



Rep. Natalie A. Manley

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10300SB1721ham001

LRB103 27016 SPS 60463 a

1 AMENDMENT TO SENATE BILL 1721

2 AMENDMENT NO. _____. Amend Senate Bill 1721 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Public Utilities Act is amended by
5 changing Section 13-703 as follows:

6 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

7 (Section scheduled to be repealed on December 31, 2026)

8 Sec. 13-703. (a) The Commission shall design and implement
9 a program whereby each telecommunications carrier providing
10 local exchange service shall provide a telecommunications
11 device capable of servicing the needs of those persons with a
12 hearing or speech disability together with a single party
13 line, at no charge additional to the basic exchange rate, to
14 any subscriber who is certified as having a hearing or speech
15 disability by a hearing instrument ~~care~~ professional, as
16 defined in the Hearing Instrument Consumer Protection Act, a

1 speech-language pathologist, or a qualified State agency and
2 to any subscriber which is an organization serving the needs
3 of those persons with a hearing or speech disability as
4 determined and specified by the Commission pursuant to
5 subsection (d).

6 (b) The Commission shall design and implement a program,
7 whereby each telecommunications carrier providing local
8 exchange service shall provide a telecommunications relay
9 system, using third party intervention to connect those
10 persons having a hearing or speech disability with persons of
11 normal hearing by way of intercommunications devices and the
12 telephone system, making available reasonable access to all
13 phases of public telephone service to persons who have a
14 hearing or speech disability. In order to design a
15 telecommunications relay system which will meet the
16 requirements of those persons with a hearing or speech
17 disability available at a reasonable cost, the Commission
18 shall initiate an investigation and conduct public hearings to
19 determine the most cost-effective method of providing
20 telecommunications relay service to those persons who have a
21 hearing or speech disability when using telecommunications
22 devices and therein solicit the advice, counsel, and physical
23 assistance of Statewide nonprofit consumer organizations that
24 serve persons with hearing or speech disabilities in such
25 hearings and during the development and implementation of the
26 system. The Commission shall phase in this program, on a

1 geographical basis, as soon as is practicable, but no later
2 than June 30, 1990.

3 (c) The Commission shall establish a competitively neutral
4 rate recovery mechanism that establishes charges in an amount
5 to be determined by the Commission for each line of a
6 subscriber to allow telecommunications carriers providing
7 local exchange service to recover costs as they are incurred
8 under this Section. Beginning no later than April 1, 2016, and
9 on a yearly basis thereafter, the Commission shall initiate a
10 proceeding to establish the competitively neutral amount to be
11 charged or assessed to subscribers of telecommunications
12 carriers and wireless carriers, Interconnected VoIP service
13 providers, and consumers of prepaid wireless
14 telecommunications service in a manner consistent with this
15 subsection (c) and subsection (f) of this Section. The
16 Commission shall issue its order establishing the
17 competitively neutral amount to be charged or assessed to
18 subscribers of telecommunications carriers and wireless
19 carriers, Interconnected VoIP service providers, and
20 purchasers of prepaid wireless telecommunications service on
21 or prior to June 1 of each year, and such amount shall take
22 effect June 1 of each year.

23 Telecommunications carriers, wireless carriers,
24 Interconnected VoIP service providers, and sellers of prepaid
25 wireless telecommunications service shall have 60 days from
26 the date the Commission files its order to implement the new

1 rate established by the order.

2 (d) The Commission shall determine and specify those
3 organizations serving the needs of those persons having a
4 hearing or speech disability that shall receive a
5 telecommunications device and in which offices the equipment
6 shall be installed in the case of an organization having more
7 than one office. For the purposes of this Section,
8 "organizations serving the needs of those persons with hearing
9 or speech disabilities" means centers for independent living
10 as described in Section 12a of the Rehabilitation of Persons
11 with Disabilities Act and not-for-profit organizations whose
12 primary purpose is serving the needs of those persons with
13 hearing or speech disabilities. The Commission shall direct
14 the telecommunications carriers subject to its jurisdiction
15 and this Section to comply with its determinations and
16 specifications in this regard.

17 (e) As used in this Section:

18 "Prepaid wireless telecommunications service" has the
19 meaning given to that term under Section 10 of the Prepaid
20 Wireless 9-1-1 Surcharge Act.

21 "Retail transaction" has the meaning given to that term
22 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

23 "Seller" has the meaning given to that term under Section
24 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

25 "Telecommunications carrier providing local exchange
26 service" includes, without otherwise limiting the meaning of

1 the term, telecommunications carriers which are purely mutual
2 concerns, having no rates or charges for services, but paying
3 the operating expenses by assessment upon the members of such
4 a company and no other person.

5 "Wireless carrier" has the meaning given to that term
6 under Section 2 of the Emergency Telephone System Act.

7 (f) Interconnected VoIP service providers, sellers of
8 prepaid wireless telecommunications service, and wireless
9 carriers in Illinois shall collect and remit assessments
10 determined in accordance with this Section in a competitively
11 neutral manner in the same manner as a telecommunications
12 carrier providing local exchange service. However, the
13 assessment imposed on consumers of prepaid wireless
14 telecommunications service shall be collected by the seller
15 from the consumer and imposed per retail transaction as a
16 percentage of that retail transaction on all retail
17 transactions occurring in this State. The assessment on
18 subscribers of wireless carriers and consumers of prepaid
19 wireless telecommunications service shall not be imposed or
20 collected prior to June 1, 2016.

21 Sellers of prepaid wireless telecommunications service
22 shall remit the assessments to the Department of Revenue on
23 the same form and in the same manner which they remit the fee
24 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
25 the purposes of display on the consumers' receipts, the rates
26 of the fee collected under the Prepaid Wireless 9-1-1

1 Surcharge Act and the assessment under this Section may be
2 combined. In administration and enforcement of this Section,
3 the provisions of Sections 15 and 20 of the Prepaid Wireless
4 9-1-1 Surcharge Act (except subsections (a), (a-5), (b-5),
5 (e), and (e-5) of Section 15 and subsections (c) and (e) of
6 Section 20 of the Prepaid Wireless 9-1-1 Surcharge Act and,
7 from June 29, 2015 (the effective date of Public Act 99-6), the
8 seller shall be permitted to deduct and retain 3% of the
9 assessments that are collected by the seller from consumers
10 and that are remitted and timely filed with the Department)
11 that are not inconsistent with this Section, shall apply, as
12 far as practicable, to the subject matter of this Section to
13 the same extent as if those provisions were included in this
14 Section. Beginning on January 1, 2018, the seller is allowed
15 to deduct and retain 3% of the assessments that are collected
16 by the seller from consumers and that are remitted timely and
17 timely filed with the Department, but only if the return is
18 filed electronically as provided in Section 3 of the
19 Retailers' Occupation Tax Act. Sellers who demonstrate that
20 they do not have access to the Internet or demonstrate
21 hardship in filing electronically may petition the Department
22 to waive the electronic filing requirement. The Department
23 shall deposit all assessments and penalties collected under
24 this Section into the Illinois Telecommunications Access
25 Corporation Fund, a special fund created in the State
26 treasury. On or before the 25th day of each calendar month, the

1 Department shall prepare and certify to the Comptroller the
2 amount available to the Commission for distribution out of the
3 Illinois Telecommunications Access Corporation Fund. The
4 amount certified shall be the amount (not including credit
5 memoranda) collected during the second preceding calendar
6 month by the Department, plus an amount the Department
7 determines is necessary to offset any amounts which were
8 erroneously paid to a different taxing body or fund. The
9 amount paid to the Illinois Telecommunications Access
10 Corporation Fund shall not include any amount equal to the
11 amount of refunds made during the second preceding calendar
12 month by the Department to retailers under this Section or any
13 amount that the Department determines is necessary to offset
14 any amounts which were payable to a different taxing body or
15 fund but were erroneously paid to the Illinois
16 Telecommunications Access Corporation Fund. The Commission
17 shall distribute all the funds to the Illinois
18 Telecommunications Access Corporation and the funds may only
19 be used in accordance with the provisions of this Section. The
20 Department shall deduct 2% of all amounts deposited in the
21 Illinois Telecommunications Access Corporation Fund during
22 every year of remitted assessments. Of the 2% deducted by the
23 Department, one-half shall be transferred into the Tax
24 Compliance and Administration Fund to reimburse the Department
25 for its direct costs of administering the collection and
26 remittance of the assessment. The remaining one-half shall be

1 transferred into the Public Utility Fund to reimburse the
2 Commission for its costs of distributing to the Illinois
3 Telecommunications Access Corporation the amount certified by
4 the Department for distribution. The amount to be charged or
5 assessed under subsections (c) and (f) is not imposed on a
6 provider or the consumer for wireless Lifeline service where
7 the consumer does not pay the provider for the service. Where
8 the consumer purchases from the provider optional minutes,
9 texts, or other services in addition to the federally funded
10 Lifeline benefit, a consumer must pay the charge or
11 assessment, and it must be collected by the seller according
12 to this subsection (f).

13 Interconnected VoIP services shall not be considered an
14 intrastate telecommunications service for the purposes of this
15 Section in a manner inconsistent with federal law or Federal
16 Communications Commission regulation.

17 (g) The provisions of this Section are severable under
18 Section 1.31 of the Statute on Statutes.

19 (h) The Commission may adopt rules necessary to implement
20 this Section.

21 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15;
22 99-642, eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff.
23 1-27-17; 100-20, eff. 7-1-17; 100-201, eff. 8-18-17; 100-303,
24 eff. 8-24-17; 100-863, eff. 8-14-18.)

25 Section 10. The Hearing Instrument Consumer Protection Act

1 is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, 9, 9.5,
2 14, 16, 17, 18, 19, and 20 and by adding Sections 4.5, 4.6, and
3 12 as follows:

4 (225 ILCS 50/1) (from Ch. 111, par. 7401)

5 (Section scheduled to be repealed on January 1, 2026)

6 Sec. 1. Purpose. The purpose of this Act is to protect the
7 deaf or hard of hearing public from the practice of dispensing
8 hearing aids ~~instruments~~ that could endanger the health,
9 safety and welfare of the People of this State. The Federal
10 Food and Drug Administration and Federal Trade Commission has
11 recommended that State legislation is necessary in order to
12 establish standards of competency and to impose stringent
13 penalties for those who violate the public trust in this field
14 of health care.

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

16 (225 ILCS 50/3) (from Ch. 111, par. 7403)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 3. Definitions. As used in this Act, except as the
19 context requires otherwise:

20 "Department" means the Department of Public Health.

21 "Director" means the Director of the Department of Public
22 Health.

23 "Direct supervision" means the final approval given by the
24 licensed hearing instrument professional to all work performed

1 by the person under supervision and that the licensed hearing
2 instrument professional is physically present in the facility
3 any time the person under supervision has contact with a
4 client. "Direct supervision" does not mean that the licensed
5 hearing instrument professional is in the same room when the
6 person under supervision has contact with the client.

7 "Federal Trade Commission" means the United States federal
8 agency which regulates business practices and commerce.

9 "Food and Drug Administration" means the United States
10 federal agency which regulates hearing instruments or hearing
11 aids as medical devices.

12 "License" means a license issued by the State under this
13 Act to a hearing instrument dispenser.

14 "Licensed audiologist" means a person licensed as an
15 audiologist under the Illinois Speech-Language Pathology and
16 Audiology Practice Act and who can prescribe hearing aids in
17 accordance with this Act.

18 "National Board Certified Hearing Instrument Specialist"
19 means a person who has had at least 2 years in practice as a
20 licensed hearing instrument dispenser and has been certified
21 after qualification by examination by the National Board for
22 Certification in Hearing Instruments Sciences.

23 "Licensed physician" or "physician" means a physician
24 licensed in Illinois to practice medicine in all of its
25 branches pursuant to the Medical Practice Act of 1987.

26 "Trainee" means a person who is licensed to perform the

1 functions of a hearing instrument dispenser or audiologist in
2 accordance with the Department rules and only under the direct
3 supervision of a hearing instrument dispenser or audiologist
4 who is licensed in the State.

5 "Board" means the Hearing Instrument Consumer Protection
6 Board.

7 "Hearing instrument" or "hearing aid" means any instrument
8 or device, including an instrument or device dispensed
9 pursuant to a prescription, that is designed, intended, or
10 offered for the purpose of improving a person's hearing and
11 any parts, attachments, or accessories, including earmolds.

12 "Hearing instrument" or "hearing aid" does not include
13 batteries, cords, and individual or group auditory training
14 devices and any instrument or device used by a public utility
15 in providing telephone or other communication services
16 ~~wearable instrument or device designed for or offered for the~~
17 ~~purpose of aiding or compensating for impaired human hearing~~
18 ~~and that can provide more than 15 dB full on gain via a 2cc~~
19 ~~coupler at any single frequency from 200 through 6000 cycles~~
20 ~~per second, and any parts, attachments, or accessories,~~
21 ~~including ear molds. "Hearing instrument" or "hearing aid" do~~
22 ~~not include batteries, cords, or group auditory training~~
23 ~~devices and any instrument or device used by a public utility~~
24 ~~in providing telephone or other communication services are~~
25 ~~excluded.~~

26 "Involvement of a licensed person" refers to the

1 supervisor, prescription or other order involvement or
2 interaction by a licensed hearing instrument professional.

3 "Practice of prescribing, fitting, dispensing, or
4 servicing of prescription hearing aids instruments" means the
5 measurement of human hearing with an audiometer, calibrated to
6 the current American National Standard Institute standards,
7 for the purpose of prescribing hearing aids and making
8 selections, recommendations, adaptations, services, or sales of
9 hearing aids instruments including the making of earmolds as a
10 part of the hearing aid instrument.

11 "Sell" or "sale" means any transfer of title or of the
12 right to use by lease, bailment, or any other contract,
13 excluding wholesale transactions with distributors or dealers.

14 "Hearing instrument dispenser" means a person who is a
15 hearing instrument care professional that engages in the
16 selling, practice of fitting, selecting, recommending,
17 dispensing, prescribing, or servicing of prescription hearing
18 aids instruments or the testing for means of hearing aid
19 instrument selection or who advertises or displays a sign or
20 represents himself or herself as a person who practices the
21 testing, fitting, selecting, servicing, dispensing,
22 prescribing, or selling of prescription hearing aids
23 instruments.

24 "Fund" means the Hearing Instrument Dispenser Examining
25 and Disciplinary Fund.

26 "Hearing instrument care professional" means a person who

1 is a licensed audiologist, a licensed hearing instrument
2 dispenser, or a licensed physician.

3 "Over-the-counter hearing aid" means any instrument or
4 device that:

5 (1) uses the same fundamental scientific technology as
6 air conduction hearing aids, as defined in 21 CFR
7 874.3300, or wireless air conduction hearing aids, as
8 defined in 21 CFR 874.3305;

9 (2) is intended to be used by adults age 18 and older
10 to compensate for perceived mild to moderate hearing
11 impairment;

12 (3) through tools, tests, or software, allows the user
13 to control the over-the-counter hearing aid and customize
14 it to the user's hearing needs;

15 (4) may use wireless technology or include tests for
16 self-assessment of hearing loss; and

17 (5) is available over-the-counter, without the
18 supervision, prescription, or other order, involvement, or
19 intervention of a licensed person, to consumers through
20 in-person transactions, by mail, or online.

21 "Over-the-counter hearing aid" does not include batteries,
22 cords, and individual or group auditory training devices or
23 any instrument or device used by a public utility in providing
24 telephone or other communication services.

25 "Personal sound amplification product" means an
26 amplification device, as defined by the Food and Drug

1 Administration or the Federal Trade Commission, that is not
2 labeled as a hearing aid and is not intended to treat hearing
3 loss.

4 "Prescribe" means an order for a prescription hearing aid
5 issued by a licensed hearing instrument professional.

6 "Prescription hearing aid" means any wearable instrument
7 or device designed, intended, or offered for the purpose of
8 improving a person's hearing that may only be obtained with
9 the involvement of a licensed hearing instrument professional.

10 (Source: P.A. 98-362, eff. 8-16-13; 98-827, eff. 1-1-15.)

11 (225 ILCS 50/4) (from Ch. 111, par. 7404)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 4. Disclosure; ~~waiver;~~ complaints; insurance. The
14 hearing instrument professional dispenser shall give at no
15 charge to every person fitted and sold a hearing aid
16 ~~instrument~~ the "User Instructional Brochure", supplied by the
17 hearing aid instrument manufacturer containing information
18 required by the U.S. Food and Drug Administration.

19 All hearing instruments or hearing aids must be dispensed
20 or sold in accordance with Food and Drug Administration and
21 Federal Trade Commission regulations governing the dispensing
22 and sale of personal sound amplification products or hearing
23 aids.

24 A consumer who purchases an over-the-counter hearing aid
25 must be provided a sales receipt at the time of the

1 transaction.

2 Whenever a sale ~~or service~~ of one or more prescription
3 hearing aids instrument involving \$50 or more is made or
4 contracted to be made, whether under a single contract or
5 under multiple contracts, at the time of the transaction, the
6 hearing instrument professional dispenser shall furnish the
7 consumer with a fully completed receipt or contract pertaining
8 to that transaction, in substantially the same language as
9 that used in the oral presentation to the consumer. The
10 receipt or contract provided to the consumer shall contain (i)
11 the hearing instrument professional's dispenser's name,
12 license number, business address, business phone number, and
13 signature; (ii) the name, address, and signature of the
14 hearing instrument consumer; (iii) ~~and~~ the name and signature
15 of the purchaser if the consumer and the purchaser are not the
16 same person; (iv) the hearing aid instrument manufacturer's
17 name, and the model and serial numbers; (v) the date of
18 purchase; and (vi) the charges required to complete the terms
19 of the sale, which must be fully and clearly stated. When the
20 hearing aid instrument is delivered to the consumer or
21 purchaser, the serial number shall be written on the original
22 receipt or contract and a copy shall be given to the consumer
23 or purchaser. If a used hearing instrument is sold, the
24 receipt and the container thereof shall be clearly marked as
25 "used" or "reconditioned", whichever is applicable, with terms
26 of guarantee, if any.

1 ~~All hearing instruments offered for sale must be~~
2 ~~accompanied by a 30-business day return privilege. The receipt~~
3 ~~or contract provided to the consumer shall state that the~~
4 ~~consumer has a right to return the hearing instrument for a~~
5 ~~refund within 30 business days of the date of delivery. If a~~
6 ~~nonrefundable dispensing fee or restocking fee, or both, will~~
7 ~~be withheld from the consumer in event of return, the terms~~
8 ~~must be clearly stated on the receipt or contract provided to~~
9 ~~the consumer.~~

10 ~~A hearing instrument dispenser shall not sell a hearing~~
11 ~~instrument unless the prospective user has presented to the~~
12 ~~hearing instrument dispenser a written statement, signed by a~~
13 ~~licensed physician, which states that the patient's hearing~~
14 ~~loss has been medically evaluated and the patient is~~
15 ~~considered a candidate for a hearing instrument. The medical~~
16 ~~evaluation must have taken place within the 6 months~~
17 ~~immediately preceding the date of the sale of the hearing~~
18 ~~instrument to the prospective hearing instrument user. If the~~
19 ~~prospective hearing instrument user is 18 years of age or~~
20 ~~older, the hearing instrument dispenser may afford the~~
21 ~~prospective user an opportunity to waive the medical~~
22 ~~evaluation required by this Section, provided that the hearing~~
23 ~~instrument dispenser:~~

24 ~~(i) Informs the prospective user that the exercise of~~
25 ~~a waiver is not in the user's best health interest;~~

26 ~~(ii) Does not in any way actively encourage the~~

1 ~~prospective user to waive the medical evaluation; and~~

2 ~~(iii) Affords the prospective user the option to sign~~
3 ~~the following statement:~~

4 ~~"I have been advised by (hearing~~
5 ~~instrument dispenser's name) that the Food and Drug~~
6 ~~Administration has determined that my best interest~~
7 ~~would be served if I had a medical evaluation by a~~
8 ~~licensed physician (preferably a physician who~~
9 ~~specializes in diseases of the ear) before purchasing~~
10 ~~a hearing instrument. I do not wish a medical~~
11 ~~evaluation before purchasing a hearing instrument."~~

12 The hearing instrument professional ~~dispenser~~ or the
13 professional's ~~his or her~~ employer shall retain proof of the
14 medical examination ~~or the waiver~~ for at least 3 years from the
15 date of the sale.

16 If the parent or guardian of any individual ~~under the age~~
17 17 or under ~~of 18 years~~ is a member of any church or religious
18 denomination, whose tenets and practices include reliance upon
19 spiritual means through prayer alone and objects to medical
20 treatment and so states in writing to the hearing instrument
21 professional ~~dispenser~~, such individual shall undergo a
22 hearing examination as provided by this Section but no proof,
23 ruling out any medically treatable problem causing hearing
24 loss, shall be required.

25 All persons licensed under this Act shall have
26 conspicuously displayed in their business establishment a sign

1 indicating that formal complaints regarding hearing aid
2 ~~instrument~~ goods or services may be made to the Department.
3 Such sign shall give the address and telephone number of the
4 Department. All persons purchasing hearing aids ~~instruments~~
5 shall be provided with a written statement indicating that
6 formal complaints regarding hearing aid ~~instrument~~ goods or
7 services may be made to the Department and disclosing the
8 address and telephone number of the Department.

9 Any person wishing to make a complaint, against a hearing
10 instrument professional dispenser ~~dispenser~~ under this Act, shall file
11 it with the Department within 3 years from the date of the
12 action upon which the complaint is based. The Department shall
13 investigate all such complaints.

14 All persons licensed under this Act shall maintain
15 liability insurance as set forth by rule and shall be
16 responsible for the annual calibration of all audiometers in
17 use by such persons. Such annual calibrations shall be in
18 conformance with the current standards set by American
19 National Standard Institute.

20 (Source: P.A. 91-932, eff. 1-1-01.)

21 (225 ILCS 50/4.5 new)

22 Sec. 4.5. Hearing aids dispensed by prescription to
23 persons age 17 or younger.

24 (a) A hearing instrument professional may dispense a
25 hearing aid to a person age 17 or younger in accordance with

1 the requirements of this Section.

2 (b) A hearing instrument professional shall not sell a
3 prescription hearing aid to anyone age 17 or younger unless
4 the prospective user has presented to the hearing instrument
5 professional a written statement, signed by a licensed
6 physician, that states that the patient's hearing loss has
7 been medically evaluated and the patient is considered a
8 candidate for a hearing aid. The medical evaluation must have
9 been performed within the 6 months immediately preceding the
10 date of the sale of the hearing aid to the prospective hearing
11 aid user.

12 (c) A person age 17 or younger must be medically evaluated
13 in person by a physician before receiving a prescription for a
14 hearing aid. The evaluation must have been performed within
15 the 6 months immediately preceding the date that the hearing
16 aid is dispensed.

17 (d) Following a medical evaluation by a licensed
18 physician, a licensed audiologist or a licensed physician
19 other than the evaluating physician may prescribe a
20 prescription hearing aid for an individual age 17 or younger.
21 A person age 17 or younger may not waive the medical evaluation
22 or receipt of a prescription from a licensed audiologist or a
23 licensed physician unless the person is replacing a lost or
24 stolen hearing aid that is subject to warranty replacement.

25 (e) A hearing aid prescription for individuals age 17 or
26 younger issued by a licensed audiologist or a licensed

1 physician other than the evaluating physician must include, at
2 a minimum, the following information:

3 (1) name of the patient;

4 (2) documentation of medical evaluation by a
5 physician;

6 (3) date the prescription is issued;

7 (4) expiration date of the prescription, which may not
8 exceed 6 months from the date of issuance;

9 (5) name and license number of the prescribing
10 licensed audiologist or licensed physician;

11 (6) results of the following assessments: (i)
12 age-appropriate pure-tone air conduction audiometry or
13 results of auditory evoked potential testing, including,
14 but not limited to, auditory brainstem response or
15 otoacoustic emissions testing; (ii) bone conduction
16 testing, as age appropriate; and (iii) recorded or live
17 voice speech in quiet, as age appropriate;

18 (7) documentation of type and style of hearing aid;
19 and

20 (8) documentation of medical necessity of the
21 recommended features of a hearing aid.

22 (225 ILCS 50/4.6 new)

23 Sec. 4.6. Prescription hearing aids for persons age 18 or
24 older.

25 (a) A hearing instrument professional may dispense a

1 hearing aid to a person age 18 or older in accordance with the
2 requirements of this Section.

3 (b) A person age 18 or older must be evaluated by a hearing
4 instrument professional in person or via telehealth before
5 receiving a prescription for a hearing aid. A person age 18 or
6 older may not waive evaluation by a hearing instrument
7 professional unless he or she is replacing a lost or stolen
8 hearing aid that is subject to warranty replacement.

9 (c) A hearing instrument professional shall not sell
10 prescription hearing aid to anyone age 18 or older if the
11 prospective user had a negative finding on the Consumer Ear
12 Disease Risk Assessment or a similar standardized assessment.
13 The prospective user who had a negative finding on the
14 Consumer Ear Disease Risk Assessment or similar standardized
15 assessment shall present to the hearing instrument
16 professional a written statement, signed by a licensed
17 physician, which states that the patient's hearing loss has
18 been medically evaluated and the patient is considered a
19 candidate for a prescription hearing aid. The medical
20 evaluation must have been performed within the 12 months
21 immediately preceding the date of the sale of the hearing aid
22 to the prospective hearing aid user.

23 (d) A hearing aid prescription for individuals age 18 or
24 older must include, at a minimum, the following information:

25 (1) name of the patient;

26 (2) date the prescription is issued;

1 (3) expiration date of the prescription, which may not
2 exceed one year from the date of issuance;

3 (4) name and license number of the prescribing hearing
4 instrument professional;

5 (5) results of the following assessments:

6 (A) hearing handicap inventory or similar
7 standardized, evidence-based tool;

8 (B) pure-tone air conduction audiometry;

9 (C) bone conduction testing or consumer ear
10 disease risk assessment or a similar standardized
11 evidence-based tool;

12 (D) recorded speech in quiet, as medically
13 appropriate;

14 (E) recorded speech or digits in noise, as medical
15 appropriate;

16 (6) documentation of type and style of hearing aid;
17 and

18 (7) documentation of medical necessity of the
19 recommended features of a hearing aid.

20 (225 ILCS 50/5) (from Ch. 111, par. 7405)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 5. License required. No person shall engage in the
23 selling, practice of testing, fitting, selecting,
24 recommending, adapting, dispensing, or servicing hearing aids
25 ~~instruments~~ or display a sign, advertise, or represent oneself

1 as a person who practices the fitting or selling of hearing
2 aids ~~instruments~~ unless such person holds a current license
3 issued by the Department as provided in this Act. Such person
4 shall be known as a licensed hearing instrument dispenser.
5 Individuals licensed pursuant to the provisions of Section 8
6 of this Act shall be deemed qualified to provide tests of human
7 hearing and hearing aid ~~instrument~~ evaluations for the purpose
8 of dispensing a hearing aid ~~instrument~~ for which any State
9 agency may contract. The license shall be conspicuously
10 displayed in the place of business. Duplicate licenses shall
11 be issued by the Department to licensees operating more than
12 one office upon the additional payment set forth in this Act.
13 No hearing aids ~~instrument~~ manufacturer may distribute, sell,
14 or otherwise provide hearing aids ~~instruments~~ to any
15 unlicensed hearing instrument ~~care~~ professional for the
16 purpose of selling hearing aids ~~instruments~~ to the consumer.

17 Except for violations of the provisions of this Act, or
18 the rules promulgated under it, nothing in this Act shall
19 prohibit a corporation, partnership, trust, association, or
20 other entity from engaging in the business of testing,
21 fitting, servicing, selecting, dispensing, selling, or
22 offering for sale hearing aid ~~instruments~~ at retail without a
23 license, provided it employs only licensed individuals in the
24 direct testing, fitting, servicing, selecting, offering for
25 sale, or dispensing of such products. Each such corporation,
26 partnership, trust, association, or other entity shall file

1 with the Department, prior to doing business in this State and
2 by July 1 of each calendar year thereafter, on forms
3 prescribed by the Department, a list of all licensed hearing
4 instrument dispensers employed by it and a statement attesting
5 that it complies with this Act and the rules promulgated under
6 it and the regulations of the Federal Food and Drug
7 Administration and the Federal Trade Commission insofar as
8 they are applicable.

9 (Source: P.A. 99-204, eff. 7-30-15.)

10 (225 ILCS 50/6) (from Ch. 111, par. 7406)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 6. Mail order and Internet sales. Nothing in this Act
13 shall prohibit a corporation, partnership, trust, association,
14 or other organization, maintaining an established business
15 address, from engaging in the business of selling or offering
16 for sale hearing aids ~~instruments~~ at retail by mail or by
17 Internet to persons 18 years of age or older who have not been
18 examined by a licensed physician or tested by a licensed
19 hearing instrument professional ~~dispenser~~ provided that:

20 (a) The organization is registered by the Department prior
21 to engaging in business in this State and has paid the fee set
22 forth in this Act.

23 (b) The organization files with the Department, prior to
24 registration and annually thereafter, a Disclosure Statement
25 containing the following:

1 (1) the name under which the organization is doing or
2 intends to do business and the name of any affiliated
3 company which the organization recommends or will
4 recommend to persons as a supplier of goods or services or
5 in connection with other business transactions of the
6 organization;

7 (2) the organization's principal business address and
8 the name and address of its agent in this State authorized
9 to receive service of process;

10 (3) the business form of the organization, whether
11 corporate, partnership, or otherwise and the state or
12 other sovereign power under which the organization is
13 organized;

14 (4) the names of the directors or persons performing
15 similar functions and names and addresses of the chief
16 executive officer, and the financial, accounting, sales,
17 and other principal executive officers, if the
18 organization is a corporation, association, or other
19 similar entity; of all general partners, if the
20 organization is a partnership; and of the owner, if the
21 organization is a sole proprietorship, together with a
22 statement of the business background during the past 5
23 years for each such person;

24 (5) a statement as to whether the organization or any
25 person identified in the disclosure statement:

26 (i) has during the 5-year ~~5-year~~ period

1 immediately preceding the date of the disclosure
2 statement been convicted of a felony, pleaded nolo
3 contendere to a felony charge, or been held liable in a
4 civil action by final judgment, if such felony or
5 civil action involved fraud, embezzlement, or
6 misappropriation of property, and a description
7 thereof; or

8 (ii) is subject to any currently effective
9 injunctive or restrictive order as a result of a
10 proceeding or pending action brought by any government
11 agency or department, and a description thereof; or

12 (iii) is a defendant in any pending criminal or
13 material civil action relating to fraud, embezzlement,
14 misappropriation of property or violations of the
15 antitrust or trade regulation laws of the United
16 States or any state, and a description thereof; or

17 (iv) has during the 5-year ~~5-year~~ period
18 immediately preceding the date of the disclosure
19 statement had entered against such person or
20 organization a final judgment in any material civil
21 proceeding, and a description thereof; or

22 (v) has during the 5-year ~~5-year~~ period
23 immediately preceding the date of the disclosure
24 statement been adjudicated a bankrupt or reorganized
25 due to insolvency or was a principal executive officer
26 or general partner of any company that has been

1 adjudicated a bankrupt or reorganized due to
2 insolvency during such 5-year ~~5-year~~ period, and a
3 description thereof;

4 (6) the length of time the organization and any
5 predecessor of the organization has conducted a business
6 dealing with hearing aid ~~instrument~~ goods or services;

7 (7) a financial statement of the organization as of
8 the close of the most recent fiscal year of the
9 organization. If the financial statement is filed later
10 than 120 days following the close of the fiscal year of the
11 organization it must be accompanied by a statement of the
12 organization of any material changes in the financial
13 condition of the organization;

14 (8) a general description of the business, including
15 without limitation a description of the goods, training
16 programs, supervision, advertising, promotion and other
17 services provided by the organization;

18 (9) a statement of any compensation or other benefit
19 given or promised to a public figure arising, in whole or
20 in part, from (i) the use of the public figure in the name
21 or symbol of the organization or (ii) the endorsement or
22 recommendation of the organization by the public figure in
23 advertisements;

24 (10) a statement setting forth such additional
25 information and such comments and explanations relative to
26 the information contained in the disclosure statement as

1 the organization may desire to present.

2 (b-5) If a device being sold does not meet the definition
3 of an over-the-counter ~~a hearing aid or a prescription hearing~~
4 aid, instrument or hearing device as stated in this Act, the
5 organization shall include a disclaimer in all written or
6 electronic promotions. The disclaimer shall include the
7 following language:

8 "This is not a hearing instrument or hearing aid as
9 defined in the Hearing Instrument Consumer Protection Act,
10 but a personal sound amplification product ~~amplifier~~ and
11 not intended to replace a properly fitted and calibrated
12 hearing aid or treat hearing loss instrument."

13 (c) The organization files with the Department prior to
14 registration and annually thereafter a statement that it
15 complies with the Act, the rules issued pursuant to it, and the
16 regulations of the Federal Food and Drug Administration and
17 the Federal Trade Commission insofar as they are applicable.

18 (d) The organization files with the Department at the time
19 of registration an irrevocable consent to service of process
20 authorizing the Department and any of its successors to be
21 served any notice, process, or pleading in any action or
22 proceeding against the organization arising out of or in
23 connection with any violation of this Act. Such service shall
24 have the effect of conferring personal jurisdiction over such
25 organization in any court of competent jurisdiction.

26 (e) Before dispensing a hearing aid by mail or over the

1 Internet instrument to a resident of this State, the
2 organization informs (i) the parent or guardian of a person
3 age 17 or younger that he or she must obtain a prescription
4 issued by a licensed audiologist or licensed physician that
5 meets the requirements of Section 4.5 or (ii) a person age 18
6 or older that he or she must obtain a prescription issued by a
7 hearing instrument professional that meets the requirements of
8 Section 4.6. ~~the prospective users that they need the~~
9 ~~following for proper fitting of a hearing instrument:~~

10 ~~(1) the results of an audiogram performed within the~~
11 ~~past 6 months by a licensed audiologist or a licensed~~
12 ~~hearing instrument dispenser; and~~

13 ~~(2) an earmold impression obtained from the~~
14 ~~prospective user and taken by a licensed hearing~~
15 ~~instrument dispenser or licensed audiologist.~~

16 (f) (Blank). ~~The prospective user receives a medical~~
17 ~~evaluation or the organization affords the prospective user an~~
18 ~~opportunity to waive the medical evaluation requirement of~~
19 ~~Section 4 of this Act and the testing requirement of~~
20 ~~subsection (z) of Section 18, provided that the organization:~~

21 ~~(1) informs the prospective user that the exercise of~~
22 ~~the waiver is not in the user's best health interest;~~

23 ~~(2) does not in any way actively encourage the~~
24 ~~prospective user to waive the medical evaluation or test;~~
25 ~~and~~

26 ~~(3) affords the prospective user the option to sign~~

1 ~~the following statement:~~

2 ~~"I have been advised by (hearing~~
3 ~~instrument dispenser's name) that the Food and Drug~~
4 ~~Administration and the State of Illinois have~~
5 ~~determined that my best interest would be served if I~~
6 ~~had a medical evaluation by a licensed physician,~~
7 ~~preferably a physician who specialized in diseases of~~
8 ~~the ear, before purchasing a hearing instrument, or a~~
9 ~~test by a licensed audiologist or licensed hearing~~
10 ~~instrument dispenser utilizing established procedures~~
11 ~~and instrumentation in the fitting of hearing~~
12 ~~instruments. I do not wish either a medical evaluation~~
13 ~~or test before purchasing a hearing instrument."~~

14 (g) Where a sale, lease, or rental of prescription hearing
15 aids ~~are instruments~~ is sold or contracted to be sold to a
16 consumer by mail order or via the Internet, the consumer may
17 void the contract or sale by notifying the seller within 45
18 business days following that day on which the hearing aids
19 ~~instruments~~ were mailed by the seller to the consumer and by
20 returning to the seller in its original condition any hearing
21 aids ~~instrument~~ delivered to the consumer under the contract
22 or sale. At the time the hearing aid ~~instrument~~ is mailed, the
23 seller shall furnish the consumer with a fully completed
24 receipt or copy of any contract pertaining to the sale that
25 contains a "Notice of Cancellation" informing the consumer
26 that he or she may cancel the sale at any time within 45

1 business days and disclosing the date of the mailing and the
 2 name, address, and telephone number of the seller. In
 3 immediate proximity to the space reserved in the contract for
 4 the signature of the consumer, or on the front page of the
 5 receipt if a contract is not used, and in bold face type of a
 6 minimum size of 10 points, there shall be a statement in
 7 substantially the following form:

8 "You, the buyer, may cancel this transaction at any
 9 time prior to midnight of the 45th business day after the
 10 date of this transaction. See the attached notice of
 11 cancellation form for an explanation of this right."

12 Attached to the receipt or contract shall be a completed
 13 form in duplicate, captioned "NOTICE OF CANCELLATION" which
 14 shall be easily detachable and which shall contain in at least
 15 10 point bold face type the following information and
 16 statements in the same language as that used in the contract:

17 "NOTICE OF CANCELLATION
 18 enter date of transaction
 19
 20 (DATE)

21 YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR
 22 OBLIGATION, WITHIN 45 BUSINESS DAYS FROM THE ABOVE DATE.

23 IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE
 24 BY YOU UNDER THE CONTRACT OR SALE LESS ANY NONREFUNDABLE
 25 RESTOCKING FEE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU
 26 WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY

1 THE SELLER OF YOUR CANCELLATION NOTICE AND ALL MERCHANDISE
2 PERTAINING TO THIS TRANSACTION, AND ANY SECURITY INTEREST
3 ARISING OUT OF THE TRANSACTION WILL BE CANCELLED.

4 IF YOU CANCEL, YOU MUST RETURN TO THE SELLER, IN
5 SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS
6 DELIVERED TO YOU UNDER THIS CONTRACT OR SALE.

7 TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED
8 AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER
9 WRITTEN NOTICE, OR SEND A TELEGRAM, TO (name of seller),
10 AT (address of seller's place of business) AND (seller's
11 telephone number) NO LATER THAN MIDNIGHT OF
12(date).

13 I HEREBY CANCEL THIS TRANSACTION.

14 (Date).....

15

16 (Buyers Signature)"

17 The written "Notice of Cancellation" may be sent by the
18 consumer to the seller to cancel the contract. The 45-day
19 period does not commence until the consumer is furnished the
20 Notice of Cancellation and the address and phone number at
21 which such notice to the seller can be given.

22 If the conditions of this Section are met, the seller must
23 return to the consumer the amount of any payment made or
24 consideration given under the contract or for the merchandise
25 less a nonrefundable restocking fee.

26 It is an unlawful practice for a seller to: (1) hold a

1 consumer responsible for any liability or obligation under any
2 mail order transaction if the consumer claims not to have
3 received the merchandise unless the merchandise was sent by
4 certified mail or other delivery method by which the seller is
5 provided with proof of delivery; (2) fail, before furnishing
6 copies of the "Notice of Cancellation" to the consumer, to
7 complete both copies by entering the name of the seller, the
8 address of the seller's place of business, the seller's
9 telephone number, the date of the mailing, and the date, not
10 earlier than the 45th business day following the date of the
11 mailing, by which the consumer may give notice of
12 cancellation; (3) include in any contract or receipt any
13 confession of judgment or any waiver of any of the rights to
14 which the consumer is entitled under this Section including
15 specifically his right to cancel the sale in accordance with
16 the provisions of this Section; (4) misrepresent in any manner
17 the consumer's right to cancel; (5) use any undue influence,
18 coercion, or any other wilful act or representation to
19 interfere with the consumer's exercise of his rights under
20 this Section; (6) fail or refuse to honor any valid notice of
21 cancellation and return of merchandise by a consumer and,
22 within 10 business days after the receipt of such notice and
23 merchandise pertaining to such transaction, to (i) refund
24 payments made under the contract or sale, (ii) return any
25 goods or property traded in, in substantially as good
26 condition as when received by the person, (iii) cancel and

1 return any negotiable instrument executed by the consumer in
2 connection with the contract or sale and take any action
3 necessary or appropriate to terminate promptly any security
4 interest created in the transaction; (7) negotiate, transfer,
5 sell, or assign any note or other evidence of indebtedness to a
6 finance company or other third party prior to the 50th
7 business day following the day of the mailing; or (8) fail to
8 provide the consumer of a hearing aid instrument with written
9 information stating the name, address, and telephone number of
10 the Department and informing the consumer that complaints
11 regarding hearing aid instrument goods or services may be made
12 to the Department.

13 (h) The organization employs only licensed hearing
14 instrument professionals ~~dispensers~~ in the dispensing of
15 hearing aids ~~instruments~~ and files with the Department, by
16 January 1 of each year, a list of all licensed hearing
17 instrument professionals ~~dispensers~~ employed by it.

18 (Source: P.A. 98-362, eff. 8-16-13; 98-827, eff. 1-1-15.)

19 (225 ILCS 50/7) (from Ch. 111, par. 7407)

20 (Section scheduled to be repealed on January 1, 2026)

21 Sec. 7. Exemptions.

22 (a) The following are exempt from this Act:

23 (1) Licensed physicians. This exemption, however, does
24 not apply to a physician's employee or subcontractor who
25 is not a physician.

1 (2) Persons who only repair or manufacture hearing
2 instruments and their accessories for wholesale.

3 (b) Audiometers used by persons exempt from this Act to
4 dispense hearing instruments must meet the annual calibration
5 requirements and current standards set by the American
6 National Standards Institute.

7 (c) Audiologists licensed under the Illinois
8 Speech-Language Pathology and Audiology Practice Act are
9 exempt from licensure under this Act, but are otherwise
10 subject to the practices and provisions of this Act.

11 (d) Hearing aid technicians are exempt from licensure
12 under this Act but are otherwise subject to the practices and
13 provisions of this Act.

14 (Source: P.A. 91-932, eff. 1-1-01.)

15 (225 ILCS 50/8) (from Ch. 111, par. 7408)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 8. Applicant qualifications; examination.

18 (a) In order to protect persons who are deaf or hard of
19 hearing, the Department shall authorize or shall conduct an
20 appropriate examination, which may be the International
21 Hearing Society's licensure examination, for persons who
22 dispense, test, select, recommend, fit, or service hearing
23 aids ~~instruments~~. The frequency of holding these examinations
24 shall be determined by the Department by rule. Those who
25 successfully pass such an examination shall be issued a

1 license as a hearing instrument dispenser, which shall be
2 effective for a 2-year period.

3 (b) Applicants shall be:

4 (1) at least 18 years of age;

5 (2) of good moral character;

6 (3) the holder of an associate's degree or the
7 equivalent;

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

9 (5) a citizen or person lawfully present in the United
10 States.

11 Felony convictions of the applicant and findings against
12 the applicant involving matters set forth in Sections 17 and
13 18 shall be considered in determining moral character, but
14 such a conviction or finding shall not make an applicant
15 ineligible to register for examination.

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

26 The Department shall, by rule, determine the conditions

1 under which an individual is examined.

2 (d) Proof of having met the minimum requirements of
3 continuing education as determined by the Board shall be
4 required of all license renewals. Pursuant to rule, the
5 continuing education requirements may, upon petition to the
6 Board, be waived in whole or in part if the hearing instrument
7 dispenser can demonstrate that he or she served in the Coast
8 Guard or Armed Forces, had an extreme hardship, or obtained
9 his or her license by examination or endorsement within the
10 preceding renewal period.

11 (e) Persons applying for an initial license must
12 demonstrate having earned, at a minimum, an associate degree
13 or its equivalent from an accredited institution of higher
14 education that is recognized by the U.S. Department of
15 Education or that meets the U.S. Department of Education
16 equivalency as determined through a National Association of
17 Credential Evaluation Services (NACES) member, and meet the
18 other requirements of this Section. In addition, the applicant
19 must demonstrate the successful completion of (1) 12 semester
20 hours or 18 quarter hours of academic undergraduate course
21 work in an accredited institution consisting of 3 semester
22 hours of anatomy and physiology of the hearing mechanism, 3
23 semester hours of hearing science, 3 semester hours of
24 introduction to audiology, and 3 semester hours of aural
25 rehabilitation, or the quarter hour equivalent or (2) an
26 equivalent program as determined by the Department that is

1 consistent with the scope of practice of a hearing instrument
2 dispenser as defined in Section 3 of this Act. Persons
3 licensed before January 1, 2003 who have a valid license on
4 that date may have their license renewed without meeting the
5 requirements of this subsection.

6 (Source: P.A. 102-1030, eff. 5-27-22.)

7 (225 ILCS 50/9) (from Ch. 111, par. 7409)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 9. Areas of examination. The examination required by
10 Section 8 shall be set forth by rule and demonstrate the
11 applicant's technical qualifications by:

12 (a) Tests of knowledge in the following areas as they
13 pertain to the testing, selecting, recommending, fitting,
14 and selling of hearing aids ~~instruments~~:

15 (1) characteristics of sound;

16 (2) the nature of the ear; and

17 (3) the function and maintenance of hearing aids
18 ~~instruments~~.

19 (b) Practical tests of proficiency in techniques as
20 they pertain to the fitting of hearing aids ~~instruments~~
21 shall be prescribed by the Department, set forth by rule,
22 and include candidate qualifications in the following
23 areas:

24 (1) pure tone audiometry including air conduction
25 testing and bone conduction testing;

1 (2) live voice or recorded voice speech
2 audiometry, including speech reception, threshold
3 testing and speech discrimination testing;

4 (3) masking;

5 (4) proper selection and adaptation of a hearing
6 instrument;

7 (5) taking earmold impressions;

8 (6) proper maintenance procedures; and

9 (7) a general knowledge of the medical and
10 physical contra-indications to the use and fitting of
11 a hearing aids ~~instrument~~.

12 (c) Knowledge of the general medical and hearing
13 rehabilitation facilities in the area being served.

14 (d) Knowledge of the provisions of this Act and the
15 rules promulgated hereunder.

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

17 (225 ILCS 50/9.5)

18 (Section scheduled to be repealed on January 1, 2026)

19 Sec. 9.5. Trainees.

20 (a) In order to receive a trainee license, a person must
21 apply to the Department and provide acceptable evidence of his
22 or her completion of the required courses pursuant to
23 subsection (e) of Section 8 of this Act, or its equivalent as
24 determined by the Department. A trainee license expires 12
25 months from the date of issue and is non-renewable.

1 (b) A trainee shall perform the functions of a hearing
2 instrument dispenser in accordance with the Department rules
3 and only under the direct supervision of a hearing instrument
4 dispenser or audiologist who is licensed in the State. ~~For the~~
5 ~~purposes of this Section, "direct supervision" means that the~~
6 ~~licensed hearing instrument dispenser or audiologist shall~~
7 ~~give final approval to all work performed by the trainee and~~
8 ~~shall be physically present anytime the trainee has contact~~
9 ~~with the client.~~ The licensed hearing instrument dispenser or
10 audiologist is responsible for all of the work that is
11 performed by the trainee.

12 (c) The Department may limit the number of trainees that
13 may be under the direct supervision of the same licensed
14 hearing instrument dispenser or licensed audiologist.

15 (d) The Department may establish a trainee licensing fee
16 by rule.

17 (e) A trainee may be supervised by more than one licensed
18 hearing instrument professional. The trainee must complete a
19 hearing instrument consumer protection program license
20 verification form for each supervising licensed hearing
21 instrument professional.

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

23 (225 ILCS 50/12 new)

24 Sec. 12. Hearing aid technicians.

25 (a) Hearing aid technicians may be employed by a hearing

1 instrument professional to assist in the dispensing and
2 servicing of hearing instruments without a license. A hearing
3 aid technician must work under the direct supervision of a
4 licensed hearing instrument professional.

5 (b) The duties of a hearing aid technician are limited to
6 the following:

7 (1) packaging and mailing earmold orders, repaired
8 devices, and manufacturer or lab returns;

9 (2) maintaining an inventory of supplies;

10 (3) performing checks on hearing aids and other
11 amplification devices and equipment;

12 (4) troubleshooting and performing minor repairs to
13 hearing aids, earmolds, and other amplification devices
14 which do not alter the shape, sound characteristics, or
15 performance of the device;

16 (5) cleaning of hearing aids and other amplification
17 devices;

18 (6) performing electroacoustic analysis of hearing
19 aids and other amplification devices;

20 (7) instructing patients in proper use and care of
21 hearing aids and other amplification devices;

22 (8) demonstration of alerting and assistive listening
23 devices;

24 (9) performing infection control duties within the
25 clinic or service; and

26 (10) contacting hearing instrument manufacturers and

1 suppliers regarding status of orders and repairs.

2 (c) The licensed hearing instrument professional is
3 responsible for all services performed by the hearing aid
4 technician under the professional's direct supervision.

5 (225 ILCS 50/14) (from Ch. 111, par. 7414)

6 (Section scheduled to be repealed on January 1, 2026)

7 Sec. 14. Powers and duties of the Department. The powers
8 and duties of the Department are:

9 (a) To issue licenses and to administer examinations to
10 applicants, which must be offered at least on a quarterly
11 basis;

12 (b) To license persons who are qualified to engage in the
13 testing, recommending, fitting, selling, and dispensing of
14 hearing instruments;

15 (c) To provide the equipment and facilities necessary for
16 the examination;

17 (d) To issue and to renew licenses;

18 (e) To suspend or revoke licenses or to take such other
19 disciplinary action as provided in this Act;

20 (f) To consider all recommendations and requests of the
21 Board and to inform it of all actions of the Department insofar
22 as hearing instrument dispensers are concerned, including any
23 instances where the actions of the Department are contrary to
24 the recommendations of the Board;

25 (g) To promulgate rules necessary to implement this Act;

1 (h) (Blank); and

2 (i) To conduct such consumer education programs and
3 awareness programs for persons with a hearing impairment as
4 may be recommended by the Board.

5 (Source: P.A. 91-932, eff. 1-1-01.)

6 (225 ILCS 50/16) (from Ch. 111, par. 7416)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 16. Hearing Instrument Consumer Protection Board.

9 There shall be established a Hearing Instrument Consumer
10 Protection Board which shall assist, advise and make
11 recommendations to the Department.

12 The Board shall consist of 7 ~~6~~ members who shall be
13 residents of Illinois. One shall be a licensed physician who
14 specializes in otology or otolaryngology; one shall be a
15 member of a consumer-oriented organization concerned with the
16 deaf or hard of hearing; one shall be from the general public,
17 preferably a senior citizen; 2 shall be licensed hearing
18 instrument dispensers who are National Board Certified Hearing
19 Instrument Specialists; and 2 ~~one~~ shall be a licensed
20 audiologist. If a vote of the Board results in a tie, the
21 Director shall cast the deciding vote.

22 Members of the Board shall be appointed by the Director
23 after consultation with appropriate professional organizations
24 and consumer groups. As soon as practical after the effective
25 date of this amendatory Act of the 103rd General Assembly, the

1 Director shall appoint the members of the Board. The term of
2 office of each shall be 4 years. Before a member's term
3 expires, the Director shall appoint a successor to assume
4 member's duties at the expiration of his or her predecessor's
5 term. A vacancy shall be filled by appointment for the
6 unexpired term. The members shall annually designate one
7 member as chairman. No member of the Board who has served 2
8 successive, full terms may be reappointed. The Director may
9 remove members for good cause.

10 Members of the Board shall receive reimbursement for
11 actual and necessary travel and for other expenses, not to
12 exceed the limit established by the Department.

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

14 (225 ILCS 50/17) (from Ch. 111, par. 7417)

15 (Section scheduled to be repealed on January 1, 2026)

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

19 The Board shall respond to issues and problems relating to
20 the improvement of services to the deaf or hard of hearing and
21 shall make such recommendations as it considers advisable. It
22 shall file an annual report with the Director and shall meet at
23 least twice a year. The Board may meet at any time at the call
24 of the chair.

25 The Board shall recommend specialized education programs

1 for persons wishing to become licensed as hearing instrument
2 dispensers and shall, by rule, establish minimum standards of
3 continuing education required for license renewal. No more
4 than 5 hours of continuing education credit per year, however,
5 can be obtained through programs sponsored by hearing
6 instrument manufacturers. Continuing education credit ~~A~~
7 ~~minimum of 2 hours of continuing education credit~~ per
8 licensing period must include a minimum of (i) 2 hours ~~be~~
9 ~~obtained~~ in Illinois law and ethics, (ii) one hour in sexual
10 harassment prevention training, and (iii) one hour in implicit
11 bias awareness. Continuing education offered by a college,
12 university, or bar association, the International Hearing
13 Society, the American Academy of Audiology, the American
14 Speech-Language-Hearing Association, the Illinois
15 Speech-Language-Hearing Association, the Illinois Academy of
16 Audiology, or the Illinois Hearing Society regarding Illinois
17 law and ethics shall be accepted toward satisfaction of the
18 Illinois law and ethics continuing education requirement.

19 The Board shall hear charges brought by any person against
20 hearing instrument dispensers and shall recommend disciplinary
21 action to the Director.

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

25 (Source: P.A. 98-827, eff. 1-1-15; 99-204, eff. 7-30-15.)

1 (225 ILCS 50/18) (from Ch. 111, par. 7418)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 18. Discipline by the Department. The Department may
4 refuse to issue or renew a license or it may revoke, suspend,
5 place on probation, censure, fine, or reprimand a licensee for
6 any of the following:

7 (a) Material misstatement in furnishing information to
8 the Department or to any other State or federal agency.

9 (b) Violations of this Act, or the rules promulgated
10 hereunder.

11 (c) Conviction of any crime under the laws of the
12 United States or any state or territory thereof which is a
13 felony or misdemeanor, an essential element of dishonesty,
14 or of any crime which is directly related to the practice
15 of the profession.

16 (d) Making any misrepresentation for the purpose of
17 obtaining a license or renewing a license, including
18 falsification of the continuing education requirement.

19 (e) Professional incompetence.

20 (f) Malpractice.

21 (g) Aiding or assisting another person in violating
22 any provision of this Act or the rules promulgated
23 hereunder.

24 (h) Failing, within 30 days, to provide in writing
25 information in response to a written request made by the
26 Department.

1 (i) Engaging in dishonorable, unethical, or
2 unprofessional conduct which is likely to deceive,
3 defraud, or harm the public.

4 (j) Knowingly employing, directly or indirectly, any
5 suspended or unlicensed person to perform any services
6 covered by this Act.

7 (k) Habitual intoxication or addiction to the use of
8 drugs.

9 (l) Discipline by another state, the District of
10 Columbia, territory, or a foreign nation, if at least one
11 of the grounds for the discipline is the same or
12 substantially equivalent to those set forth herein.

13 (m) Directly or indirectly giving to or receiving from
14 any person, firm, corporation, partnership, or association
15 any fee, commission, rebate, or other form of compensation
16 for any service not actually rendered. Nothing in this
17 paragraph (m) affects any bona fide independent contractor
18 or employment arrangements among health care
19 professionals, health facilities, health care providers,
20 or other entities, except as otherwise prohibited by law.
21 Any employment arrangements may include provisions for
22 compensation, health insurance, pension, or other
23 employment benefits for the provision of services within
24 the scope of the licensee's practice under this Act.
25 Nothing in this paragraph (m) shall be construed to
26 require an employment arrangement to receive professional

1 fees for services rendered.

2 (n) A finding by the Board that the licensee, after
3 having his or her license placed on probationary status,
4 has violated the terms of probation.

5 (o) Willfully making or filing false records or
6 reports.

7 (p) Willfully failing to report an instance of
8 suspected child abuse or neglect as required by the Abused
9 and Neglected Child Reporting Act.

10 (q) Physical illness, including, but not limited to,
11 deterioration through the aging process, or loss of motor
12 skill which results in the inability to practice the
13 profession with reasonable judgement, skill or safety.

14 (r) Solicitation of services or products by
15 advertising that is false or misleading. An advertisement
16 is false or misleading if it:

17 (1) contains an intentional misrepresentation of
18 fact;

19 (2) contains a false statement as to the
20 licensee's professional achievements, education,
21 skills, or qualifications in the hearing instrument
22 dispensing profession;

23 (3) makes a partial disclosure of a relevant fact,
24 including:

25 (i) the advertisement of a discounted price of
26 an item without identifying in the advertisement

1 or at the location of the item either the specific
2 product being offered at the discounted price or
3 the usual price of the item; and

4 (ii) the advertisement of the price of a
5 specifically identified hearing instrument if more
6 than one hearing instrument appears in the same
7 advertisement without an accompanying price;

8 (4) contains a representation that a product
9 innovation is new when, in fact, the product was first
10 offered by the manufacturer to the general public in
11 this State not less than 12 months before the date of
12 the advertisement;

13 (5) contains any other representation, statement,
14 or claim that is inherently misleading or deceptive;
15 or

16 (6) contains information that the licensee
17 manufactures hearing instruments at the licensee's
18 office location unless the following statement
19 includes a statement disclosing that the instruments
20 are manufactured by a specified manufacturer and
21 assembled by the licensee.

22 (s) Participating in subterfuge or misrepresentation
23 in the fitting or servicing of a hearing instrument.

24 (t) (Blank).

25 (u) Representing that the service of a licensed
26 physician or other health professional will be used or

1 made available in the fitting, adjustment, maintenance, or
2 repair of hearing instruments or hearing aids when that is
3 not true, or using the words "doctor", "audiologist",
4 "clinic", "Clinical Audiologist", "Certified Hearing Aid
5 Audiologist", "State Licensed", "State Certified",
6 "Hearing Instrument Care Professional", "Licensed Hearing
7 Instrument Dispenser", "Licensed Hearing Aid Dispenser",
8 "Board Certified Hearing Instrument Specialist", "Hearing
9 Instrument Specialist", "Licensed Audiologist", or any
10 other term, abbreviation, or symbol which would give the
11 impression that service is being provided by persons who
12 are licensed or awarded a degree or title, or that an
13 entity utilizes the services of an individual who is
14 licensed or has been awarded a degree or title, or that the
15 person's service who is holding the license has been
16 recommended by a governmental agency or health provider,
17 when such is not the case.

18 (v) Advertising a manufacturer's product or using a
19 manufacturer's name or trademark implying a relationship
20 which does not exist.

21 (w) Directly or indirectly giving or offering anything
22 of value to any person who advises another in a
23 professional capacity, as an inducement to influence the
24 purchase of a product sold or offered for sale by a hearing
25 instrument dispenser or influencing persons to refrain
26 from dealing in the products of competitors.

1 (x) Conducting business while suffering from a
2 contagious disease.

3 (y) Engaging in the fitting or sale of hearing
4 instruments under a name with fraudulent intent.

5 (z) Dispensing a hearing instrument to a person who
6 has not been given tests utilizing appropriate established
7 procedures and instrumentation in the fitting of
8 prescription hearing aids instruments, ~~except where there~~
9 ~~is the replacement of a hearing instrument, of the same~~
10 ~~make and model within one year of the dispensing of the~~
11 ~~original hearing instrument.~~

12 (aa) Unavailability or unwillingness to adequately
13 provide for service or repair of hearing instruments or
14 hearing aids fitted and sold by the dispenser.

15 (bb) Violating the regulations of the Federal Food and
16 Drug Administration or the Federal Trade Commission as
17 they affect hearing aids or instruments.

18 (cc) Violating any provision of the Consumer Fraud and
19 Deceptive Business Practices Act.

20 (dd) Violating the Health Care Worker Self-Referral
21 Act.

22 (ee) Failing to adequately supervise a hearing aid
23 technician or allowing a hearing aid technician to
24 practice beyond the hearing aid technician's training or
25 the duties set forth in Section 12.

26 (ff) Filing a false claim with a third-party payer.

1 The Department, with the approval of the Board, may impose
2 a fine not to exceed \$1,000 plus costs for the first violation
3 and not to exceed \$5,000 plus costs for each subsequent
4 violation of this Act, and the rules promulgated hereunder, on
5 any person or entity described in this Act. Such fine may be
6 imposed as an alternative to any other disciplinary measure,
7 except for probation. The imposition by the Department of a
8 fine for any violation does not bar the violation from being
9 alleged in subsequent disciplinary proceedings. Such fines
10 shall be deposited in the Fund.

11 (Source: P.A. 100-201, eff. 8-18-17.)

12 (225 ILCS 50/19) (from Ch. 111, par. 7419)

13 (Section scheduled to be repealed on January 1, 2026)

14 Sec. 19. Injunctions; civil penalties.

15 (a) The practice of prescribing, fitting, dispensing, and
16 servicing hearing instruments or hearing aids by any person
17 not at that time in possession of a valid and current license
18 under this Act is hereby declared to be a Class A misdemeanor.
19 The Director of the Department, through the Attorney General
20 or the State's Attorney of any county, may maintain an action
21 in the name of the people of the State of Illinois and may
22 apply for an injunction in the circuit court to enjoin such
23 person from engaging in such practice. Any person may apply
24 for an injunction in the circuit court to enjoin a person from
25 engaging without a license in practices for which a license is

1 required under this Act. Upon the filing of a verified
2 petition in such court, the court, if satisfied by affidavit
3 or otherwise, that such person has been engaged in such
4 practice without a current license to do so, may enter a
5 temporary restraining order without notice or bond, enjoining
6 the defendant from such further practice. A copy of the
7 verified complaint shall be served upon the defendant and the
8 proceedings shall thereafter be conducted as other civil
9 cases. If it is established that the defendant has been, or is
10 engaged in any unlawful practice, the court may enter an order
11 or judgment perpetually enjoining the defendant from further
12 such practice. In all proceedings hereunder, the court, in its
13 discretion, may apportion the costs among the parties
14 interested in the action, including cost of filing the
15 complaint, service of process, witness fees and expenses,
16 court reporter charges and reasonable attorneys fees. In case
17 of violation of any injunctive order entered pursuant to this
18 Section, the court⁷ may try and punish the offender for
19 contempt of court. Such injunctive proceedings shall be in
20 addition to all penalties and other remedies in this Act. Any
21 such costs that may accrue to the Department shall be placed in
22 the Fund.

23 (b) A person who engages in the selling of hearing
24 instruments or hearing aids or the practice of prescribing,
25 fitting, dispensing, or servicing hearing instruments or
26 hearing aids or displays a sign, advertises, or represents

1 himself or herself as a person who practices the fitting and
2 selling of hearing instruments or hearing aids without being
3 licensed or exempt under this Act shall, in addition to any
4 other penalty provided by law, pay a civil penalty to the
5 Department in an amount not to exceed \$5,000 for each offense,
6 as determined by the Department. The civil penalty shall be
7 assessed by the Department after a hearing is held in
8 accordance with the provisions set forth in this Act regarding
9 the provision of a hearing for the discipline of a licensee.

10 (c) The Department may investigate any actual, alleged, or
11 suspected unlicensed activity.

12 (d) The civil penalty shall be paid within 60 days after
13 the effective date of the order imposing the civil penalty.
14 The order shall constitute a judgment and may be filed and
15 execution had thereon in the same manner as any judgment from
16 any court of record.

17 (Source: P.A. 89-72, eff. 12-31-95.)

18 (225 ILCS 50/20) (from Ch. 111, par. 7420)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 20. Inactive status. A hearing instrument dispenser
21 who notifies the Department, on the prescribed forms, may
22 place his or her license on inactive status and shall be exempt
23 from payment of renewal fees until he or she notifies the
24 Department in writing, of the intention to resume the practice
25 of testing, fitting, dispensing, selecting, recommending, and

1 servicing hearing aids ~~instruments~~ and pays the current
2 renewal fee and demonstrates compliance with any continuing
3 education that may be required. However, if such period of
4 inactive status is more than 2 years, the hearing instrument
5 dispenser shall also provide the Department with sworn
6 evidence certifying to active practice in another jurisdiction
7 that is satisfactory to the Department. If such person has not
8 practiced in any jurisdiction for 2 years or more, he or she
9 shall be required to restore his or her license by retaking and
10 passing the examinations required in Section 8. Any hearing
11 instrument dispenser whose license is on inactive status shall
12 not practice in Illinois.

13 (Source: P.A. 89-72, eff. 12-31-95.)

14 Section 99. Effective date. This Act takes effect January
15 1, 2024."