

## HOUSE AMENDMENTS TO HOUSE BILL 2101

By COMMITTEE ON HEALTH CARE

February 21

1 On page 1 of the printed bill, line 7, delete “694.085,” and insert “694.065, 694.085, 694.142,”.

2 On page 28, after line 20, insert:

3 “**SECTION 53a.** ORS 694.065 is amended to read:

4 “694.065. (1) Before an applicant may take the qualifying examination for licensure under ORS  
5 694.015 to 694.185, the applicant must:

6 “(a) Meet the training and experience requirements established by the Oregon Health Licensing  
7 Agency by rule;

8 “(b) Meet the training requirements for licensure as an audiologist or for certification of a li-  
9 censed physician by the American Board of Otolaryngology; or

10 “(c) Meet the requirements for certification by the National Board for Certification in Hearing  
11 Instrument Sciences.

12 “(2) An individual seeking to obtain the experience and training specified in subsection (1)(a)  
13 of this section necessary to take the examination shall obtain a trainee registration from the agency  
14 pursuant to rules adopted by the agency. A trainee registration issued pursuant to this subsection  
15 shall allow the holder of the registration to obtain training and experience [*only*] under the direct  
16 supervision of a hearing aid specialist licensed in the State of Oregon **or an audiologist licensed**  
17 **under ORS chapter 681. An audiologist who supervises trainees must comply with ORS**  
18 **694.015 to 694.185 and rules adopted under ORS 694.015 to 694.185, and is subject to ORS**  
19 **694.991, when supervising trainees.**

20 “(3) Examination of applicants for licensure under ORS 694.015 to 694.185 shall be held at least  
21 once each quarter at such times and places as the agency may determine.

22 “(4) Timely and appropriate notice of the time and place of the examination shall be given to  
23 each applicant and to each licensed hearing aid specialist **or audiologist** supervising a temporary  
24 hearing aid specialist pursuant to rules adopted by the agency.

25 “(5) The agency, in consultation with the Advisory Council on Hearing Aids, shall adopt rules  
26 establishing standards for examination scope, format, minimum acceptable performance and reex-  
27 amination qualifications. The examination shall be sufficiently thorough to determine the qualifica-  
28 tions, fitness and ability of the applicant to practice as a hearing aid specialist. The examination  
29 may be in the form of written, oral or practical demonstration of skills, or a combination of any such  
30 types.”.

31 After line 32, insert:

32 “**SECTION 54a.** ORS 694.142 is amended to read:

33 “694.142. The Oregon Health Licensing Agency shall adopt by rule standards of practice for  
34 hearing aid specialists in providing services to consumers. The standards must include, but are not  
35 limited to:

1 “(1) Before fitting or dispensing a hearing aid, the hearing aid specialist shall determine through  
2 direct observation and a personal interview whether any of the following conditions exist:

3 “(a) Visible congenital or traumatic deformity of the ear;

4 “(b) Active drainage from the ear within the previous 90 days or a history of active drainage  
5 from the ear;

6 “(c) Sudden or rapidly progressive hearing loss within the previous 90 days;

7 “(d) Acute or chronic dizziness;

8 “(e) Unilateral hearing loss of sudden or recent onset within 90 days;

9 “(f) Significant air-bone gap of greater than or equal to 15 decibels, American National Stan-  
10 dards Institute, 500, 1,000 and 2,000 Hz average; or

11 “(g) Any other condition that the agency may establish by rule.

12 “(2) If any of the conditions listed in subsection (1) of this section are found, the hearing aid  
13 specialist shall refer the person to a physician licensed under ORS chapter 677 who specializes in  
14 diseases of the ear or, if no such licensed physician is available in the community, to any physician  
15 licensed under ORS chapter 677.

16 “(3) Within the 90 days prior to fitting or dispensing a hearing aid to a person under 18 years  
17 of age, the person receiving the hearing aid must be referred to one of the following licensed med-  
18 ical physicians:

19 “(a) An otolaryngologist for examination and for a recommendation of corrective measures that  
20 may be required;

21 “(b) A properly licensed medical physician for like examination and recommendation; or

22 “(c) An audiologist licensed by the State of Oregon for an evaluation of the person’s hearing and  
23 for a recommendation of corrective measures that may be required if the person is also examined  
24 by a properly licensed medical physician who gives approval for possible hearing aid use.

25 “(4) Notwithstanding subsection (3) of this section, replacement of a hearing aid with an identi-  
26 cal hearing aid within one year of the initial fitting or dispensing of the hearing aid does not require  
27 a referral to a physician.

28 “(5)(a) Hearing aid specialists shall make clear their credentials, never representing that the  
29 services or advice of a person licensed to practice medicine and surgery, osteopathy and surgery,  
30 or a clinical audiologist will be used or made available in the selection, fitting, adjustment, mainte-  
31 nance or repair of hearing aids when that is not true. Hearing aid specialists shall also refrain from  
32 using the word ‘doctor’ or ‘clinic’ or other words, abbreviations or symbols that tend to connote an  
33 audiologic, medical or osteopathic profession when that use is not accurate.

34 “(b) A person issued a temporary license shall deal in hearing aids [*only*] under supervision of  
35 a person licensed under this chapter **or an audiologist licensed under ORS chapter 681. An**  
36 **audiologist who supervises temporary licensees must comply with ORS 694.015 to 694.185 and**  
37 **rules adopted under ORS 694.015 to 694.185, and is subject to ORS 694.991, when supervising**  
38 **temporary licensees.**

39 “(c) A hearing aid specialist shall maintain a business address and telephone number at which  
40 the specialist may be reached during normal business hours.

41 “(d) A person may not sell a hearing aid by direct mail. For purposes of this paragraph, delivery  
42 by mail of a replacement hearing aid or parts does not constitute sale by direct mail.

43 “(6) If the person or the parent or guardian of the person refuses to seek a medical opinion from  
44 the physician to whom the person has been referred under subsection (2) or (3) of this section, the  
45 person dealing in hearing aids must obtain from the person or the parents or guardian of the person

1 prior to fitting or dispensing a hearing aid a certificate to that effect in a form prescribed by the  
2 agency. Any person dealing in hearing aids or employees and putative agents thereof, upon making  
3 the required referral for a medical opinion under subsection (2) of this section, may not in any  
4 manner whatsoever disparage or discourage a prospective hearing aid user from seeking a medical  
5 opinion prior to the fitting and dispensing of a hearing aid. Nothing required to be performed by a  
6 person dealing in hearing aids under this section means that the person is engaged in the diagnosis  
7 of illness or the practice of medicine or any other activity prohibited by the provisions of ORS  
8 694.042 and this section.”

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