
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, 18.35.175, 18.35.185, 18.35.190,
5 18.35.195, 18.35.205, 18.35.230, 18.35.240, 18.35.250, and 18.35.260;
6 adding new sections to chapter 18.35 RCW; and providing an effective
7 date.

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

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

11 (1) The department shall issue an apprentice hearing aid specialist
12 permit to any applicant who meets the following requirements:

13 (a) Either:

14 (i) Possession of a two-year or four-year degree from an accredited
15 institution of higher education; or

16 (ii) Current enrollment in a two-year or four-year degree program
17 in an accredited institution of higher education; and

18 (b) Designation of a licensed hearing aid specialist or licensed

1 audiologist who has agreed to act as the applicant's supervisor under
2 sections 2 and 3 of this act.

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

8 (3) An apprentice hearing aid specialist permit issued under this
9 section expires twenty-four months after issuance and may be renewed
10 once for a period of twelve months.

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

13 (1) Except as provided in subsection (2) of this section, an
14 apprentice hearing aid specialist may engage in the fitting and
15 dispensing of hearing instruments only under the direct supervision of
16 a licensed hearing aid specialist or licensed audiologist.

17 (2) An apprentice hearing aid specialist may engage in the fitting
18 and dispensing of hearing instruments under the indirect supervision of
19 a licensed hearing aid specialist or licensed audiologist only after
20 the supervising hearing aid specialist or audiologist notifies the
21 department and the board that the apprentice hearing aid specialist
22 has:

23 (a) Completed at least five hundred twenty hours of practical
24 training under the direct supervision of the hearing aid specialist or
25 audiologist. The training must include at least the following:

- 26 (i) Audiometric testing;
27 (ii) Counseling regarding hearing examinations;
28 (iii) Hearing instrument selection;
29 (iv) Ear-mold impressions;
30 (v) Hearing instrument fitting and follow-up care; and
31 (vi) Business practices, including ethics, regulations, and
32 sanitation and infection control; and

33 (b) Successfully completed the international hearing society's
34 distance learning program for professionals in hearing health sciences
35 or other program approved by the board.

36 (3) While under direct supervision under this section, the
37 apprentice hearing aid specialist must obtain the evaluation and

1 consultation of his or her supervising hearing aid specialist or
2 audiologist whenever the apprentice hearing aid specialist is engaged
3 in the act of fitting and dispensing hearing instruments.

4 (4) While under indirect supervision under this section, the
5 apprentice hearing aid specialist must obtain a review by his or her
6 supervising hearing aid specialist or audiologist prior to fitting and
7 dispensing hearing instruments.

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

10 (1) A hearing aid specialist or audiologist may supervise an
11 apprentice hearing aid specialist only if:

12 (a) The hearing aid specialist or audiologist has been licensed in
13 good standing under this chapter for at least two years;

14 (b) The hearing aid specialist or audiologist practices in an
15 established place of business; and

16 (c) The hearing aid specialist or audiologist is responsible for
17 all activities and training of the apprentice hearing aid specialist
18 under this chapter.

19 (2) A hearing aid specialist or audiologist may supervise no more
20 than three apprentice hearing aid specialists at any one time.

21 (3) An apprentice hearing aid specialist shall notify the
22 department and the board within ten working days if:

23 (a) His or her relationship with his or her existing supervisor is
24 terminated; or

25 (b) He or she designates a new supervisor who meets the
26 requirements of this section.

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

29 The definitions in this section apply throughout this chapter
30 unless the context clearly requires otherwise.

31 (1) "Apprentice hearing aid specialist" means a person holding a
32 permit issued under section 1 of this act who fits and dispenses
33 hearing instruments under the supervision of a hearing aid specialist
34 or audiologist under sections 2 and 3 of this act.

35 (2) "Assistive listening device or system" means an amplification
36 system that is specifically designed to improve the signal to noise

1 ratio for the listener, reduce interference from noise in the
2 background, and enhance hearing levels at a distance by picking up
3 sound from as close to source as possible and sending it directly to
4 the ear of the listener, excluding hearing instruments as defined in
5 this chapter.

6 ((+2)) (3) "Audiology" means the application of principles,
7 methods, and procedures related to hearing and the disorders of hearing
8 and to related language and speech disorders, whether of organic or
9 nonorganic origin, peripheral or central, that impede the normal
10 process of human communication including, but not limited to, disorders
11 of auditory sensitivity, acuity, function, processing, or vestibular
12 function, the application of aural habilitation, rehabilitation, and
13 appropriate devices including fitting and dispensing of hearing
14 instruments, and cerumen management to treat such disorders.

15 ((+3)) (4) "Board" means the board of hearing and speech.

16 ((+4)) (5) "Department" means the department of health.

17 ((+5)) (6) "Direct supervision" means the supervising speech-
18 language pathologist, hearing aid specialist, or audiologist is on-site
19 and in view during the procedures or tasks. The board shall develop
20 rules outlining the procedures or tasks allowable under direct
21 supervision.

22 ((+6)) (7) "Establishment" means any permanent site housing a
23 person engaging in the practice of fitting and dispensing of hearing
24 instruments by a hearing ~~((instrument fitter/dispenser))~~ aid specialist
25 or audiologist; where the client can have personal contact and counsel
26 during the firm's business hours; where business is conducted; and the
27 address of which is given to the state for the purpose of bonding.

28 ((+7)) (8) "Facility" means any permanent site housing a person
29 engaging in the practice of speech-language pathology and/or audiology,
30 excluding the sale, lease, or rental of hearing instruments.

31 ((+8)) (9) "Fitting and dispensing of hearing instruments" means
32 the sale, lease, or rental or attempted sale, lease, or rental of
33 hearing instruments together with the selection and modification of
34 hearing instruments and the administration of nondiagnostic tests as
35 specified by RCW 18.35.110 and the use of procedures essential to the
36 performance of these functions; and includes recommending specific
37 hearing instrument systems, specific hearing instruments, or specific
38 hearing instrument characteristics, the taking of impressions for ear

1 molds for these purposes, the use of nondiagnostic procedures and
2 equipment to verify the appropriateness of the hearing instrument
3 fitting, and hearing instrument orientation. The fitting and
4 dispensing of hearing instruments as defined by this chapter may be
5 equally provided by a licensed hearing (~~(instrument fitter/dispenser)~~)
6 aid specialist or licensed audiologist.

7 ~~((+9))~~ (10) "Good standing" means a licensed hearing (~~(instrument~~
8 ~~fitter/dispenser)~~) aid specialist, licensed audiologist, licensed
9 speech-language pathologist, or certified speech-language pathology
10 assistant whose license or certification has not been subject to
11 sanctions pursuant to chapter 18.130 RCW or sanctions by other states,
12 territories, or the District of Columbia in the last two years.

13 ~~((+10))~~ (11) "Hearing aid specialist" means a person who is
14 licensed to engage in the practice of fitting and dispensing of hearing
15 instruments and meets the qualifications of this chapter.

16 (12) "Hearing health care professional" means an audiologist or
17 hearing (~~(instrument fitter/dispenser)~~) aid specialist licensed under
18 this chapter or a physician specializing in diseases of the ear
19 licensed under chapter 18.71 RCW.

20 ~~((+11))~~ (13) "Hearing instrument" means any wearable prosthetic
21 instrument or device designed for or represented as aiding, improving,
22 compensating for, or correcting defective human hearing and any parts,
23 attachments, or accessories of such an instrument or device, excluding
24 batteries and cords, ear molds, and assistive listening devices.

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

28 ~~(+13))~~ (14) "Indirect supervision" means the procedures or tasks
29 are performed under the speech-language pathologist(~~(-s)~~), the hearing
30 aid specialist, or the audiologist's overall direction and control, but
31 the speech-language pathologist(~~(-s)~~), hearing aid specialist, or
32 audiologist's presence is not required during the performance of the
33 procedures or tasks. The board shall develop rules outlining the
34 procedures or tasks allowable under indirect supervision.

35 ~~((+14))~~ (15) "Interim permit holder" means a person who holds the
36 permit created under RCW 18.35.060 and who practices under the
37 supervision of a licensed hearing (~~(instrument fitter/dispenser)~~) aid

1 specialist, licensed speech-language pathologist, or licensed
2 audiologist.

3 ((+15+)) (16) "Licensed audiologist" means a person who is licensed
4 by the department to engage in the practice of audiology and meets the
5 qualifications in this chapter.

6 ((+16+)) (17) "Licensed speech-language pathologist" means a person
7 who is licensed by the department to engage in the practice of speech-
8 language pathology and meets the qualifications of this chapter.

9 ((+17+)) (18) "Secretary" means the secretary of health.

10 ((+18+)) (19) "Speech-language pathology" means the application of
11 principles, methods, and procedures related to the development and
12 disorders, whether of organic or nonorganic origin, that impede oral,
13 pharyngeal, or laryngeal sensorimotor competencies and the normal
14 process of human communication including, but not limited to, disorders
15 and related disorders of speech, articulation, fluency, voice, verbal
16 and written language, auditory comprehension, cognition/communication,
17 and the application of augmentative communication treatment and devices
18 for treatment of such disorders.

19 ((+19+)) (20) "Speech-language pathology assistant" means a person
20 who is certified by the department to provide speech-language pathology
21 services under the direction and supervision of a licensed speech-
22 language pathologist or speech-language pathologist certified as an
23 educational staff associate by the superintendent of public
24 instruction, and meets all of the requirements of this chapter.

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

27 (1) No person shall engage in the fitting and dispensing of hearing
28 instruments or imply or represent that he or she is engaged in the
29 fitting and dispensing of hearing instruments unless he or she is a
30 licensed hearing ~~((instrument fitter/dispenser))~~ aid specialist, an
31 apprentice hearing aid specialist, or a licensed audiologist or holds
32 an interim permit issued by the department as provided in this chapter
33 and is an owner or employee of an establishment that is bonded as
34 provided by RCW 18.35.240. The owner or manager of an establishment
35 that dispenses hearing instruments is responsible under this chapter
36 for all transactions made in the establishment name or conducted on its
37 premises by agents or persons employed by the establishment engaged in

1 fitting and dispensing of hearing instruments. Every establishment
2 that fits and dispenses shall have in its employ at least one licensed
3 hearing (~~((instrument fitter/dispenser))~~) aid specialist or licensed
4 audiologist at all times, and shall annually submit proof that all
5 testing equipment at that establishment that is required by the board
6 to be calibrated has been properly calibrated.

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

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

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

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

36 (a)(i) Satisfactorily completes the hearing (~~((instrument~~

1 ~~fitter/dispenser~~) aid specialist examination required by this chapter;
2 and

3 (ii) Satisfactorily completes:

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

7 (B) A two-year or four-year degree from an accredited institution
8 of higher education and an apprenticeship under sections 1 through 3 of
9 this act; or

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

14 (c)(i) Holds a current, unsuspended, unrevoked license from another
15 jurisdiction, has been actively practicing as a licensed hearing aid
16 (~~fitter/dispenser~~) specialist in another jurisdiction for at least
17 forty-eight of the last sixty months, and submits proof of completion
18 of advance certification from either the international hearing society
19 or the national board for certification in hearing instrument sciences;
20 and

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

24 The applicant must present proof of qualifications to the board in
25 the manner and on forms prescribed by the secretary and proof of
26 completion of a minimum of four clock hours of AIDS education and
27 training pursuant to rules adopted by the board.

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

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

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

36 (iii) Has completed postgraduate professional work experience
37 approved by the board.

1 (b) All qualified applicants must satisfactorily complete the
2 speech-language pathology or audiology examinations required by this
3 chapter.

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

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

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

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

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

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

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

24 Except as otherwise provided in this chapter an applicant for
25 license shall appear at a time and place and before such persons as the
26 department may designate to be examined by written or practical tests,
27 or both. Examinations in hearing (~~((instrument fitting/dispensing))~~) aid
28 specialist, speech-language pathology, and audiology shall be held
29 within the state at least once a year. The examinations shall be
30 reviewed annually by the board and the department, and revised as
31 necessary. The examinations shall include appropriate subject matter
32 to ensure the competence of the applicant. Nationally recognized
33 examinations in the fields of fitting and dispensing of hearing
34 instruments, speech-language pathology, and audiology may be used to
35 determine if applicants are qualified for licensure. An applicant who
36 fails an examination may apply for reexamination upon payment of a
37 reexamination fee. The hearing (~~((instrument fitting/dispensing))~~) aid

1 specialist reexamination fee for hearing ((~~instrument~~
2 ~~fitter/dispensers~~)) aid specialists and audiologists shall be set by
3 the secretary under RCW 43.70.250.

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

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

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

11 (a) Basic physics of sound;

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

15 (c) Structure and function of hearing instruments.

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

18 (a) Pure tone audiometry, including air conduction testing and bone
19 conduction testing;

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

22 (c) Effective masking;

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

25 (e) Selection and adaptation of hearing instruments and testing of
26 hearing instruments; and

27 (f) Taking ear mold impressions.

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

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

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

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

36 Each person who engages in practice under this chapter shall comply

1 with administrative procedures and administrative requirements
2 established under RCW 43.70.250 and 43.70.280 and shall keep the
3 license or (~~interim~~) permit conspicuously posted in the place of
4 business at all times. The secretary may establish mandatory
5 continuing education requirements and/or continued competency standards
6 to be met by licensees or (~~interim~~) permit holders as a condition for
7 license or (~~interim~~) permit renewal.

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

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

22 (2) Hearing (~~instrument-fitter/dispenser~~) aid specialist inactive
23 licensees applying for active licensure shall comply with the
24 following: A licensee who has not fitted or dispensed hearing
25 instruments for more than five years from the expiration of the
26 licensee's full fee license shall retake the practical or the written,
27 or both, hearing (~~instrument-fitter/dispenser~~) aid specialist
28 examinations required under this chapter and other requirements as
29 determined by the board. Persons who have inactive status in this
30 state but who are actively licensed and in good standing in any other
31 state shall not be required to take the hearing (~~instrument~~
32 ~~fitter/dispenser~~) aid specialist practical examination, but must
33 submit an affidavit attesting to their knowledge of the current
34 Washington Administrative Code rules and Revised Code of Washington
35 statutes pertaining to the fitting and dispensing of hearing
36 instruments.

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

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

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

21 (1) Every hearing (~~((instrument fitter/dispenser))~~) aid specialist,
22 audiologist, speech-language pathologist, apprentice hearing aid
23 specialist, or interim permit holder, who is regulated under this
24 chapter, shall notify the department in writing of the regular address
25 of the place or places in the state of Washington where the person
26 practices or intends to practice more than twenty consecutive business
27 days and of any change thereof within ten days of such change. Failure
28 to notify the department in writing shall be grounds for suspension or
29 revocation of the license or (~~((interim))~~) permit.

30 (2) The department shall keep a record of the places of business of
31 persons who hold licenses or (~~((interim))~~) permits.

32 (3) Any notice required to be given by the department to a person
33 who holds a license or (~~((interim))~~) permit may be given by mailing it to
34 the address of the last establishment or facility of which the person
35 has notified the department, except that notice to a licensee or
36 (~~((interim))~~) permit holder of proceedings to deny, suspend, or revoke

1 the license or (~~interim~~) permit shall be by certified or registered
2 mail or by means authorized for service of process.

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

5 Each licensee and (~~interim~~) permit holder under this chapter
6 shall keep records of all services rendered for a minimum of three
7 years. These records shall contain the names and addresses of all
8 persons to whom services were provided. Hearing (~~instrument~~
9 ~~fitter/dispensers~~) aid specialists, audiologists, apprentice hearing
10 aid specialists, and interim permit holders shall also record the date
11 the hearing instrument warranty expires, a description of the services
12 and the dates the services were provided, and copies of any contracts
13 and receipts. All records, as required pursuant to this chapter or by
14 rule, shall be owned by the establishment or facility and shall remain
15 with the establishment or facility in the event the licensee changes
16 employment. If a contract between the establishment or facility and
17 the licensee provides that the records are to remain with the licensee,
18 copies of such records shall be provided to the establishment or
19 facility.

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

22 In addition to causes specified under RCW 18.130.170 and
23 18.130.180, any person licensed or holding (~~an interim~~) a permit
24 under this chapter may be subject to disciplinary action by the board
25 for any of the following causes:

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

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

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

35 (c) Advertising a particular model, type, or kind of hearing
36 instrument for sale which purchasers or prospective purchasers

1 responding to the advertisement cannot purchase or are dissuaded from
2 purchasing and where it is established that the purpose of the
3 advertisement is to obtain prospects for the sale of a different model,
4 type, or kind than that advertised;

5 (d) Falsifying hearing test or evaluation results;

6 (e)(i) Whenever any of the following conditions are found or should
7 have been found to exist either from observations by the licensee or
8 (~~interim~~) permit holder or on the basis of information furnished by
9 the prospective hearing instrument user prior to fitting and dispensing
10 a hearing instrument to any such prospective hearing instrument user,
11 failing to advise that prospective hearing instrument user in writing
12 that the user should first consult a licensed physician specializing in
13 diseases of the ear or if no such licensed physician is available in
14 the community then to any duly licensed physician:

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

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

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

21 (D) Acute or chronic dizziness;

22 (E) Any unilateral hearing loss;

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

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

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

28 (I) Any other conditions that the board may by rule establish. It
29 is a violation of this subsection for any licensee or that licensee's
30 employees and putative agents upon making such required referral for
31 medical opinion to in any manner whatsoever disparage or discourage a
32 prospective hearing instrument user from seeking such medical opinion
33 prior to the fitting and dispensing of a hearing instrument. No such
34 referral for medical opinion need be made by any licensed hearing
35 (~~instrument fitter/dispenser~~) aid specialist, licensed audiologist,
36 apprentice hearing aid specialist, or interim permit holder in the
37 instance of replacement only of a hearing instrument which has been
38 lost or damaged beyond repair within twelve months of the date of

1 purchase. The licensed hearing (~~((instrument fitter/dispenser))~~) aid
2 specialist, licensed audiologist, apprentice hearing aid specialist, or
3 interim permit holder or their employees or putative agents shall
4 obtain a signed statement from the hearing instrument user documenting
5 the waiver of medical clearance and the waiver shall inform the
6 prospective user that signing the waiver is not in the user's best
7 health interest: PROVIDED, That the licensed hearing (~~((instrument~~
8 ~~fitter/dispenser))~~) aid specialist, licensed audiologist, apprentice
9 hearing aid specialist, or interim permit holder shall maintain a copy
10 of either the physician's statement showing that the prospective
11 hearing instrument user has had a medical evaluation within the
12 previous six months or the statement waiving medical evaluation, for a
13 period of three years after the purchaser's receipt of a hearing
14 instrument. Nothing in this section required to be performed by a
15 licensee or (~~interim~~) permit holder shall mean that the licensee or
16 (~~interim~~) permit holder is engaged in the diagnosis of illness or the
17 practice of medicine or any other activity prohibited under the laws of
18 this state;

19 (ii) Fitting and dispensing a hearing instrument to any person
20 under eighteen years of age who has not been examined and cleared for
21 hearing instrument use within the previous six months by a physician
22 specializing in otolaryngology except in the case of replacement
23 instruments or except in the case of the parents or guardian of such
24 person refusing, for good cause, to seek medical opinion: PROVIDED,
25 That should the parents or guardian of such person refuse, for good
26 cause, to seek medical opinion, the licensed hearing (~~((instrument~~
27 ~~fitter/dispenser))~~) aid specialist or licensed audiologist shall obtain
28 from such parents or guardian a certificate to that effect in a form as
29 prescribed by the department;

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

1 (f) Representing that the services or advice of a person licensed
2 to practice medicine and surgery under chapter 18.71 RCW or osteopathic
3 medicine and surgery under chapter 18.57 RCW or of a clinical
4 audiologist will be used or made available in the selection, fitting,
5 adjustment, maintenance, or repair of hearing instruments when that is
6 not true, or using the word "doctor," "clinic," or other like words,
7 abbreviations, or symbols which tend to connote a medical or
8 osteopathic medicine and surgery profession when such use is not
9 accurate;

10 (g) Permitting another to use his or her license or ((~~interim~~))
11 permit;

12 (h) Stating or implying that the use of any hearing instrument will
13 restore normal hearing, preserve hearing, prevent or retard progression
14 of a hearing impairment, or any other false, misleading, or medically
15 or audiologically unsupportable claim regarding the efficiency of a
16 hearing instrument;

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

21 (j) Directly or indirectly offering, giving, permitting, or causing
22 to be given, money or anything of value to any person who advised
23 another in a professional capacity as an inducement to influence that
24 person, or to have that person influence others to purchase or contract
25 to purchase any product sold or offered for sale by the hearing
26 ((~~instrument fitter/dispenser~~)) aid specialist, audiologist, apprentice
27 hearing aid specialist, or interim permit holder, or to influence any
28 person to refrain from dealing in the products of competitors.

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

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

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

35 A licensee or ((~~interim~~)) permit holder under this chapter may also
36 be subject to disciplinary action if the licensee or ((~~interim~~)) permit
37 holder:

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

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

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

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

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

22 The powers and duties of the department, in addition to the powers
23 and duties provided under other sections of this chapter, are as
24 follows:

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

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

30 (3) To require the periodic examination of testing equipment, as
31 defined by the board, and to carry out the periodic inspection of
32 facilities or establishments of persons who are licensed under this
33 chapter, as reasonably required within the discretion of the
34 department.

35 (4) To appoint advisory committees as necessary.

36 (5) To keep a record of proceedings under this chapter and a
37 register of all persons licensed or holding (~~(interim))~~ permits under

1 this chapter. The register shall show the name of every living
2 licensee or (~~interim~~) permit holder for hearing (~~instrument~~
3 ~~fitting/dispensing~~) aid specialist, every living permit holder for
4 apprentice hearing aid specialist, every living licensee or interim
5 permit holder for speech-language pathology, and every living licensee
6 or interim permit holder for audiology, with his or her last known
7 place of residence and the date and number of his or her license or
8 interim permit.

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

11 (1) There is created hereby the board of hearing and speech to
12 govern the three separate professions: Hearing (~~instrument~~
13 ~~fitting/dispensing~~) aid specialist, audiology, and speech-language
14 pathology. The board shall consist of eleven members to be appointed
15 by the governor.

16 (2) Members of the board shall be residents of this state. Three
17 members shall represent the public and shall have an interest in the
18 rights of consumers of health services, and shall not be or have been
19 a member of, or married to a member of, another licensing board, a
20 licensee of a health occupation board, an employee of a health
21 facility, nor derive his or her primary livelihood from the provision
22 of health services at any level of responsibility. Two members shall
23 be hearing (~~instrument-fitter/dispensers~~) aid specialists who are
24 licensed under this chapter, have at least five years of experience in
25 the practice of hearing instrument fitting and dispensing, and must be
26 actively engaged in fitting and dispensing within two years of
27 appointment. Two members of the board shall be audiologists licensed
28 under this chapter who have at least five years of experience in the
29 practice of audiology and must be actively engaged in practice within
30 two years of appointment. Two members of the board shall be speech-
31 language pathologists licensed under this chapter who have at least
32 five years of experience in the practice of speech-language pathology
33 and must be actively engaged in practice within two years of
34 appointment. One advisory nonvoting member shall be a speech-language
35 pathology assistant certified in Washington. One advisory nonvoting
36 member shall be a medical physician licensed in the state of
37 Washington.

1 (3) The term of office of a member is three years. Of the initial
2 appointments, one hearing (~~((instrument—fitter/dispenser))~~) aid
3 specialist, one speech-language pathologist, one audiologist, and one
4 consumer shall be appointed for a term of two years, and one hearing
5 (~~((instrument—fitter/dispenser))~~) aid specialist, one speech-language
6 pathologist, one audiologist, and two consumers shall be appointed for
7 a term of three years. Thereafter, all appointments shall be made for
8 expired terms. No member shall be appointed to serve more than two
9 consecutive terms. A member shall continue to serve until a successor
10 has been appointed. The governor shall either reappoint the member or
11 appoint a successor to assume the member's duties at the expiration of
12 his or her predecessor's term. A vacancy in the office of a member
13 shall be filled by appointment for the unexpired term.

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

20 (5) The board shall meet at least once each year, at a place, day
21 and hour determined by the board, unless otherwise directed by a
22 majority of board members. The board shall also meet at such other
23 times and places as are requested by the department or by three members
24 of the board. A quorum is a majority of the board. A hearing
25 (~~((instrument—fitter/dispenser))~~) aid specialist, speech-language
26 pathologist, and audiologist must be represented. Meetings of the
27 board shall be open and public, except the board may hold executive
28 sessions to the extent permitted by chapter 42.30 RCW.

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

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

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

36 The board shall have the following powers and duties:

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

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

6 (3) To develop, approve, and administer or supervise the
7 administration of examinations to applicants for licensure under this
8 chapter;

9 (4) To require a licensee or (~~interim~~) permit holder to make
10 restitution to any individual injured by a violation of this chapter or
11 chapter 18.130 RCW, the uniform disciplinary act. The authority to
12 require restitution does not limit the board's authority to take other
13 action deemed appropriate and provided for in this chapter or chapter
14 18.130 RCW;

15 (5) To pass upon the qualifications of applicants for licensure or
16 (~~interim~~) permits and to certify to the secretary;

17 (6) To recommend requirements for continuing education and
18 continuing competency requirements as a prerequisite to renewing a
19 license or certification under this chapter;

20 (7) To keep an official record of all its proceedings. The record
21 is evidence of all proceedings of the board that are set forth in this
22 record;

23 (8) To adopt rules, if the board finds it appropriate, in response
24 to questions put to it by professional health associations, hearing
25 (~~instrument fitter/dispensers or~~) aid specialists, audiologists,
26 speech-language pathologists, interim permit holders, apprentice
27 hearing aid specialists, and consumers in this state; and

28 (9) To adopt rules relating to standards of care relating to
29 hearing (~~instrument fitter/dispensers~~) aid specialists or
30 audiologists, including the dispensing of hearing instruments, and
31 relating to speech-language pathologists, including dispensing of
32 communication devices.

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

35 The uniform disciplinary act, chapter 18.130 RCW, governs
36 unlicensed practice, the issuance and denial of licenses and

1 ((~~interim~~)) permits, and the discipline of licensees and permit holders
2 under this chapter.

3 **Sec. 19.** RCW 18.35.175 and 2002 c 310 s 18 are each amended to
4 read as follows:

5 It is unlawful to sell, fit, or dispense a hearing instrument to a
6 resident of this state if the attempted sale or purchase is offered or
7 made by electronic means, telephone, or mail order and there is no
8 face-to-face contact to test or otherwise determine the needs of the
9 prospective purchaser. This section does not apply to the sale of
10 hearing instruments by wholesalers to licensees under this chapter.

11 **Sec. 20.** RCW 18.35.185 and 2002 c 310 s 19 are each amended to
12 read as follows:

13 (1) In addition to any other rights and remedies a purchaser may
14 have, the purchaser of a hearing instrument shall have the right to
15 rescind the transaction for other than the licensed hearing
16 ((~~instrument fitter/dispenser~~)) aid specialist, licensed audiologist,
17 apprentice hearing aid specialist, or interim permit holder's breach
18 if:

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

28 (b) The purchaser sends notice of the cancellation by certified
29 mail, return receipt requested, to the establishment employing the
30 licensed hearing ((~~instrument—fitter/dispenser~~)) aid specialist,
31 licensed audiologist, apprentice hearing aid specialist, or interim
32 permit holder at the time the hearing instrument was originally
33 purchased, and the notice is posted not later than thirty days
34 following the date of delivery, but the purchaser and the licensed
35 hearing ((~~instrument—fitter/dispenser~~)) aid specialist, licensed
36 audiologist, apprentice hearing aid specialist, or interim permit

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

27 (2) If the transaction is rescinded under this section or as
28 otherwise provided by law and the hearing instrument is returned to the
29 licensed hearing (~~((instrument—fitter/dispenser))~~) aid specialist,
30 licensed audiologist, apprentice hearing aid specialist, or interim
31 permit holder, the licensed hearing (~~((instrument—fitter/dispenser))~~) aid
32 specialist, licensed audiologist, apprentice hearing aid specialist, or
33 interim permit holder shall refund to the purchaser any payments or
34 deposits for that hearing instrument. However, the licensed hearing
35 (~~((instrument—fitter/dispenser))~~) aid specialist, licensed audiologist,
36 apprentice hearing aid specialist, or interim permit holder may retain,
37 for each hearing instrument, fifteen percent of the total purchase
38 price or one hundred twenty-five dollars, whichever is less. After

1 December 31, 1996, the rescission amount shall be determined by the
2 board. The licensed hearing (~~((instrument fitter/dispenser))~~) aid
3 specialist, licensed audiologist, apprentice hearing aid specialist, or
4 interim permit holder shall also return any goods traded in
5 contemplation of the sale, less any costs incurred by the licensed
6 hearing (~~((instrument fitter/dispenser))~~) aid specialist, licensed
7 audiologist, apprentice hearing aid specialist, or interim permit
8 holder in making those goods ready for resale. The refund shall be
9 made within ten business days after the rescission. The buyer shall
10 incur no additional liability for such rescission.

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

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

16 In addition to remedies otherwise provided by law, in any action
17 brought by or on behalf of a person required to be licensed or to hold
18 (~~((an interim))~~) a permit under this chapter, or by any assignee or
19 transferee, it shall be necessary to allege and prove that the licensee
20 or (~~((interim))~~) permit holder at the time of the transaction held a
21 valid license or (~~((interim))~~) permit as required by this chapter, and
22 that such license or (~~((interim))~~) permit has not been suspended or
23 revoked pursuant to RCW 18.35.110, 18.35.120, or 18.130.160.

24 **Sec. 22.** RCW 18.35.195 and 2006 c 263 s 802 are each amended to
25 read as follows:

26 (1) This chapter shall not apply to military or federal government
27 employees.

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

29 (a) Fitting or dispensing by students enrolled in a board-approved
30 program who are directly supervised by a licensed hearing (~~((instrument~~
31 ~~fitter/dispenser))~~) aid specialist, a licensed audiologist under the
32 provisions of this chapter, or an instructor at a two-year hearing
33 (~~((instrument fitter/dispenser))~~) aid specialist degree program that is
34 approved by the board;

35 (b) Hearing (~~((instrument fitter/dispensers))~~) aid specialists,
36 speech-language pathologists, or audiologists of other states,

1 territories, or countries, or the District of Columbia while appearing
2 as clinicians of bona fide educational seminars sponsored by speech-
3 language pathology, audiology, hearing (~~(instrument fitter/dispenser)~~)
4 aid specialist, medical, or other healing art professional associations
5 so long as such activities do not go beyond the scope of practice
6 defined by this chapter; and

7 (c) The practice of audiology or speech-language pathology by
8 persons certified by the Washington professional educator standards
9 board as educational staff associates, except for those persons
10 electing to be licensed under this chapter. However, a person
11 certified by the board as an educational staff associate who practices
12 outside the school setting must be a licensed audiologist or licensed
13 speech-language pathologist.

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

16 The legislature finds that the public health, safety, and welfare
17 would best be protected by uniform regulation of hearing (~~(instrument~~
18 ~~fitter/dispensers)~~) aid specialists, speech-language pathologists,
19 speech-language pathology assistants, audiologists, apprentice hearing
20 aid specialists, and interim permit holders throughout the state.
21 Therefore, the provisions of this chapter relating to the licensing of
22 hearing (~~(instrument fitter/dispensers)~~) aid specialists, speech-
23 language pathologists, and audiologists, the certification of speech-
24 language pathology assistants, and regulation of apprentice hearing aid
25 specialists and interim permit holders and their respective
26 establishments or facilities is exclusive. No political subdivision of
27 the state of Washington within whose jurisdiction a hearing
28 (~~(instrument fitter/dispenser)~~) aid specialist, audiologist, or speech-
29 language pathologist establishment or facility is located may require
30 any registrations, bonds, licenses, certificates, or (~~(interim)~~)
31 permits of the establishment or facility or its employees or charge any
32 fee for the same or similar purposes: PROVIDED, HOWEVER, That nothing
33 herein shall limit or abridge the authority of any political
34 subdivision to levy and collect a general and nondiscriminatory license
35 fee levied on all businesses, or to levy a tax based upon the gross
36 business conducted by any firm within the political subdivision.

1 **Sec. 24.** RCW 18.35.230 and 2002 c 310 s 23 are each amended to
2 read as follows:

3 (1) Each licensee or (~~interim~~) permit holder shall name a
4 registered agent to accept service of process for any violation of this
5 chapter or rule adopted under this chapter.

6 (2) The registered agent may be released at the expiration of one
7 year after the license or (~~interim~~) permit issued under this chapter
8 has expired or been revoked.

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

12 **Sec. 25.** RCW 18.35.240 and 2002 c 310 s 24 are each amended to
13 read as follows:

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

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

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

30 (4) Each invoice for the purchase of a hearing instrument provided
31 to a customer must clearly display on the first page the bond number
32 covering the licensee or (~~interim~~) permit holder responsible for
33 fitting/dispensing the hearing instrument.

34 (5) All licensed hearing (~~instrument—fitter/dispensers~~) aid
35 specialists, licensed audiologists, apprentice hearing aid specialists,
36 and permit holders must verify compliance with the requirement to hold
37 a surety bond or cash or other negotiable security by submitting a

1 signed declaration of compliance upon annual renewal of their license
2 or permit. Up to twenty-five percent of the credential holders may be
3 randomly audited for surety bond compliance after the credential is
4 renewed. It is the credential holder's responsibility to submit a copy
5 of the original surety bond or bonds, or documentation that cash or
6 other negotiable security is held in a banking institution during the
7 time period being audited. Failure to comply with the audit
8 documentation request or failure to supply acceptable documentation
9 within thirty days may result in disciplinary action.

10 **Sec. 26.** RCW 18.35.250 and 2002 c 310 s 25 are each amended to
11 read as follows:

12 (1) In addition to any other legal remedies, an action may be
13 brought in any court of competent jurisdiction upon the bond, cash
14 deposit, or security in lieu of a surety bond required by this chapter,
15 by any person having a claim against a licensee or (~~interim~~) permit
16 holder, agent, or employee for any violation of this chapter or any
17 rule adopted under this chapter. The aggregate liability of the
18 surety, cash deposit, or other negotiable security to all claimants
19 shall in no event exceed the sum of the bond. Claims shall be
20 satisfied in the order of judgment rendered.

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

23 **Sec. 27.** RCW 18.35.260 and 2009 c 301 s 7 are each amended to read
24 as follows:

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

33 (2) A person who is not a licensed speech-language pathologist may
34 not represent himself or herself as being so licensed and may not use
35 in connection with his or her name the words including "licensed
36 speech-language pathologist" or a variation, synonym, word, sign,

1 number, insignia, coinage, or whatever expresses, employs, or implies
2 these terms, names, or functions as a licensed speech-language
3 pathologist.

4 (3) A person who is not a certified speech-language pathology
5 assistant may not represent himself or herself as being so certified
6 and may not use in connection with his or her name the words including
7 "certified speech-language pathology assistant" or a variation,
8 synonym, word, sign, number, insignia, coinage, or whatever expresses,
9 employs, or implies these terms, names, or functions as a certified
10 speech-language pathology assistant.

11 (4) A person who is not a licensed audiologist 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 "licensed audiologist" or a variation,
14 synonym, letter, word, sign, number, insignia, coinage, or whatever
15 expresses, employs, or implies these terms, names, or functions of a
16 licensed audiologist.

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

20 NEW SECTION. **Sec. 28.** This act takes effect January 1, 2015.

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