



## 99TH GENERAL ASSEMBLY

### State of Illinois

### 2015 and 2016

### SB0731

Introduced 2/3/2015, by Sen. Iris Y. Martinez

#### SYNOPSIS AS INTRODUCED:

5 ILCS 80/4.26

5 ILCS 80/4.36 new

225 ILCS 50/8

225 ILCS 50/17

from Ch. 111, par. 7408

from Ch. 111, par. 7417

Amends the Regulatory Sunset Act. Extends the repeal of the Hearing Instrument Consumer Protection Act from January 1, 2016 to January 1, 2026. Amends the Hearing Instrument Consumer Protection Act. Requires that the Department of Public Health use the International Hearing Society's licensure exam in licensing hearing instrument dispensers. Provides that the Department of Public Health determine an exam administration fee by rule to add to the exam fee of the International Hearing Society. Requires that licensed hearing instrument dispensers earn at least one hour of continuing education credit in Illinois law and ethics. Provides that continuing education offered by a college, university, or bar association, the International Hearing Society, the Illinois Academy of Audiology, or the Illinois Hearing Society regarding Illinois law and ethics shall be accepted toward satisfaction of this continuing education requirement. Effective immediately.

LRB099 05939 MLM 25988 b

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following  
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and  
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 ~~The Hearing Instrument Consumer Protection Act.~~

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;  
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Hearing Instrument Consumer Protection Act.

3 Section 10. The Hearing Instrument Consumer Protection Act  
4 is amended by changing Sections 8 and 17 as follows:

5 (225 ILCS 50/8) (from Ch. 111, par. 7408)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 8. Applicant qualifications; examination.

8 (a) In order to protect persons who are deaf or hard of  
9 hearing, the Department shall authorize the use of the  
10 International Hearing Society's licensure examination ~~or shall~~  
11 ~~conduct an appropriate examination~~ for persons who dispense,  
12 test, select, recommend, fit, or service hearing instruments.  
13 An exam administration fee shall be determined by the  
14 Department by rule and added to the exam fee of the  
15 International Hearing Society. The frequency of holding these  
16 examinations shall be determined by the Department by rule.  
17 Those who successfully pass such an examination shall be issued  
18 a license as a hearing instrument dispenser, which shall be  
19 effective for a 2-year period.

20 (b) Applicants shall be:

21 (1) at least 18 years of age;

22 (2) of good moral character;

23 (3) the holder of an associate's degree or the  
24 equivalent;

1 (4) free of contagious or infectious disease; and

2 (5) a citizen or person who has the status as a legal  
3 alien.

4 Felony convictions of the applicant and findings against  
5 the applicant involving matters set forth in Sections 17 and 18  
6 shall be considered in determining moral character, but such a  
7 conviction or finding shall not make an applicant ineligible to  
8 register for examination.

9 (c) Prior to engaging in the practice of fitting,  
10 dispensing, or servicing hearing instruments, an applicant  
11 shall demonstrate, by means of written and practical  
12 examinations, that such person is qualified to practice the  
13 testing, selecting, recommending, fitting, selling, or  
14 servicing of hearing instruments as defined in this Act. An  
15 applicant must obtain a license within 12 months after passing  
16 either the written or practical examination, whichever is  
17 passed first, or must take and pass those examinations again in  
18 order to be eligible to receive a license.

19 The Department shall, by rule, determine the conditions  
20 under which an individual is examined.

21 (d) Proof of having met the minimum requirements of  
22 continuing education as determined by the Board shall be  
23 required of all license renewals. Pursuant to rule, the  
24 continuing education requirements may, upon petition to the  
25 Board, be waived in whole or in part if the hearing instrument  
26 dispenser can demonstrate that he or she served in the Coast

1 Guard or Armed Forces, had an extreme hardship, or obtained his  
2 or her license by examination or endorsement within the  
3 preceding renewal period.

4 (e) Persons applying for an initial license must  
5 demonstrate having earned, at a minimum, an associate degree or  
6 its equivalent from an accredited institution of higher  
7 education that is recognized by the U.S. Department of  
8 Education or that meets the U.S. Department of Education  
9 equivalency as determined through a National Association of  
10 Credential Evaluation Services (NACES) member, and meet the  
11 other requirements of this Section. In addition, the applicant  
12 must demonstrate the successful completion of 12 semester hours  
13 or 18 quarter hours of academic undergraduate course work in an  
14 accredited institution consisting of 3 semester hours of  
15 anatomy and physiology of the speech and hearing mechanism, 3  
16 semester hours of hearing science, 3 semester hours of  
17 introduction to audiology, and 3 semester hours of aural  
18 rehabilitation, or the quarter hour equivalent. Persons  
19 licensed before January 1, 2003 who have a valid license on  
20 that date may have their license renewed without meeting the  
21 requirements of this subsection.

22 (Source: P.A. 98-827, eff. 1-1-15.)

23 (225 ILCS 50/17) (from Ch. 111, par. 7417)

24 (Section scheduled to be repealed on January 1, 2016)

25 Sec. 17. Duties of the Board. The Board shall advise the

1 Department in all matters relating to this Act and shall assist  
2 as requested by the Director.

3 The Board shall respond to issues and problems relating to  
4 the improvement of services to the deaf or hard of hearing and  
5 shall make such recommendations as it considers advisable. It  
6 shall file an annual report with the Director and shall meet at  
7 least twice a year. The Board may meet at any time at the call  
8 of the chair.

9 The Board shall recommend specialized education programs  
10 for persons wishing to become licensed as hearing instrument  
11 dispensers and shall, by rule, establish minimum standards of  
12 continuing education required for license renewal. No more than  
13 5 hours of continuing education credit per year, ~~however,~~ can  
14 be obtained through programs sponsored by hearing instrument  
15 manufacturers. A minimum of one hour of continuing education  
16 credit per year must be obtained in Illinois law and ethics.  
17 Continuing education offered by a college, university, or bar  
18 association, the International Hearing Society, the Illinois  
19 Academy of Audiology, or the Illinois Hearing Society regarding  
20 Illinois law and ethics shall be accepted toward satisfaction  
21 of the Illinois law and ethics continuing education  
22 requirement.

23 The Board shall hear charges brought by any person against  
24 hearing instrument dispensers and shall recommend disciplinary  
25 action to the Director.

26 Members of the Board are immune from liability in any

1 action based upon a licensing proceeding or other act performed  
2 in good faith as a member of the Board.

3 (Source: P.A. 98-827, eff. 1-1-15.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.