
8 audiologist who has agreed to act as the applicant's supervisor.

9 (3) An interim work-based learning permit issued under this section
10 expires twelve months after issuance and may be renewed once for a
11 period of twelve months.

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

14 (1) A holder of an interim work-based learning permit may engage in
15 the fitting and dispensing of hearing instruments in a board-approved
16 work-based learning pathway. Except as provided in subsection (2) of
17 this section, a holder of an interim work-based learning permit may
18 engage in the fitting and dispensing of hearing instruments only under
19 the direct supervision of a board-approved licensed hearing aid
20 specialist or board-approved licensed audiologist.

21 (2) A holder of an interim work-based learning permit may engage in
22 the fitting and dispensing of hearing instruments under the indirect
23 supervision of a board-approved licensed hearing aid specialist or
24 board-approved licensed audiologist only after the holder of the
25 interim work-based learning permit has successfully completed the
26 work-based learning pathway. The board shall approve learning pathways
27 established in partnership with private business or pathways
28 established in partnership with accredited institutions of higher
29 education and sponsoring private businesses through work-based learning
30 agreements. The holder of the interim work-based learning permit has
31 successfully completed a work-based learning pathway if:

32 (a) For a board-approved, work-based learning pathway established
33 in partnership with private business, the supervising hearing aid
34 specialist or audiologist notifies the department and the board that
35 the holder of the work-based learning permit has completed at least
36 five hundred twenty hours of practical training under the direct

1 supervision of the hearing aid specialist or audiologist. The training
2 must include at least the following:

- 3 (i) Audiometric testing;
- 4 (ii) Counseling regarding hearing examinations;
- 5 (iii) Hearing instrument selection;
- 6 (iv) Ear mold impressions;
- 7 (v) Hearing instrument fitting and follow-up care; and
- 8 (vi) Business practices, including ethics, regulations, and
9 sanitation and infection control; or

10 (b) For a board-approved, work-based learning pathway established
11 in partnership with an institution of higher education and a sponsoring
12 private business through a work-based learning agreement, the holder of
13 the interim work-based learning permit has completed all of the
14 requirements of the pathway, which must be consistent with the
15 requirements in (a) of this subsection.

16 NEW SECTION. **Sec. 3.** A new section is added to chapter 18.35 RCW
17 to read as follows:

18 (1) A hearing aid specialist or audiologist may supervise an
19 interim work-based learning permit holder only if he or she:

- 20 (a) Has been licensed in good standing under this chapter for at
21 least two years;
- 22 (b) Practices in an established place of business;
- 23 (c) Is responsible for all activities and training of the interim
24 work-based learning permit holder under this chapter; and
- 25 (d) Is approved to supervise interim work-based learning permit
26 holders by the board.

27 (2) A hearing aid specialist or audiologist may supervise no more
28 than three interim work-based learning permit holders at any one time.

29 (3) An interim work-based learning permit holder shall notify the
30 department and the board within ten working days if:

- 31 (a) His or her relationship with his or her existing supervisor is
32 terminated; or
- 33 (b) He or she designates a new supervisor who meets the
34 requirements of this section.

35 **Sec. 4.** RCW 18.35.010 and 2009 c 301 s 2 are each amended to read
36 as follows:

1 The definitions in this section apply throughout this chapter
2 unless the context clearly requires otherwise.

3 (1) "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) "Audiology" means the application of principles, methods, and
11 procedures related to hearing and the disorders of hearing and to
12 related language and speech disorders, whether of organic or nonorganic
13 origin, peripheral or central, that impede the normal process of human
14 communication including, but not limited to, disorders of auditory
15 sensitivity, acuity, function, processing, or vestibular function, the
16 application of aural habilitation, rehabilitation, and appropriate
17 devices including fitting and dispensing of hearing instruments, and
18 cerumen management to treat such disorders.

19 (3) "Board" means the board of hearing and speech.

20 (4) "Department" means the department of health.

21 (5) "Direct supervision" means the supervising speech-language
22 pathologist, hearing aid specialist, or audiologist is on-site and in
23 view during the procedures or tasks. The board shall develop rules
24 outlining the procedures or tasks allowable under direct supervision.

25 (6) "Establishment" means any permanent site housing a person
26 engaging in the practice of fitting and dispensing of hearing
27 instruments by a hearing (~~(instrument fitter/dispenser)~~) aid specialist
28 or audiologist; where the client can have personal contact and counsel
29 during the firm's business hours; where business is conducted; and the
30 address of which is given to the state for the purpose of bonding.

31 (7) "Facility" means any permanent site housing a person engaging
32 in the practice of speech-language pathology and/or audiology,
33 excluding the sale, lease, or rental of hearing instruments.

34 (8) "Fitting and dispensing of hearing instruments" means the sale,
35 lease, or rental or attempted sale, lease, or rental of hearing
36 instruments together with the selection and modification of hearing
37 instruments and the administration of nondiagnostic tests as specified
38 by RCW 18.35.110 and the use of procedures essential to the performance

1 of these functions; and includes recommending specific hearing
2 instrument systems, specific hearing instruments, or specific hearing
3 instrument characteristics, the taking of impressions for ear molds for
4 these purposes, the use of nondiagnostic procedures and equipment to
5 verify the appropriateness of the hearing instrument fitting, and
6 hearing instrument orientation. The fitting and dispensing of hearing
7 instruments as defined by this chapter may be equally provided by a
8 licensed hearing (~~(instrument-fitter/dispenser)~~) aid specialist or
9 licensed audiologist.

10 (9) "Good standing" means a licensed hearing (~~(instrument~~
11 ~~fitter/dispenser)~~) aid specialist, licensed audiologist, licensed
12 speech-language pathologist, or certified speech-language pathology
13 assistant whose license or certification has not been subject to
14 sanctions pursuant to chapter 18.130 RCW or sanctions by other states,
15 territories, or the District of Columbia in the last two years.

16 (10) "Hearing aid specialist" means a person who is licensed to
17 engage in the practice of fitting and dispensing of hearing instruments
18 and meets the qualifications of this chapter.

19 (11) "Hearing health care professional" means an audiologist or
20 hearing (~~(instrument-fitter/dispenser)~~) aid specialist licensed under
21 this chapter or a physician specializing in diseases of the ear
22 licensed under chapter 18.71 RCW.

23 (~~(11)~~) (12) "Hearing 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, ear molds, and assistive listening devices.

28 (~~(12)~~ "Hearing instrument fitter/dispenser" means a person who is
29 licensed to engage in the practice of fitting and dispensing of hearing
30 instruments and meets the qualifications of this chapter.)

31 (13) "Indirect supervision" means the procedures or tasks are
32 performed under the speech-language pathologist(~~(s)~~), the hearing aid
33 specialist, or the audiologist's overall direction and control, but the
34 speech-language pathologist(~~(s)~~), hearing aid specialist, or
35 audiologist's presence is not required during the performance of the
36 procedures or tasks. The board shall develop rules outlining the
37 procedures or tasks allowable under indirect supervision.

1 (14) "Interim permit holder" means a person who holds the permit
2 created under RCW 18.35.060 and who practices under the supervision of
3 a licensed hearing (~~((instrument-fitter/dispenser))~~) aid specialist,
4 licensed speech-language pathologist, or licensed audiologist.

5 (15) "Licensed audiologist" means a person who is licensed by the
6 department to engage in the practice of audiology and meets the
7 qualifications in this chapter.

8 (16) "Licensed speech-language pathologist" means a person who is
9 licensed by the department to engage in the practice of speech-language
10 pathology and meets the qualifications of this chapter.

11 (17) "Secretary" means the secretary of health.

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

21 (19) "Speech-language pathology assistant" means a person who is
22 certified by the department to provide speech-language pathology
23 services under the direction and supervision of a licensed speech-
24 language pathologist or speech-language pathologist certified as an
25 educational staff associate by the superintendent of public
26 instruction, and meets all of the requirements of this chapter.

27 **Sec. 5.** RCW 18.35.020 and 2006 c 263 s 801 are each amended to
28 read as follows:

29 (1) No person shall engage in the fitting and dispensing of hearing
30 instruments or imply or represent that he or she is engaged in the
31 fitting and dispensing of hearing instruments unless he or she is a
32 licensed hearing (~~((instrument-fitter/dispenser))~~) aid specialist, an
33 interim work-based learning permit holder, or a licensed audiologist or
34 holds an interim permit issued by the department as provided in this
35 chapter and is an owner or employee of an establishment that is bonded
36 as provided by RCW 18.35.240. The owner or manager of an establishment
37 that dispenses hearing instruments is responsible under this chapter

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

9 (2) Effective January 1, 2003, no person shall engage in the
10 practice of audiology or imply or represent that he or she is engaged
11 in the practice of audiology unless he or she is a licensed audiologist
12 or holds an audiology interim permit issued by the department as
13 provided in this chapter. Audiologists who are certified as
14 educational staff associates by the Washington professional educator
15 standards board are excluded unless they elect to become licensed under
16 this chapter. However, a person certified by the state board of
17 education as an educational staff associate who practices outside the
18 school setting must be a licensed audiologist.

19 (3) Effective January 1, 2003, no person shall engage in the
20 practice of speech-language pathology or imply or represent that he or
21 she is engaged in the practice of speech-language pathology unless he
22 or she is a licensed speech-language pathologist or holds a speech-
23 language pathology interim permit issued by the department as provided
24 in this chapter. Speech-language pathologists who are certified as
25 educational staff associates by the state board of education are
26 excluded unless they elect to become licensed under this chapter.
27 However, a person certified by the state board of education as an
28 educational staff associate who practices outside the school setting
29 must be a licensed speech-language pathologist.

30 **Sec. 6.** RCW 18.35.040 and 2009 c 301 s 3 are each amended to read
31 as follows:

32 (1) An applicant for licensure as a hearing (~~((instrument~~
33 ~~fitter/dispenser))~~) aid_specialist must have the following minimum
34 qualifications and shall pay a fee determined by the secretary as
35 provided in RCW 43.70.250. An applicant shall be issued a license
36 under the provisions of this chapter if the applicant has not committed
37 unprofessional conduct as specified by chapter 18.130 RCW, and:

1 (a)(i) Satisfactorily completes the hearing ((~~instrument~~
2 ~~fitter/dispenser~~)) aid specialist examination required by this chapter;
3 and

4 (ii) Satisfactorily completes:

5 (A) A minimum of a two-year degree program in hearing ((~~instrument~~
6 ~~fitter/dispenser~~)) aid specialist instruction. The program must be
7 approved by the board;

8 (B) A two-year or four-year degree in a field of study approved by
9 the board from an accredited institution of higher education, a
10 work-based learning pathway under sections 1 through 3 of this act, and
11 a practical examination approved by the board. The practical
12 examination must be given at least quarterly, as determined by the
13 board. The department may hire licensed industry experts approved by
14 the board to proctor the examination; or

15 (C) A nine-month board-approved certificate program offered by a
16 board-approved hearing aid specialist program and the practical
17 examination in (a)(ii)(B) of this subsection; or

18 (b) Holds a current, unsuspended, unrevoked license from another
19 jurisdiction if the standards for licensing in such other jurisdiction
20 are substantially equivalent to those prevailing in this state as
21 provided in (a) of this subsection; or

22 (c)(i) Holds a current, unsuspended, unrevoked license from another
23 jurisdiction, has been actively practicing as a licensed hearing aid
24 ((~~fitter/dispenser~~)) specialist in another jurisdiction for at least
25 forty-eight of the last sixty months, and submits proof of completion
26 of advance certification from either the international hearing society
27 or the national board for certification in hearing instrument sciences;
28 and

29 (ii) Satisfactorily completes the hearing ((~~instrument~~
30 ~~fitter/dispenser~~)) aid specialist examination required by this chapter
31 or a substantially equivalent examination approved by the board.

32 The applicant must present proof of qualifications to the board in
33 the manner and on forms prescribed by the secretary and proof of
34 completion of a minimum of four clock hours of AIDS education and
35 training pursuant to rules adopted by the board.

36 (2)(a) An applicant for licensure as a speech-language pathologist
37 or audiologist must have the following minimum qualifications:

1 (i) Has not committed unprofessional conduct as specified by the
2 uniform disciplinary act;

3 (ii) Has a master's degree or the equivalent, or a doctorate degree
4 or the equivalent, from a program at a board-approved institution of
5 higher learning, which includes completion of a supervised clinical
6 practicum experience as defined by rules adopted by the board; and

7 (iii) Has completed postgraduate professional work experience
8 approved by the board.

9 (b) All qualified applicants must satisfactorily complete the
10 speech-language pathology or audiology examinations required by this
11 chapter.

12 (c) The applicant must present proof of qualifications to the board
13 in the manner and on forms prescribed by the secretary and proof of
14 completion of a minimum of four clock hours of AIDS education and
15 training pursuant to rules adopted by the board.

16 (3) An applicant for certification as a speech-language pathology
17 assistant shall pay a fee determined by the secretary as provided in
18 RCW 43.70.250 and must have the following minimum qualifications:

19 (a) An associate of arts or sciences degree, or a certificate of
20 proficiency, from a speech-language pathology assistant program from an
21 institution of higher education that is approved by the board, as is
22 evidenced by the following:

23 (i) Transcripts showing forty-five quarter hours or thirty semester
24 hours of speech-language pathology coursework; and

25 (ii) Transcripts showing forty-five quarter hours or thirty
26 semester hours of general education credit; or

27 (b) A bachelor of arts or bachelor of sciences degree, as evidenced
28 by transcripts, from a speech, language, and hearing program from an
29 institution of higher education that is approved by the board.

30 **Sec. 7.** RCW 18.35.050 and 2002 c 310 s 5 are each amended to read
31 as follows:

32 Except as otherwise provided in this chapter an applicant for
33 license shall appear at a time and place and before such persons as the
34 department may designate to be examined by written or practical tests,
35 or both. Examinations in hearing (~~(instrument fitting/dispensing)~~) aid
36 specialist, speech-language pathology, and audiology shall be held
37 within the state at least once a year. The examinations shall be

1 reviewed annually by the board and the department, and revised as
2 necessary. The examinations shall include appropriate subject matter
3 to ensure the competence of the applicant. Nationally recognized
4 examinations in the fields of fitting and dispensing of hearing
5 instruments, speech-language pathology, and audiology may be used to
6 determine if applicants are qualified for licensure. An applicant who
7 fails an examination may apply for reexamination upon payment of a
8 reexamination fee. The hearing (~~((instrument-fitting/dispensing))~~) aid
9 specialist reexamination fee for hearing (~~((instrument~~
10 ~~fitter/dispensers))~~) aid specialists and audiologists shall be set by
11 the secretary under RCW 43.70.250.

12 **Sec. 8.** RCW 18.35.070 and 1996 c 200 s 8 are each amended to read
13 as follows:

14 The hearing (~~((instrument-fitter/dispenser))~~) aid specialist written
15 or practical examination, or both, provided in RCW 18.35.050 shall
16 consist of:

17 (1) Tests of knowledge in the following areas as they pertain to
18 the fitting of hearing instruments:

19 (a) Basic physics of sound;

20 (b) The human hearing mechanism, including the science of hearing
21 and the causes and rehabilitation of abnormal hearing and hearing
22 disorders; and

23 (c) Structure and function of hearing instruments.

24 (2) Tests of proficiency in the following areas as they pertain to
25 the fitting of hearing instruments:

26 (a) Pure tone audiometry, including air conduction testing and bone
27 conduction testing;

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

30 (c) Effective masking;

31 (d) Recording and evaluation of audiograms and speech audiometry to
32 determine hearing instrument candidacy;

33 (e) Selection and adaptation of hearing instruments and testing of
34 hearing instruments; and

35 (f) Taking ear mold impressions.

36 (3) Evidence of knowledge regarding the medical and rehabilitation

1 facilities for children and adults that are available in the area
2 served.

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

5 (5) Any other tests as the board may by rule establish.

6 **Sec. 9.** RCW 18.35.090 and 2002 c 310 s 8 are each amended to read
7 as follows:

8 Each person who engages in practice under this chapter shall comply
9 with administrative procedures and administrative requirements
10 established under RCW 43.70.250 and 43.70.280 and shall keep the
11 license, interim work-based learning permit, or interim permit
12 conspicuously posted in the place of business at all times. The
13 secretary may establish mandatory continuing education requirements
14 and/or continued competency standards to be met by licensees or interim
15 permit holders as a condition for license or interim permit renewal.

16 **Sec. 10.** RCW 18.35.095 and 2009 c 301 s 4 are each amended to read
17 as follows:

18 (1) A hearing (~~((instrument—fitter/dispenser))~~) aid specialist
19 licensed under this chapter and not actively practicing may be placed
20 on inactive status by the department at the written request of the
21 licensee. The board shall define by rule the conditions for inactive
22 status licensure. In addition to the requirements of RCW 43.24.086,
23 the licensing fee for a licensee on inactive status shall be directly
24 related to the costs of administering an inactive license by the
25 department. A hearing (~~((instrument—fitter/dispenser))~~) aid specialist
26 on inactive status may be voluntarily placed on active status by
27 notifying the department in writing, paying the remainder of the
28 licensing fee for the licensing year, and complying with subsection (2)
29 of this section.

30 (2) Hearing (~~((instrument—fitter/dispenser))~~) aid specialist inactive
31 licensees applying for active licensure shall comply with the
32 following: A licensee who has not fitted or dispensed hearing
33 instruments for more than five years from the expiration of the
34 licensee's full fee license shall retake the practical or the written,
35 or both, hearing (~~((instrument—fitter/dispenser))~~) aid specialist
36 examinations required under this chapter and other requirements as

1 determined by the board. Persons who have inactive status in this
2 state but who are actively licensed and in good standing in any other
3 state shall not be required to take the hearing ((~~instrument~~
4 ~~fitter/dispenser~~)) aid specialist practical examination, but must
5 submit an affidavit attesting to their knowledge of the current
6 Washington Administrative Code rules and Revised Code of Washington
7 statutes pertaining to the fitting and dispensing of hearing
8 instruments.

9 (3) A speech-language pathologist or audiologist licensed under
10 this chapter, or a speech-language pathology assistant certified under
11 this chapter, and not actively practicing either speech-language
12 pathology or audiology may be placed on inactive status by the
13 department at the written request of the license or certification
14 holder. The board shall define by rule the conditions for inactive
15 status licensure or certification. In addition to the requirements of
16 RCW 43.24.086, the fee for a license or certification on inactive
17 status shall be directly related to the cost of administering an
18 inactive license or certification by the department. A person on
19 inactive status may be voluntarily placed on active status by notifying
20 the department in writing, paying the remainder of the fee for the
21 year, and complying with subsection (4) of this section.

22 (4) Speech-language pathologist, speech-language pathology
23 assistant, or audiologist inactive license or certification holders
24 applying for active licensure or certification shall comply with
25 requirements set forth by the board, which may include completion of
26 continuing competency requirements and taking an examination.

27 **Sec. 11.** RCW 18.35.100 and 2002 c 310 s 10 are each amended to
28 read as follows:

29 (1) Every hearing ((~~instrument fitter/dispenser~~)) aid specialist,
30 audiologist, speech-language pathologist, interim work-based learning
31 permit holder, or interim permit holder, who is regulated under this
32 chapter, shall notify the department in writing of the regular address
33 of the place or places in the state of Washington where the person
34 practices or intends to practice more than twenty consecutive business
35 days and of any change thereof within ten days of such change. Failure
36 to notify the department in writing shall be grounds for suspension or

1 revocation of the license, interim work-based learning permit, or
2 interim permit.

3 (2) The department shall keep a record of the places of business of
4 persons who hold licenses, interim work-based learning permits, or
5 interim permits.

6 (3) Any notice required to be given by the department to a person
7 who holds a license, interim work-based learning permit, or interim
8 permit may be given by mailing it to the address of the last
9 establishment or facility of which the person has notified the
10 department, except that notice to a licensee, interim work-based
11 learning permit, or interim permit holder of proceedings to deny,
12 suspend, or revoke the license, interim work-based learning permit, or
13 interim permit shall be by certified or registered mail or by means
14 authorized for service of process.

15 **Sec. 12.** RCW 18.35.105 and 2002 c 310 s 11 are each amended to
16 read as follows:

17 Each licensee, interim work-based learning permit holder, and
18 interim permit holder under this chapter shall keep records of all
19 services rendered for a minimum of three years. These records shall
20 contain the names and addresses of all persons to whom services were
21 provided. Hearing (~~(instrument-fitter/dispensers)~~) aid specialists,
22 audiologists, interim work-based learning permit holders, and interim
23 permit holders shall also record the date the hearing instrument
24 warranty expires, a description of the services and the dates the
25 services were provided, and copies of any contracts and receipts. All
26 records, as required pursuant to this chapter or by rule, shall be
27 owned by the establishment or facility and shall remain with the
28 establishment or facility in the event the licensee changes employment.
29 If a contract between the establishment or facility and the licensee
30 provides that the records are to remain with the licensee, copies of
31 such records shall be provided to the establishment or facility.

32 **Sec. 13.** RCW 18.35.110 and 2002 c 310 s 12 are each amended to
33 read as follows:

34 In addition to causes specified under RCW 18.130.170 and
35 18.130.180, any person licensed or holding an interim permit or an

1 interim work-based learning permit under this chapter may be subject to
2 disciplinary action by the board for any of the following causes:

3 (1) For unethical conduct in dispensing hearing instruments.
4 Unethical conduct shall include, but not be limited to:

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

9 (b) Failing or refusing to honor or to perform as represented any
10 representation, promise, agreement, or warranty in connection with the
11 promotion, sale, dispensing, or fitting of the hearing instrument;

12 (c) Advertising a particular model, type, or kind of hearing
13 instrument for sale which purchasers or prospective purchasers
14 responding to the advertisement cannot purchase or are dissuaded from
15 purchasing and where it is established that the purpose of the
16 advertisement is to obtain prospects for the sale of a different model,
17 type, or kind than that advertised;

18 (d) Falsifying hearing test or evaluation results;

19 (e)(i) Whenever any of the following conditions are found or should
20 have been found to exist either from observations by the licensee,
21 interim work-based learning permit holder, or interim permit holder or
22 on the basis of information furnished by the prospective hearing
23 instrument user prior to fitting and dispensing a hearing instrument to
24 any such prospective hearing instrument user, failing to advise that
25 prospective hearing instrument user in writing that the user should
26 first consult a licensed physician specializing in diseases of the ear
27 or if no such licensed physician is available in the community then to
28 any duly licensed physician:

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

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

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

35 (D) Acute or chronic dizziness;

36 (E) Any unilateral hearing loss;

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

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

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

4 (I) Any other conditions that the board may by rule establish. It
5 is a violation of this subsection for any licensee or that licensee's
6 employees and putative agents upon making such required referral for
7 medical opinion to in any manner whatsoever disparage or discourage a
8 prospective hearing instrument user from seeking such medical opinion
9 prior to the fitting and dispensing of a hearing instrument. No such
10 referral for medical opinion need be made by any licensed hearing
11 (~~instrument fitter/dispenser~~) aid specialist, licensed audiologist,
12 interim work-based learning permit holder, or interim permit holder in
13 the instance of replacement only of a hearing instrument which has been
14 lost or damaged beyond repair within twelve months of the date of
15 purchase. The licensed hearing (~~instrument fitter/dispenser~~) aid
16 specialist, licensed audiologist, interim work-based learning permit
17 holder, or interim permit holder or their employees or putative agents
18 shall obtain a signed statement from the hearing instrument user
19 documenting the waiver of medical clearance and the waiver shall inform
20 the prospective user that signing the waiver is not in the user's best
21 health interest: PROVIDED, That the licensed hearing (~~instrument~~
22 ~~fitter/dispenser~~) aid specialist, licensed audiologist, interim work-
23 based learning permit holder, or interim permit holder shall maintain
24 a copy of either the physician's statement showing that the prospective
25 hearing instrument user has had a medical evaluation within the
26 previous six months or the statement waiving medical evaluation, for a
27 period of three years after the purchaser's receipt of a hearing
28 instrument. Nothing in this section required to be performed by a
29 licensee, interim work-based learning permit holder, or interim permit
30 holder shall mean that the licensee, interim work-based learning permit
31 holder, or interim permit holder is engaged in the diagnosis of illness
32 or the practice of medicine or any other activity prohibited under the
33 laws of this state;

34 (ii) Fitting and dispensing a hearing instrument to any person
35 under eighteen years of age who has not been examined and cleared for
36 hearing instrument use within the previous six months by a physician
37 specializing in otolaryngology except in the case of replacement
38 instruments or except in the case of the parents or guardian of such

1 person refusing, for good cause, to seek medical opinion: PROVIDED,
2 That should the parents or guardian of such person refuse, for good
3 cause, to seek medical opinion, the licensed hearing (~~instrument~~
4 ~~fitter/dispenser~~) aid specialist or licensed audiologist shall obtain
5 from such parents or guardian a certificate to that effect in a form as
6 prescribed by the department;

7 (iii) Fitting and dispensing a hearing instrument to any person
8 under eighteen years of age who has not been examined by an audiologist
9 who holds at least a master's degree in audiology for recommendations
10 during the previous six months, without first advising such person or
11 his or her parents or guardian in writing that he or she should first
12 consult an audiologist who holds at least a master's degree in
13 audiology, except in cases of hearing instruments replaced within
14 twelve months of their purchase;

15 (f) Representing that the services or advice of a person licensed
16 to practice medicine and surgery under chapter 18.71 RCW or osteopathic
17 medicine and surgery under chapter 18.57 RCW or of a clinical
18 audiologist will be used or made available in the selection, fitting,
19 adjustment, maintenance, or repair of hearing instruments when that is
20 not true, or using the word "doctor," "clinic," or other like words,
21 abbreviations, or symbols which tend to connote a medical or
22 osteopathic medicine and surgery profession when such use is not
23 accurate;

24 (g) Permitting another to use his or her license, interim work-
25 based learning permit, or interim permit;

26 (h) Stating or implying that the use of any hearing instrument will
27 restore normal hearing, preserve hearing, prevent or retard progression
28 of a hearing impairment, or any other false, misleading, or medically
29 or audilogically unsupportable claim regarding the efficiency of a
30 hearing instrument;

31 (i) Representing or implying that a hearing instrument is or will
32 be "custom-made," "made to order," "prescription made," or in any other
33 sense specially fabricated for an individual when that is not the case;
34 or

35 (j) Directly or indirectly offering, giving, permitting, or causing
36 to be given, money or anything of value to any person who advised
37 another in a professional capacity as an inducement to influence that
38 person, or to have that person influence others to purchase or contract

1 to purchase any product sold or offered for sale by the hearing
2 (~~instrument-fitter/dispenser~~) aid specialist, audiologist, interim
3 work-based learning permit holder, or interim permit holder, or to
4 influence any person to refrain from dealing in the products of
5 competitors.

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

8 (3) Aiding or abetting any violation of the rebating laws as stated
9 in chapter 19.68 RCW.

10 **Sec. 14.** RCW 18.35.120 and 2002 c 310 s 13 are each amended to
11 read as follows:

12 A licensee, interim work-based learning permit holder, or interim
13 permit holder under this chapter may also be subject to disciplinary
14 action if the licensee, interim work-based learning permit holder, or
15 interim permit holder:

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

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

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

33 (4) Commits unprofessional conduct as defined in RCW 18.130.180 of
34 the uniform disciplinary act.

35 **Sec. 15.** RCW 18.35.140 and 2002 c 310 s 14 are each amended to
36 read as follows:

1 The powers and duties of the department, in addition to the powers
2 and duties provided under other sections of this chapter, are as
3 follows:

4 (1) To provide space necessary to carry out the examination set
5 forth in RCW 18.35.070 of applicants for hearing (~~((instrument
6 fitter/dispenser))~~) aid specialist licenses or audiology licenses.

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

9 (3) To require the periodic examination of testing equipment, as
10 defined by the board, and to carry out the periodic inspection of
11 facilities or establishments of persons who are licensed under this
12 chapter, as reasonably required within the discretion of the
13 department.

14 (4) To appoint advisory committees as necessary.

15 (5) To keep a record of proceedings under this chapter and a
16 register of all persons licensed or holding interim permits or interim
17 work-based learning permits under this chapter. The register shall
18 show the name of every living licensee or interim permit holder for
19 hearing (~~((instrument fitting/dispersing))~~) aid specialist, every living
20 interim work-based learning permit holder, every living licensee or
21 interim permit holder for speech-language pathology, and every living
22 licensee or interim permit holder for audiology, with his or her last
23 known place of residence and the date and number of his or her license
24 or interim permit.

25 **Sec. 16.** RCW 18.35.150 and 2009 c 301 s 5 are each amended to read
26 as follows:

27 (1) There is created hereby the board of hearing and speech to
28 govern the three separate professions: Hearing (~~((instrument
29 fitting/dispersing))~~) aid specialist, audiology, and speech-language
30 pathology. The board shall consist of eleven members to be appointed
31 by the governor.

32 (2) Members of the board shall be residents of this state. Three
33 members shall represent the public and shall have an interest in the
34 rights of consumers of health services, and shall not be or have been
35 a member of, or married to a member of, another licensing board, a
36 licensee of a health occupation board, an employee of a health
37 facility, nor derive his or her primary livelihood from the provision

1 of health services at any level of responsibility. Two members shall
2 be hearing (~~((instrument-fitter/dispensers))~~) aid specialists who are
3 licensed under this chapter, have at least five years of experience in
4 the practice of hearing instrument fitting and dispensing, and must be
5 actively engaged in fitting and dispensing within two years of
6 appointment. Two members of the board shall be audiologists licensed
7 under this chapter who have at least five years of experience in the
8 practice of audiology and must be actively engaged in practice within
9 two years of appointment. Two members of the board shall be speech-
10 language pathologists licensed under this chapter who have at least
11 five years of experience in the practice of speech-language pathology
12 and must be actively engaged in practice within two years of
13 appointment. One advisory nonvoting member shall be a speech-language
14 pathology assistant certified in Washington. One advisory nonvoting
15 member shall be a medical physician licensed in the state of
16 Washington.

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

30 (4) The chair shall rotate annually among the hearing (~~((instrument~~
31 ~~fitter/dispensers))~~) aid specialists, speech-language pathologists,
32 audiologists, and public members serving on the board. In the absence
33 of the chair, the board shall appoint an interim chair. In event of a
34 tie vote, the issue shall be brought to a second vote and the chair
35 shall refrain from voting.

36 (5) The board shall meet at least once each year, at a place, day
37 and hour determined by the board, unless otherwise directed by a
38 majority of board members. The board shall also meet at such other

1 times and places as are requested by the department or by three members
2 of the board. A quorum is a majority of the board. A hearing
3 (~~instrument — fitter/dispenser~~) aid specialist, speech-language
4 pathologist, and audiologist must be represented. Meetings of the
5 board shall be open and public, except the board may hold executive
6 sessions to the extent permitted by chapter 42.30 RCW.

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

10 (7) The governor may remove a member of the board for cause at the
11 recommendation of a majority of the board.

12 **Sec. 17.** RCW 18.35.161 and 2010 c 65 s 4 are each amended to read
13 as follows:

14 The board shall have the following powers and duties:

15 (1) To establish by rule such minimum standards and procedures in
16 the fitting and dispensing of hearing instruments as deemed appropriate
17 and in the public interest;

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

20 (3) To develop, approve, and administer or supervise the
21 administration of examinations to applicants for licensure under this
22 chapter;

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

29 (5) To pass upon the qualifications of applicants for licensure,
30 interim work-based learning permits, or interim permits and to certify
31 to the secretary;

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

35 (7) 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 (8) To adopt rules, if the board finds it appropriate, in response
2 to questions put to it by professional health associations, hearing
3 (~~instrument-fitter/dispensers~~) aid_specialists, audiologists,
4 speech-language pathologists, interim permit holders, interim work-
5 based learning permit holders, and consumers in this state; and

6 (9) To adopt rules relating to standards of care relating to
7 hearing (~~instrument — fitter/dispensers~~) aid _ specialists or
8 audiologists, including the dispensing of hearing instruments, and
9 relating to speech-language pathologists, including dispensing of
10 communication devices.

11 **Sec. 18.** RCW 18.35.172 and 2002 c 310 s 17 are each amended to
12 read as follows:

13 The uniform disciplinary act, chapter 18.130 RCW, governs
14 unlicensed practice, the issuance and denial of licenses, interim work-
15 based learning permits, and interim permits, and the discipline of
16 licensees and permit holders under this chapter.

17 **Sec. 19.** RCW 18.35.185 and 2002 c 310 s 19 are each amended to
18 read as follows:

19 (1) In addition to any other rights and remedies a purchaser may
20 have, the purchaser of a hearing instrument shall have the right to
21 rescind the transaction for other than the licensed hearing
22 (~~instrument-fitter/dispenser~~) aid specialist, licensed audiologist,
23 interim work-based learning permit holder, or interim permit holder's
24 breach if:

25 (a) The purchaser, for reasonable cause, returns the hearing
26 instrument or holds it at the licensed hearing (~~instrument~~
27 ~~fitter/dispenser~~) aid specialist, licensed audiologist, interim work-
28 based learning permit holder, or interim permit holder's disposal, if
29 the hearing instrument is in its original condition less normal wear
30 and tear. "Reasonable cause" shall be defined by the board but shall
31 not include a mere change of mind on the part of the purchaser or a
32 change of mind related to cosmetic concerns of the purchaser about
33 wearing a hearing instrument; and

34 (b) The purchaser sends notice of the cancellation by certified
35 mail, return receipt requested, to the establishment employing the
36 licensed hearing (~~instrument — fitter/dispenser~~) aid _ specialist,

1 licensed audiologist, interim work-based learning permit holder, or
2 interim permit holder at the time the hearing instrument was originally
3 purchased, and the notice is posted not later than thirty days
4 following the date of delivery, but the purchaser and the licensed
5 hearing (~~((instrument—fitter/dispenser))~~) aid specialist, licensed
6 audiologist, interim work-based learning permit holder, or interim
7 permit holder may extend the deadline for posting of the notice of
8 rescission by mutual, written agreement. In the event the hearing
9 instrument develops a problem which qualifies as a reasonable cause for
10 rescision or which prevents the purchaser from evaluating the hearing
11 instrument, and the purchaser notifies the establishment employing the
12 licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
13 licensed audiologist, interim work-based learning permit holder, or
14 interim permit holder of the problem during the thirty days following
15 the date of delivery and documents such notification, the deadline for
16 posting the notice of rescission shall be extended by an equal number
17 of days as those between the date of the notification of the problem to
18 the date of notification of availability for redeliveries. Where the
19 hearing instrument is returned to the licensed hearing (~~((instrument~~
20 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, interim work-
21 based learning permit holder, or interim permit holder for any
22 inspection for modification or repair, and the licensed hearing
23 (~~((instrument—fitter/dispenser))~~) aid specialist, licensed audiologist,
24 interim work-based learning permit holder, or interim permit holder has
25 notified the purchaser that the hearing instrument is available for
26 redelivery, and where the purchaser has not responded by either taking
27 possession of the hearing instrument or instructing the licensed
28 hearing (~~((instrument—fitter/dispenser))~~) aid specialist, licensed
29 audiologist, interim work-based learning permit holder, or interim
30 permit holder to forward it to the purchaser, then the deadline for
31 giving notice of the rescision shall extend no more than seven working
32 days after this notice of availability.

33 (2) If the transaction is rescinded under this section or as
34 otherwise provided by law and the hearing instrument is returned to the
35 licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
36 licensed audiologist, interim work-based learning permit holder, or
37 interim permit holder, the licensed hearing (~~((instrument~~
38 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, interim work-

1 based learning permit holder, or interim permit holder shall refund to
2 the purchaser any payments or deposits for that hearing instrument.
3 However, the licensed hearing (~~((instrument-fitter/dispenser))~~) aid
4 specialist, licensed audiologist, interim work-based learning permit
5 holder, or interim permit holder may retain, for each hearing
6 instrument, fifteen percent of the total purchase price or one hundred
7 twenty-five dollars, whichever is less. After December 31, 1996, the
8 rescission amount shall be determined by the board. The licensed hearing
9 (~~((instrument-fitter/dispenser))~~) aid specialist, licensed audiologist,
10 interim work-based learning permit holder, or interim permit holder
11 shall also return any goods traded in contemplation of the sale, less
12 any costs incurred by the licensed hearing (~~((instrument~~
13 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, interim work-
14 based learning permit holder, or interim permit holder in making those
15 goods ready for resale. The refund shall be made within ten business
16 days after the rescission. The buyer shall incur no additional
17 liability for such rescission.

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

21 **Sec. 20.** RCW 18.35.190 and 2002 c 310 s 20 are each amended to
22 read as follows:

23 In addition to remedies otherwise provided by law, in any action
24 brought by or on behalf of a person required to be licensed or to hold
25 an interim work-based learning permit or an interim permit under this
26 chapter, or by any assignee or transferee, it shall be necessary to
27 allege and prove that the licensee, interim work-based learning permit
28 holder, or interim permit holder at the time of the transaction held a
29 valid license, interim work-based learning permit, or interim permit as
30 required by this chapter, and that such license, interim work-based
31 learning permit, or interim permit has not been suspended or revoked
32 pursuant to RCW 18.35.110, 18.35.120, or 18.130.160.

33 **Sec. 21.** RCW 18.35.195 and 2006 c 263 s 802 are each amended to
34 read as follows:

35 (1) This chapter shall not apply to military or federal government
36 employees.

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

2 (a) Fitting or dispensing by students enrolled in a board-approved
3 program who are directly supervised by a licensed hearing (~~instrument~~
4 ~~fitter/dispenser~~) aid specialist, a licensed audiologist under the
5 provisions of this chapter, or an instructor at a two-year hearing
6 (~~instrument fitter/dispenser~~) aid specialist degree program that is
7 approved by the board;

8 (b) Hearing (~~instrument—fitter/dispensers~~) aid specialists,
9 speech-language pathologists, or audiologists of other states,
10 territories, or countries, or the District of Columbia while appearing
11 as clinicians of bona fide educational seminars sponsored by speech-
12 language pathology, audiology, hearing (~~instrument fitter/dispenser~~)
13 aid specialist, medical, or other healing art professional associations
14 so long as such activities do not go beyond the scope of practice
15 defined by this chapter; and

16 (c) The practice of audiology or speech-language pathology by
17 persons certified by the Washington professional educator standards
18 board as educational staff associates, except for those persons
19 electing to be licensed under this chapter. However, a person
20 certified by the board as an educational staff associate who practices
21 outside the school setting must be a licensed audiologist or licensed
22 speech-language pathologist.

23 **Sec. 22.** RCW 18.35.205 and 2009 c 301 s 6 are each amended to read
24 as follows:

25 The legislature finds that the public health, safety, and welfare
26 would best be protected by uniform regulation of hearing (~~instrument~~
27 ~~fitter/dispensers~~) aid specialists, speech-language pathologists,
28 speech-language pathology assistants, audiologists, interim work-based
29 learning permit holders, and interim permit holders throughout the
30 state. Therefore, the provisions of this chapter relating to the
31 licensing of hearing (~~instrument fitter/dispensers~~) aid specialists,
32 speech-language pathologists, and audiologists, the certification of
33 speech-language pathology assistants, and regulation of interim work-
34 based learning permit holders and interim permit holders and their
35 respective establishments or facilities is exclusive. No political
36 subdivision of the state of Washington within whose jurisdiction a
37 hearing (~~instrument fitter/dispenser~~) aid specialist, audiologist, or

1 speech-language pathologist establishment or facility is located may
2 require any registrations, bonds, licenses, certificates, interim work-
3 based learning permits, or interim permits of the establishment or
4 facility or its employees or charge any fee for the same or similar
5 purposes: PROVIDED, HOWEVER, That nothing herein shall limit or
6 abridge the authority of any political subdivision to levy and collect
7 a general and nondiscriminatory license fee levied on all businesses,
8 or to levy a tax based upon the gross business conducted by any firm
9 within the political subdivision.

10 **Sec. 23.** RCW 18.35.230 and 2002 c 310 s 23 are each amended to
11 read as follows:

12 (1) Each licensee, interim work-based learning permit holder, or
13 interim permit holder shall name a registered agent to accept service
14 of process for any violation of this chapter or rule adopted under this
15 chapter.

16 (2) The registered agent may be released at the expiration of one
17 year after the license, interim work-based learning permit, or interim
18 permit issued under this chapter has expired or been revoked.

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

22 **Sec. 24.** RCW 18.35.240 and 2002 c 310 s 24 are each amended to
23 read as follows:

24 (1) Every individual engaged in the fitting and dispensing of
25 hearing instruments shall be covered by a surety bond of ten thousand
26 dollars or more, for the benefit of any person injured or damaged as a
27 result of any violation by the licensee or permit holder, or their
28 employees or agents, of any of the provisions of this chapter or rules
29 adopted by the secretary.

30 (2) In lieu of the surety bond required by this section, the
31 licensee or permit holder may deposit cash or other negotiable security
32 in a banking institution as defined in chapter 30.04 RCW or a credit
33 union as defined in chapter 31.12 RCW. All obligations and remedies
34 relating to surety bonds shall apply to deposits and security filed in
35 lieu of surety bonds.

1 (3) If a cash deposit or other negotiable security is filed, the
2 licensee or permit holder shall maintain such cash or other negotiable
3 security for one year after discontinuing the fitting and dispensing of
4 hearing instruments.

5 (4) Each invoice for the purchase of a hearing instrument provided
6 to a customer must clearly display on the first page the bond number
7 covering the licensee or interim permit holder responsible for
8 fitting/dispensing the hearing instrument.

9 (5) All licensed hearing (~~instrument-fitter/dispensers~~) aid
10 specialists, licensed audiologists, and permit holders must verify
11 compliance with the requirement to hold a surety bond or cash or other
12 negotiable security by submitting a signed declaration of compliance
13 upon annual renewal of their license or permit. Up to twenty-five
14 percent of the credential holders may be randomly audited for surety
15 bond compliance after the credential is renewed. It is the credential
16 holder's responsibility to submit a copy of the original surety bond or
17 bonds, or documentation that cash or other negotiable security is held
18 in a banking institution during the time period being audited. Failure
19 to comply with the audit documentation request or failure to supply
20 acceptable documentation within thirty days may result in disciplinary
21 action.

22 **Sec. 25.** RCW 18.35.250 and 2002 c 310 s 25 are each amended to
23 read as follows:

24 (1) In addition to any other legal remedies, an action may be
25 brought in any court of competent jurisdiction upon the bond, cash
26 deposit, or security in lieu of a surety bond required by this chapter,
27 by any person having a claim against a licensee, interim work-based
28 permit holder, or interim permit holder, agent, or employee for any
29 violation of this chapter or any rule adopted under this chapter. The
30 aggregate liability of the surety, cash deposit, or other negotiable
31 security to all claimants shall in no event exceed the sum of the bond.
32 Claims shall be satisfied in the order of judgment rendered.

33 (2) An action upon the bond, cash deposit, or other negotiable
34 security shall be commenced by serving and filing a complaint.

35 **Sec. 26.** RCW 18.35.260 and 2009 c 301 s 7 are each amended to read
36 as follows:

1 (1) A person who is not a licensed hearing (~~instrument~~
2 ~~fitter/dispenser~~) aid specialist may not represent himself or herself
3 as being so licensed and may not use in connection with his or her name
4 the words "licensed hearing instrument fitter/dispenser," "hearing
5 instrument specialist," or "hearing aid fitter/dispenser," or a
6 variation, synonym, word, sign, number, insignia, coinage, or whatever
7 expresses, employs, or implies these terms, names, or functions of a
8 licensed hearing (~~instrument fitter/dispenser~~) aid specialist.

9 (2) A person who is not a licensed speech-language pathologist may
10 not represent himself or herself as being so licensed and may not use
11 in connection with his or her name the words including "licensed
12 speech-language pathologist" or a variation, synonym, word, sign,
13 number, insignia, coinage, or whatever expresses, employs, or implies
14 these terms, names, or functions as a licensed speech-language
15 pathologist.

16 (3) A person who is not a certified speech-language pathology
17 assistant may not represent himself or herself as being so certified
18 and may not use in connection with his or her name the words including
19 "certified speech-language pathology assistant" or a variation,
20 synonym, word, sign, number, insignia, coinage, or whatever expresses,
21 employs, or implies these terms, names, or functions as a certified
22 speech-language pathology assistant.

23 (4) A person who is not a licensed audiologist may not represent
24 himself or herself as being so licensed and may not use in connection
25 with his or her name the words "licensed audiologist" or a variation,
26 synonym, letter, word, sign, number, insignia, coinage, or whatever
27 expresses, employs, or implies these terms, names, or functions of a
28 licensed audiologist.

29 (5) Nothing in this chapter prohibits a person credentialed in this
30 state under another act from engaging in the practice for which he or
31 she is credentialed.

32 NEW SECTION. **Sec. 27.** This act takes effect July 1, 2015.

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