

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2023

A N A C T

RELATING TO BUSINESSES AND PROFESSIONS -- HEARING AID DEALERS AND FITTERS

Introduced By: Representatives Handy, McNamara, and Hull

Date Introduced: March 01, 2023

Referred To: House Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 5-49-1, 5-49-2, 5-49-2.2 and 5-49-8 of the General Laws in Chapter
2 5-49 entitled "Hearing Aid Dealers and Fitters" are hereby amended to read as follows:

3 **5-49-1. Definitions.**

4 As used in this chapter, except as the context may require:

5 (1) "Audiologist" means ~~a person who has been awarded a certificate of competency by~~
6 ~~the American Speech and Hearing Association and who is duly licensed by the department~~ an
7 individual licensed to practice audiology by the department of health.

8 (2) "Board" means the board of hearing aid dealers and fitters.

9 (3) "Department" means the department of health.

10 (4) "Hearing aid" means any wearable instrument or device designed for or offered for the
11 purpose of aiding or compensating for impaired human hearing, and any parts, attachments, or
12 accessories, including ear mold, but excluding batteries and cords.

13 (5) "License" means a license issued by the state under this chapter to hearing aid dealers
14 and fitters.

15 (6) "Practice of fitting and dealing in hearing aids" means the evaluation and measurement
16 of human hearing by means of an audiometer or by any other means solely for the purpose of
17 making selections, adaptations, or sale of hearing aids, including ordering the use of hearing aids.

18 The term also includes the making of impressions for ear molds. This term does not include the

1 making of audiograms for a physician or a member of related professions for use in consultation
2 with the hard of hearing.

3 (7) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment, or
4 any other contract, excluding wholesale transactions with distributors or dealers.

5 (8) "Temporary permit" means a permit issued while the applicant is in training to become
6 a licensed hearing aid dealer and fitter.

7 **5-49-2. License required to sell or fit hearing aids.**

8 (a) No person shall engage in the dispensing, selling, fitting or ordering the use of hearing
9 aids, or display a sign, or in any other way advertise or represent himself or herself as a person who
10 practices the fitting and sale of hearing aids after August 1, 1973, unless he or she holds an
11 unsuspended, unrevoked license issued by the department as provided in this chapter.

12 (b) The license shall be conspicuously posted in his or her office or place of business.
13 Duplicate licenses shall be issued by the department to valid license holders operating more than
14 one office without additional payment.

15 (c) A license under this chapter shall confer upon the holder the right to order the use of,
16 select, fit, and sell hearing aids.

17 (d) Nothing in this chapter shall prohibit a corporation, partnership, trust, association, or
18 other organization maintaining an established business address, from selling or offering for sale
19 hearing aids at retail without a license; provided, that it employs only properly licensed natural
20 persons in the direct sale, ordering the use and fitting of those products.

21 (e) Those corporations, partnerships, trusts, associations, or other organizations shall file
22 annually with the board a list of all licensed hearing aid dealers and fitters directly or indirectly
23 employed by it.

24 (f) Those organizations shall also file with the board a statement, on a form approved by
25 the board, that they submit themselves to the rules and regulations of the department and the
26 provisions of this chapter which the department deems applicable to them.

27 **5-49-2.2. Records of transactions.**

28 (a) Every person, firm, association, or corporation shall keep a permanent record of all
29 sales or other transactions where a hearing aid instrument or hearing prosthetic device is made
30 available.

31 (b) ~~Each record of a transaction shall have attached to it the certificate of need presented~~
32 ~~by the prospective purchaser.~~

33 (c) Each record of a transaction shall be retained for a period of ~~five (5)~~ three (3) years, and
34 shall be kept open for inspection by any official designated by the director of the department of

1 health.

2 **5-49-8. Temporary permits.**

3 (a) An applicant who fulfills the requirements regarding age, character, education, and
4 health as provided in § 5-49-7, may obtain a temporary permit upon application to the department.
5 Previous experience or a waiting period shall not be required to obtain a temporary permit.

6 (b) Upon receiving an application as provided under this section, and accompanied by a
7 fee as set forth in § 23-1-54, the department shall issue a temporary permit that entitles the applicant
8 to engage in the fitting and sale of hearing aids for a period of one year.

9 (c) A person holding a valid hearing aid dealer's and fitter's license is responsible for the
10 supervision and training of that applicant and maintaining adequate personal contact. A person
11 holding a valid audiologist license may be responsible for the supervision and training the applicant
12 if:

13 (1) The audiologist has at least two (2) years of active clinical experience in dispensing and
14 fitting hearing aids;

15 (2) The audiologist provides to the department documentary evidence establishing that
16 he/she has the requisite two (2) years of active clinical experience in dispensing and fitting hearing
17 aids; and

18 (3) The department provides the audiologist with written approval to supervise and train
19 applicants.

20 (d) If a person who holds a temporary permit under this section has not successfully passed
21 the licensing examination within one year from the date of issuance of the permit, the temporary
22 permit may be renewed or reissued once upon payment of a fee as set forth in § 23-1-54.

23 SECTION 2. Sections 5-49-2.1 and 5-49-2.3 of the General Laws in Chapter 5-49 entitled
24 "Hearing Aid Dealers and Fitters" are hereby repealed.

25 **~~5-49-2.1. Certificates of need.~~**

26 ~~(a) No person, firm, association, or corporation shall sell or attempt to sell, or make~~
27 ~~available, any hearing aid instrument or hearing prosthetic device to a prospective consumer or~~
28 ~~purchaser, unless that consumer or purchaser has first obtained and presented to the seller a~~
29 ~~certificate of need on forms prescribed and furnished by the director of the department of health.~~

30 ~~(b) The certificate shall be signed by a physician licensed in the state under the provisions~~
31 ~~of chapter 37 of this title and attest that, pursuant to an otological examination, it is his or her~~
32 ~~diagnosis that the prospective patient purchaser has a hearing impediment of a nature as to indicate~~
33 ~~the need for a hearing aid instrument or hearing prosthetic device.~~

34 **~~5-49-2.3. Penalty for violations of §§ 5-49-2.1 and 5-49-2.2.~~**

1 ~~Any person, firm, association, or corporation who or that sells or attempts to sell, or makes~~
2 ~~available, a hearing aid instrument or hearing prosthetic device without a certificate of need, and/or~~
3 ~~fails to keep records as prescribed in § 5-49-2.2, and any physician who issues a certificate of need~~
4 ~~not in conformance with § 5-49-2.1, is guilty of a misdemeanor and, upon conviction, shall be fined~~
5 ~~not more than five hundred dollars (\$500) for each offense. Each violation of a provision of this~~
6 ~~chapter shall constitute a separate offense.~~

7 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO BUSINESSES AND PROFESSIONS -- HEARING AID DEALERS AND
FITTERS

1 This act would define an audiologist as an individual licensed to practice audiology by the
2 department of health, additionally this act would mandate each record of transaction shall be held
3 for a period of three (3) years, and defines the requirements for a person licensed as an audiologist
4 to train other audiologist applicants.

5 This act would take effect upon passage.

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