



Sen. Iris Y. Martinez

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1 AMENDMENT TO SENATE BILL 731

2 AMENDMENT NO. _____. Amend Senate Bill 731 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing 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 Acts repealed on January 1, 2016.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8 Acts are repealed on January 1, 2016: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.~~

1 The Illinois Physical Therapy Act.

2 The Professional Geologist Licensing Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
4 96-1246, eff. 1-1-11.)

5 (5 ILCS 80/4.36 new)

6 Sec. 4.36. Act repealed on January 1, 2026. The following
7 Act is repealed on January 1, 2026:

8 The Hearing Instrument Consumer Protection Act.

9 Section 10. The Hearing Instrument Consumer Protection Act
10 is amended by changing Sections 5, 8, 15, and 17 as follows:

11 (225 ILCS 50/5) (from Ch. 111, par. 7405)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 5. License required. No person shall engage in the
14 selling, practice of testing, fitting, selecting,
15 recommending, adapting, dispensing, or servicing hearing
16 instruments or display a sign, advertise, or represent oneself
17 as a person who practices the fitting or selling of hearing
18 instruments unless such person holds a current license issued
19 by the Department as provided in this Act. Such person shall be
20 known as a licensed hearing instrument dispenser. Individuals
21 licensed pursuant to the provisions of Section 8 of this Act
22 shall be deemed qualified to provide tests of human hearing and
23 hearing instrument evaluations for the purpose of dispensing a

1 hearing instrument for which any State agency may contract. The
2 license shall be conspicuously displayed in the place of
3 business. Duplicate licenses shall be issued by the Department
4 to licensees operating more than one office upon the additional
5 payment set forth in this Act. No hearing instrument
6 manufacturer may distribute, sell, or otherwise provide
7 hearing instruments to any unlicensed hearing care
8 professional for the purpose of selling hearing instruments to
9 the consumer.

10 Except for violations of the provisions of this Act, or the
11 rules promulgated under it, nothing in this Act shall prohibit
12 a corporation, partnership, trust, association, or other
13 entity from engaging in the business of testing, fitting,
14 servicing, selecting, dispensing, selling, or offering for
15 sale hearing instruments at retail without a license, provided
16 it employs only licensed individuals in the direct testing,
17 fitting, servicing, selecting, offering for sale, or
18 dispensing of such products. Each such corporation,
19 partnership, trust, association, or other entity shall file
20 with the Department, prior to doing business in this State and
21 by July 1 of each calendar year thereafter, on forms prescribed
22 by the Department, a list of all licensed hearing instrument
23 dispensers employed by it and a statement attesting that it
24 complies with this Act and the rules promulgated under it and
25 the regulations of the Federal Food and Drug Administration and
26 the Federal Trade Commission insofar as they are applicable.

1 (Source: P.A. 89-72, eff. 12-31-95; 90-655, eff. 7-30-98.)

2 (225 ILCS 50/8) (from Ch. 111, par. 7408)

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

4 Sec. 8. Applicant qualifications; examination.

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

15 (b) Applicants shall be:

16 (1) at least 18 years of age;

17 (2) of good moral character;

18 (3) the holder of an associate's degree or the
19 equivalent;

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

21 (5) a citizen or person who has the status as a legal
22 alien.

23 Felony convictions of the applicant and findings against
24 the applicant involving matters set forth in Sections 17 and 18
25 shall be considered in determining moral character, but such a

1 conviction or finding shall not make an applicant ineligible to
2 register for examination.

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

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

15 (d) Proof of having met the minimum requirements of
16 continuing education as determined by the Board shall be
17 required of all license renewals. Pursuant to rule, the
18 continuing education requirements may, upon petition to the
19 Board, be waived in whole or in part if the hearing instrument
20 dispenser can demonstrate that he or she served in the Coast
21 Guard or Armed Forces, had an extreme hardship, or obtained his
22 or her license by examination or endorsement within the
23 preceding renewal period.

24 (e) Persons applying for an initial license must
25 demonstrate having earned, at a minimum, an associate degree or
26 its equivalent from an accredited institution of higher

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

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

17 (225 ILCS 50/15) (from Ch. 111, par. 7415)

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

19 Sec. 15. Fees.

20 (a) The examination and licensure fees paid to the
21 Department are not refundable and shall be set forth by
22 administrative rule. The Department may require a fee for the
23 administration of the examination in addition to examination
24 and licensure fees.

25 (b) The moneys received as fees and fines by the Department

1 under this Act shall be deposited in the Hearing Instrument
2 Dispenser Examining and Disciplinary Fund, which is hereby
3 created as a special fund in the State Treasury, and shall be
4 used only for the administration and enforcement of this Act,
5 including: (1) costs directly related to licensing of persons
6 under this Act; and (2) by the Board in the exercise of its
7 powers and performance of its duties, and such use shall be
8 made by the Department with full consideration of all
9 recommendations of the Board.

10 All moneys deposited in the Fund shall be appropriated to
11 the Department for expenses of the Department and the Board in
12 the administration and enforcement of this Act.

13 Moneys in the Fund may be invested and reinvested, with all
14 earnings deposited in the Fund and used for the purposes set
15 forth in this Act.

16 Upon the completion of any audit of the Department as
17 prescribed by the Illinois State Auditing Act, which audit
18 shall include an audit of the Fund, the Department shall make a
19 copy of the audit open to inspection by any interested person,
20 which copy shall be submitted to the Department by the Auditor
21 General, in addition to the copies of audit reports required to
22 be submitted to other State officers and agencies by Section
23 3-14 of the Illinois State Auditing Act.

24 (Source: P.A. 96-683, eff. 1-1-10.)

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

2 Sec. 17. Duties of the Board. The Board shall advise the
3 Department in all matters relating to this Act and shall assist
4 as requested by the Director.

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

11 The Board shall recommend specialized education programs
12 for persons wishing to become licensed as hearing instrument
13 dispensers and shall, by rule, establish minimum standards of
14 continuing education required for license renewal. No more than
15 5 hours of continuing education credit per year, however, can
16 be obtained through programs sponsored by hearing instrument
17 manufacturers. A minimum of 2 hours of continuing education
18 credit per licensing period must be obtained in Illinois law
19 and ethics. Continuing education offered by a college,
20 university, or bar association, the International Hearing
21 Society, the American Academy of Audiology, the Illinois
22 Speech-Language-Hearing Association, the Illinois Academy of
23 Audiology, or the Illinois Hearing Society regarding Illinois
24 law and ethics shall be accepted toward satisfaction of the
25 Illinois law and ethics continuing education requirement.

26 The Board shall hear charges brought by any person against

1 hearing instrument dispensers and shall recommend disciplinary
2 action to the Director.

3 Members of the Board are immune from liability in any
4 action based upon a licensing proceeding or other act performed
5 in good faith as a member of the Board.

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

7 Section 99. Effective date. This Act takes effect upon
8 becoming law.".