GENERAL ASSEMBLY OF NORTH CAROLINA
1991 SESSION

CHAPTER 592
HOUSE BILL 556

AN ACT TO INCREASE VARIOUS FEES IMPOSED BY THE HEARING AID DEALERS AND FITTERS BOARD AND TO AUTHORIZE THE BOARD TO IMPOSE ADDITIONAL FEES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93D-3(c) reads as rewritten:

"(c) The Board shall:

(1) Authorize all disbursements necessary to carry out the provisions of this Chapter;

(2) Supervise and administer qualifying examinations to test and determine the knowledge and proficiency of applicants for licenses;

(3) Issue licenses to qualified persons who apply to the Board;

(4) Obtain audiometric equipment and facilities necessary to carry out the examination of applicants for licenses;

(5) Suspend or revoke licenses pursuant to this Chapter;

(6) Make and publish ~~rules and regulations (including~~ rules, including a code of ~~ethics) which~~ ethics, that are necessary and proper to regulate the fitting and selling of hearing aids and to carry out the provisions of this Chapter;

(7) Exercise jurisdiction over the hearing of complaints, charges of malpractice including corrupt or unprofessional conduct, and allegations of violations of the Board's ~~rules or regulations, which~~ rules that are made against any fitter and seller of hearing aids in North Carolina;

(8) Require the periodic inspection and calibration of audiometric testing equipment of persons who are fitting and selling hearing aids;

(9) In connection with any matter within the jurisdiction of the Board, summon and subpoena and examine witnesses under oath and to compel their attendance and the production of books, papers, or other documents or writings deemed by the Board to be necessary or material to the inquiry. Each summons or subpoena shall be issued under the hand of the secretary and treasurer or the president of the Board and shall have the force and effect of a summons or subpoena issued by a court of record. Any witness who shall refuse or neglect to appear in obedience thereto or to testify or produce books, papers, or other documents or writings required shall be liable to contempt

charges. The Board shall pay to any witness subpoenaed before it the fees and per diem as paid witnesses in civil actions in the superior court of the county where such hearing is held;

(10) Inform the Attorney General of any information or knowledge it acquires regarding any 'price-fixing' activity whatsoever in connection with the sales and service of hearing aids;

(11) Establish and enforce ~~regulations which will~~ rules to guarantee that a full refund will be made by the seller of a hearing aid to the purchaser when presented with a written medical opinion of an otolaryngologist that the purchaser's hearing cannot be improved by the use of a hearing aid;

(12) Fund, establish, conduct, approve and sponsor instructional programs for registered apprentices and for persons who hold a license as well as for persons interested in obtaining adequate instruction or programs of study to qualify them for registration to the extent that the Board deems such instructional programs to be beneficial or necessary;

(13) Register persons serving as apprentices as set forth in ~~G.S. 93D-9.~~ G.S. 93D-9;

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

a. For a continuing education make-up class provided by the Board, a fee not to exceed fifty dollars ($50.00) per person for each day of instruction. The Board may not offer a make-up class that is longer than two days;

b. For a license examination preparation course provided by the Board, a fee not to exceed fifty dollars ($50.00) per person for each day of instruction. The Board may not offer an examination preparation course that is longer than three days;

c. For approval of a continuing education program provider, a fee not to exceed forty dollars ($40.00);

d. For verifying and recording attendance at a continuing education program not provided by the Board, a fee not to exceed fifteen dollars ($15.00) per licensee per program;

e. For providing a voluntary two-day apprentice training workshop, a fee not to exceed one hundred dollars ($100.00) per person, and for providing a three-day voluntary apprentice training workshop, a fee not to exceed one hundred fifty dollars ($150.00) per person;

f. For administering an examination, a fee not to exceed seventy-five dollars ($75.00); and

(15) Adopt annually a balanced budget prior to the beginning of its fiscal year, against which expenditures shall be reviewed throughout the

fiscal year to ensure that expenditures during the year do not exceed receipts for that year plus amounts held by the Board in reserve. Except for monies from charges for photocopying and similar charges, the Board's receipts shall consist of and be limited to funds derived from fees expressly authorized by law."

Sec. 2. G.S. 93D-5(a) reads as rewritten:

"(a) No person shall begin the fitting and selling of hearing aids in this State ~~after the effective date of this Chapter until he is~~ unless the person has been issued a license by the Board or is an apprentice working under the supervision of a licensee. Except as hereinafter provided, each applicant for a license shall pay a fee ~~of one hundred dollars ($100.00)~~ set by the Board, not to exceed one hundred fifty dollars ($150.00), and shall show to the satisfaction of the Board that ~~he:~~ the applicant:

(1) Is a person of good moral character,
(2) Is 18 years of age or older,
(3) Has an education equivalent to a four-year course in an accredited high school,
(4) Is free of contagious or infectious disease."

Sec. 3. G.S. 93D-6 reads as rewritten:

"**§ 93D-6. Persons selling in other jurisdictions.**

Whenever the Board determines that another state or jurisdiction has requirements at least equivalent to those in effect pursuant to this Chapter for the fitting and selling of hearing aids, and that such state or jurisdiction has a program at least equivalent to the program for determining whether applicants pursuant to this ~~Article [Chapter]~~ Chapter are qualified to sell and fit hearing aids, the Board may issue, but is not compelled to issue, licenses to applicants therefor who hold current, unsuspended and unrevoked certificates or licenses to fit and sell hearing aids in such other state or jurisdiction. No such applicant shall be required to submit to any examination or other procedure required by G.S. 93D-5, ~~except that he~~ but shall be required to pay an application fee ~~of one hundred dollars ($100.00) to the Board upon application.~~ to the Board in an amount set by the Board, not to exceed one hundred fifty dollars ($150.00). Such applicant must have one full year of experience satisfactory to the Board before issuance of the license."

Sec. 4. G.S. 93D-8(b) reads as rewritten:

"(b) Upon payment of ~~five dollars ($5.00)~~ a fee set by the Board, not to exceed twenty-five dollars ($25.00), the Board shall issue a license certificate to each applicant who successfully passes the examination."

Sec. 5. G.S. 93D-9 reads as rewritten:

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

(a) Any person age 17 or older may apply to the Board for registration as an apprentice. Each ~~such~~ applicant must be sponsored by a hearing aid dealer and fitter licensed by the Board.

(b) Upon receiving an application accompanied by a fee ~~of fifty- five dollars ($55.00),~~ in an amount set by the Board, not to exceed one hundred dollars ($100.00),

the Board may register the applicant as an apprentice, which shall entitle the applicant to fit and sell hearing aids under the supervision of a holder of a regular license.

(c) No ~~apprentice~~ applicant shall be registered as an apprentice by the Board under this section unless the applicant shows to the satisfaction of the Board that ~~he~~ the applicant is or will be supervised and trained by a hearing aid fitter and seller who holds a license.

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

(e) If a person who is registered as an apprentice takes and fails to pass the next succeeding examination given after one full year of apprenticeship, the Board may renew the apprenticeship license for a period of time to end 30 days after the results of the examination given next after the date of renewal of said registration. The fee for renewal of apprenticeship registration shall be ~~one hundred dollars ($100.00).~~ set by the Board at an amount not to exceed one hundred fifty dollars ($150.00).

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

Sec. 6. G.S. 93D-11 reads as rewritten:

"**§ 93D-11. Annual fees; failure to pay; expiration of license; occupational instruction courses.**

Every licensed person who engages in the fitting and selling of hearing aids shall pay to the Board an annual license renewal fee ~~of one hundred dollars ($100.00).~~ in an amount set by the Board, not to exceed one hundred fifty dollars ($150.00). Such payment shall be made prior to the first day of April in each year. In case of default in payment the license shall expire 30 days after notice by the secretary-treasurer to the last known address of the licensee by registered mail. The Board may reinstate an expired license upon the showing of good cause for late payment of fees, upon payment of said fees within 60 days after expiration of the license, and upon the further payment of a late penalty ~~of ten dollars ($10.00).~~ of twenty-five dollars ($25.00). After 60 days after the expiration date, the Board may reinstate the license for good cause shown upon application for reinstatement and payment of ~~the~~ a late penalty of ~~ten dollars ($10.00)~~ fifty dollars ($50.00) and the renewal fee.

The Board may require all licensees to successfully attend and complete a course or courses of occupational instruction funded, conducted or approved or sponsored by the Board on an annual basis as a condition to any license renewal and evidence of satisfactory attendance and completion of any such course or courses shall be provided the Board by the licensee."

Sec. 7. G.S. 93D-13(b) reads as rewritten:

"(b) Board action in revoking or suspending a license shall be in accordance with ~~the provisions of~~ Chapter ~~150A~~ 150B of the General Statutes. Any person whose license has been suspended for any of the grounds or reasons herein set forth, may, after the expiration of 90 days but within two years, apply to the Board to have the same reissued; upon a showing satisfactory to the Board that such reissuance will not

endanger the public health and welfare, the Board may reissue a license to such person for a fee ~~of one hundred dollars ($100.00) plus five dollars ($5.00) for a certificate of license.~~ set by the Board, not to exceed two hundred dollars ($200.00). If application is made subsequent to two years from date of suspension, reissuance shall be in accordance with the provisions of G.S. 93D-8."

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 8th day of July, 1991.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives