

No. 1998-153

## AN ACT

HB 558

Amending the act of November 24, 1976 (P.L.1182, No.262), entitled "An act relating to the dispensing and sale of hearing aids, providing for the registration and regulation of hearing aid fitters and dealers, making certain acts illegal, prescribing penalties and making an appropriation," further providing for rules and regulations; and providing for continuing education, for registration certificate fees, for disclosure agreements, for return of hearing aid and for suspension and revocation.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 205 of the act of November 24, 1976 (P.L.1182, No.262), known as the Hearing Aid Sales Registration Law, is amended to read:

Section 205. Rules and Regulations.—(a) The department shall make and promulgate rules and regulations as may be necessary to enable it to carry into effect the provisions of this act. Such rules and regulations shall be adopted, or repealed, in accordance with the provisions of the act of July 31, 1968 (P.L.769, No.240), known as the "Commonwealth Documents Law," and, when duly promulgated thereunder, such rules and regulations shall have the force and effect of the law.

*(b) The department shall promulgate rules and regulations to enforce and administer sections 207 and 504.1.*

Section 2. The act is amended by adding a section to read:

*Section 207. Continuing Education.—The department shall approve courses of continuing education for registered hearing aid fitters to include, but not be limited to, the following areas:*

- (1) Hearing evaluation.*
- (2) Hearing instrumentation technology.*
- (3) Ear mold technology.*
- (4) Hearing aid repair and maintenance.*
- (5) Technical devices to assist the hearing impaired.*
- (6) Psychology of the hearing impaired.*
- (7) Office procedures and compliance with this act.*

*Programs held within or outside this Commonwealth may receive approval.*

Section 3. Sections 311, 312, 314 and 316 of the act are amended to read:

Section 311. Expiration Date.—Registration certificates issued under this act expire at midnight on April 15 of each year thereafter if not renewed. To renew an unexpired registration certificate the registrant shall, before the time at which the certificate would otherwise expire, apply for renewal on a form prescribed by the secretary and pay the renewal fee prescribed by this act.

*Each person who files an application for renewal of a hearing aid fitter's certificate must, during the two years immediately preceding the expiration date, complete 20 hours of approved continuing education and submit evidence of the same to the department with the renewal application. A renewal application will not be considered complete without evidence of completion of the continuing education.*

Section 312. Renewal of Registration Certificate.—Except as otherwise provided in this act, an expired registration certificate may be renewed at any time within five years after its expiration on filing of an application for renewal on a form prescribed by the secretary, [and] payment of the renewal fee *currently* in effect [on the last renewal date] *and submitting evidence of completion of continuing education as provided in section 311*. If the registration certificate is renewed more than 30 days after its expiration, the registrant, as a condition precedent to renewal, shall also pay the delinquency fee. Renewal under this section shall be effective on the date on which the *complete* application is filed, on the date on which the renewal fee is paid or whichever last occurs. If so renewed, the registration certificate shall continue in effect through the date provided in section 311 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

Section 314. Expiration of Suspended Registration Certificate.—A registration certificate which has been suspended is subject to expiration and shall be renewed as provided in this act, but such renewal does not entitle the holder of the registration certificate while it remains suspended and until it is reinstated, to engage in the business of selling or in the practice of fitting and selling of hearing aids, or in any other activity or conduct in violation of the order or judgment by which the registration certificate was suspended. A registration certificate which has been revoked is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the registrant, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee *currently* in effect [on the last regular renewal date before the date on which it is reinstated], plus the delinquency fee, if any, accrued at the time of its revocation. *The registrants shall also be required to furnish evidence of completion of the continuing education as provided in section 311.*

Section 316. Fees.—The amount of fees prescribed by this act are those fixed in the following schedule:

(1) The fee for applicants applying for the first time for a registration certificate is [~~\$100~~] ~~\$200~~ which shall not be refunded, except to applicants who are found to be ineligible to take an examination for a fitter's registration certificate; those applicants are entitled to a refund of [~~\$75~~] ~~\$150~~.

(2) The fee for an applicant for an apprentice fitter's registration certificate is [~~\$25~~] ~~\$50~~. The additional fee for such applicant, upon taking the qualifying examination, is [~~\$75~~] ~~\$150~~.

(3) The fee for applicants for a fitter's registration certificate who have failed a previous examination is [~~\$25~~] ~~\$50~~ for each succeeding examination.

(4) The fee for renewal of a registration certificate is [~~\$50~~] **\$100** for each renewal.

(5) The initial registration certificate fee is [~~\$100~~] **\$200**, unless the initial registration certificate is issued on or after October 15 of any year. If it is issued on or after October 15, the initial registration certificate fee is [~~\$50~~] **\$100**.

(6) The delinquency fee is [~~\$25~~] **\$50**.

(7) The fee for issuance of a duplicate registration certificate for a branch office, or upon loss of an original registration certificate or upon change of name authorized by law of a person holding a registration certificate under this act is [~~\$5~~] **\$10**.

Section 4. The act is amended by adding sections to read:

**Section 503.I. Disclosure Agreement.**—(a) *A registrant, prior to the provision of any service, shall provide to the consumer a disclosure agreement which shall be explained in detail by the registrant and shall be signed by the registrant and the consumer. The disclosure agreement required by this section shall contain the following:*

(1) *A complete description of what the fitting procedure or process does and does not include.*

(2) *An itemization and disclosure of any and all fees associated with the fitting procedure or process and the sale and delivery of a hearing aid or similar device, including any cancellation fees authorized pursuant to this act.*

(b) *The disclosure agreement required by this section shall be written in plain language and in a manner that is easily understood in conformance with the provisions of the act of June 23, 1993 (P.L.128, No.29), known as the "Plain Language Consumer Contract Act." A disclosure agreement provided pursuant to this section must be ten-point type or larger.*

**Section 504.I. Return of Hearing Aid.**—(a) *No hearing aid shall be sold to any person unless accompanied by a 30-day money-back written guarantee providing that if the person returns the hearing aid in the same condition, ordinary wear and tear excluded, as when purchased within 30 days of the date of delivery, the customer shall be entitled to the refund of the purchase price of the hearing aid and accessories as itemized on the receipt provided under section 504 within 30 days of return of the hearing aid and accessories.*

(b) *A hearing aid that has been refinished and totally reconditioned by the manufacturer or by the manufacturer's agent and the manufacturer or manufacturer's agent certifies that the hearing aid meets all the acoustical standards of a new hearing aid and is in all other respects the equivalent of a new hearing aid with all warranties and guarantees that accompany a new hearing aid shall be considered to be a new hearing aid and so designated and shall be subject to the right of refund under subsection (a).*

*(c) Notwithstanding the provisions of subsection (a), a hearing aid dealer may retain as a cancellation fee for return of a hearing aid and accessories a charge not to exceed the lesser of 10% of the purchase price or \$150.*

Section 5. Section 601 of the act is amended by adding a paragraph to read:

Section 601. Causes for Denial, Suspension or Revocation of Certificate.—The secretary may deny, suspend, or revoke a registration certificate or impose conditions of probation upon a registrant for any of the following causes:

\* \* \*

*(13) Failure of an applicant for renewal of a registration certificate to furnish evidence of completion of the continuing education as provided in section 311.*

Section 6. This act shall take effect in 60 days, except that the continuing education provisions of sections 207, 311, 312, 314 and 601 of the act shall take effect in two years.

APPROVED—The 21st day of December, A.D. 1998.

THOMAS J. RIDGE