

**PROPOSED AMENDMENTS TO
HOUSE BILL 2101**

1 On page 1 of the printed bill, line 7, delete “694.085” and insert “694.065,
2 694.085, 694.142.”.

3 On page 28, after line 20, insert:

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

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

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

9 “(b) Meet the training requirements for licensure as an audiologist or for
10 certification of a licensed physician by the American Board of
11 Otolaryngology; or

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

14 “(2) An individual seeking to obtain the experience and training specified
15 in subsection (1)(a) of this section necessary to take the examination shall
16 obtain a trainee registration from the agency pursuant to rules adopted by
17 the agency. A trainee registration issued pursuant to this subsection shall
18 allow the holder of the registration to obtain training and experience [*only*]
19 under the direct supervision of a hearing aid specialist licensed in the State
20 of Oregon **or an audiologist licensed under ORS chapter 681. An**
21 **audiologist who supervises trainees must comply with ORS 694.015 to**
22 **694.185 and rules adopted under ORS 694.015 to 694.185, and is subject**

1 **to ORS 694.991, when supervising trainees.**

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

5 “(4) Timely and appropriate notice of the time and place of the examina-
6 tion shall be given to each applicant and to each licensed hearing aid spe-
7 cialist **or audiologist** supervising a temporary hearing aid specialist
8 pursuant to rules adopted by the agency.

9 “(5) The agency, in consultation with the Advisory Council on Hearing
10 Aids, shall adopt rules establishing standards for examination scope, format,
11 minimum acceptable performance and reexamination qualifications. The ex-
12 amination shall be sufficiently thorough to determine the qualifications, fit-
13 ness and ability of the applicant to practice as a hearing aid specialist. The
14 examination may be in the form of written, oral or practical demonstration
15 of skills, or a combination of any such types.”.

16 After line 32, insert:

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

18 “694.142. The Oregon Health Licensing Agency shall adopt by rule stan-
19 dards of practice for hearing aid specialists in providing services to con-
20 sumers. The standards must include, but are not limited to:

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

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

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

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

29 “(d) Acute or chronic dizziness;

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

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

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

4 “(2) If any of the conditions listed in subsection (1) of this section are
5 found, the hearing aid specialist shall refer the person to a physician li-
6 censed under ORS chapter 677 who specializes in diseases of the ear or, if
7 no such licensed physician is available in the community, to any physician
8 licensed under ORS chapter 677.

9 “(3) Within the 90 days prior to fitting or dispensing a hearing aid to a
10 person under 18 years of age, the person receiving the hearing aid must be
11 referred to one of the following licensed medical physicians:

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

14 “(b) A properly licensed medical physician for like examination and rec-
15 ommendation; or

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

20 “(4) Notwithstanding subsection (3) of this section, replacement of a
21 hearing aid with an identical hearing aid within one year of the initial fit-
22 ting or dispensing of the hearing aid does not require a referral to a physi-
23 cian.

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

1 profession when that use is not accurate.

2 “(b) A person issued a temporary license shall deal in hearing aids
3 [*only*] under supervision of a person licensed under this chapter **or an**
4 **audiologist licensed under ORS chapter 681. An audiologist who**
5 **supervises temporary licensees must comply with ORS 694.015 to**
6 **694.185 and rules adopted under ORS 694.015 to 694.185, and is subject**
7 **to ORS 694.991, when supervising temporary licensees.**

8 “(c) A hearing aid specialist shall maintain a business address and tele-
9 phone number at which the specialist may be reached during normal business
10 hours.

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

14 “(6) If the person or the parent or guardian of the person refuses to seek
15 a medical opinion from the physician to whom the person has been referred
16 under subsection (2) or (3) of this section, the person dealing in hearing aids
17 must obtain from the person or the parents or guardian of the person prior
18 to fitting or dispensing a hearing aid a certificate to that effect in a form
19 prescribed by the agency. Any person dealing in hearing aids or employees
20 and putative agents thereof, upon making the required referral for a medical
21 opinion under subsection (2) of this section, may not in any manner what-
22 soever disparage or discourage a prospective hearing aid user from seeking
23 a medical opinion prior to the fitting and dispensing of a hearing aid.
24 Nothing required to be performed by a person dealing in hearing aids under
25 this section means that the person is engaged in the diagnosis of illness or
26 the practice of medicine or any other activity prohibited by the provisions
27 of ORS 694.042 and this section.”.

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