

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 670  
Health Care Committee Substitute Adopted 5/12/11  
PROPOSED COMMITTEE SUBSTITUTE S670-PCS75160-RB-36

Short Title: Revise Membership/Hearing Aid Fitters Board.

(Public)

Sponsors:

Referred to:

April 20, 2011

1 A BILL TO BE ENTITLED  
2 AN ACT RELATING TO HEARING AID FITTING AND DISPENSING BY CERTAIN  
3 LICENSED AUDIOLOGISTS AND REVISING THE MEMBERSHIP ON THE NORTH  
4 CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 93D-2 reads as rewritten:

7 "§ 93D-2. **Fitting and selling without license unlawful.**

8 It shall be unlawful for any person to fit or sell hearing aids unless ~~the person~~ the person has first  
9 obtained a license from the North Carolina State Hearing Aid Dealers and Fitters ~~Board~~ Board,  
10 or obtained a license under Article 22 of Chapter 90 of the General Statutes and possesses a  
11 doctoral degree in audiology (AuD), or is an apprentice working under the supervision of a  
12 board licensee either such licensee and is registered in accordance with G.S. 93D-9."

13 SECTION 2. G.S. 93D-3(a) reads as rewritten:

14 "(a) There is hereby created a board whose duty it shall be to carry out the purposes and  
15 enforce the provisions of this Chapter, and which shall be known as the "North Carolina State  
16 Hearing Aid Dealers and Fitters Board." The Board shall be composed of seven members. Four  
17 members who have been actively engaged in the fitting and selling of hearing aids for three  
18 years pursuant to licensure under this Chapter shall be appointed by the Governor. These initial  
19 appointments are for the following terms: one for one year, one for two years, one for three  
20 years and one for four years. All appointments made on or after July 1, 1981, shall be for terms  
21 of three years.

22 One member shall be appointed by the Governor who shall be a physician practicing in  
23 North Carolina, preferably specializing in the field of otolaryngology. All appointments shall  
24 be for terms of three years.

25 One member, who shall be a person with hearing loss, shall be appointed by the Governor  
26 to represent the interest of hearing aid consumers from a list of two audiologists residing in  
27 North Carolina, which list shall be compiled by the North Carolina Speech and Hearing  
28 Association. This initial appointment shall be for a term of three years. All appointments made  
29 on or after July 1, 1981, shall be for a term of three years.

30 One member shall be appointed by the Governor to represent the interest of the public at  
31 large. This member shall have no ties to the hearing aid business nor shall he be an audiologist.  
32 The Governor shall appoint the public member not later than July 1, 1981, to serve a term of  
33 three years.



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1 All Board members serving on June 30, 1981, shall be eligible to complete their respective  
2 terms. No member appointed to a term on or after July 1, 1981, shall serve more than two  
3 complete consecutive terms.

4 Vacancies on the Board shall be filled by appointment of the Governor. Appointees shall  
5 serve the unexpired term of their predecessor in office and must be appointed from the same  
6 category as their predecessor in office. The members of the Board, before entering their duties,  
7 shall respectively take all oaths taken and prescribed for other State officers, in the manner  
8 provided by law, which oaths shall be filed in the office of the Secretary of State, and the Board  
9 shall have a common seal."

10 **SECTION 3.** G.S. 93D-3(c)(14) reads as rewritten:

11 "(14) Have the power to set and collect fees in accordance with Chapter 150B of  
12 the General Statutes for the items listed in this subdivision and for other  
13 items for which this Chapter gives the Board the authority to set a fee:

- 14 a. For a continuing education make-up class provided by the Board, a  
15 fee not to exceed fifty dollars (\$50.00) per person for each day of  
16 instruction. The Board may not offer a make-up class that is longer  
17 than two days;
- 18 b. For a license examination preparation course provided by the Board,  
19 a fee not to exceed fifty dollars (\$50.00) per person for each day of  
20 instruction. The Board may not offer an examination preparation  
21 course that is longer than three days;
- 22 c. For approval of a continuing education program provider, a fee not to  
23 exceed forty dollars (\$40.00);
- 24 d. For verifying and recording attendance at a continuing education  
25 program not provided by the Board, a fee not to exceed fifteen  
26 dollars (\$15.00) per licensee per program;
- 27 e. For providing a voluntary two-day apprentice training workshop, a  
28 fee not to exceed one hundred dollars (\$100.00) per person, and for  
29 providing a three-day voluntary apprentice training workshop, a fee  
30 not to exceed one hundred fifty dollars (\$150.00) per person;
- 31 f. For administering an examination, a fee of three hundred dollars  
32 ~~(\$300.00); and (\$300.00);~~
- 33 g. For the registration of persons not licensed under this Chapter  
34 providing supervision of apprentices registered under G.S. 93D-9, a  
35 fee of one hundred fifty dollars (\$150.00) per annum; and".

36 **SECTION 4.** G.S. 93D-5(a) reads as rewritten:

37 "(a) Except as provided in G.S. 93D-2, no~~no~~ person shall begin the fitting and selling of  
38 hearing aids in this State unless the person has been issued a license by the Board or is an  
39 apprentice working under the supervision of a ~~licensee~~person authorized to fit and sell hearing  
40 aids in this State. Except as hereinafter provided, each applicant for a license shall pay a fee set  
41 by the Board, not to exceed two hundred fifty dollars (\$250.00), which fee may be prorated by  
42 the Board, and shall show to the satisfaction of the Board that the applicant:

- 43 (1) Is a person of good moral character.  
44 (2) Is 18 years of age or older.  
45 (3) Has an education equivalent to a four-year course in an accredited high  
46 school.  
47 (4) Repealed by Session Laws 2007-406, s. 3, effective August 21, 2007."

48 **SECTION 5.** G.S. 93D-9 reads as rewritten:

49 "§ 93D-9. **Registration of apprentices.**

1 (a) Any person age 17 or older may apply to the Board for registration as an apprentice.  
2 Each applicant must be sponsored by a ~~hearing aid dealer and fitter licensed by the~~  
3 ~~Board.~~ person authorized to fit and sell hearing aids in this State.

4 (b) Upon receiving an application accompanied by a fee in an amount set by the Board,  
5 not to exceed one hundred dollars (\$100.00), the Board may register the applicant as an  
6 apprentice, which shall entitle the applicant to fit and sell hearing aids under the supervision of  
7 ~~a holder of a regular license.~~ a person authorized to fit and sell hearing aids in this State.

8 (c) No applicant shall be registered as an apprentice by the Board under this section  
9 unless the applicant shows to the satisfaction of the Board that the applicant is or will be  
10 supervised and trained by a ~~hearing aid fitter and seller who holds a license.~~ person authorized  
11 to fit and sell hearing aids in this State.

12 (d) If a person 18 years of age or older who is registered as an apprentice under this  
13 section does not take the next succeeding examination given after a minimum of one full year  
14 of apprenticeship, the person's apprentice registration shall not be renewed, except for good  
15 cause shown to the satisfaction of the Board.

16 (e) If a person who is registered as an apprentice takes and fails to pass the next  
17 succeeding examination given after one full year of apprenticeship, the Board may renew the  
18 apprenticeship license for a period of time to end 30 days after the results of the examination  
19 given next after the date of renewal of said registration. The fee for renewal of apprenticeship  
20 registration shall be set by the Board at an amount not to exceed one hundred fifty dollars  
21 (\$150.00).

22 (f) The Board shall adopt rules implementing initial and renewal registration of  
23 apprentices."

24 **SECTION 6.** The term of the member currently serving on the North Carolina  
25 State Hearing Aid Dealers and Fitters Board who was appointed by the Governor from a list of  
26 audiologists compiled by the North Carolina Speech and Hearing Association expires on the  
27 effective date of this act. The Governor must appoint a person to fill this vacancy on the Board  
28 who represents the interest of hearing aid consumers, in accordance with G.S. 93D-3, as  
29 amended by this act.

30 **SECTION 7.** This act is effective when it becomes law.