

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4651

(BY DELEGATES HOWELL, ARVON, IHLE, HAMRICK,

P. WHITE AND STANSBURY)

[Introduced February 22, 2016;

referred to the Committee on Government Organization.]

1 A BILL to amend and reenact §30-26-4, §30-26-6 and §30-26-7 of the Code of West Virginia,
2 1931, as amended, all relating to professional examination requirements for hearing-aid
3 dealers and fitters; requiring applicants for professional licensure to pass the International
4 Licensing Examination for Hearing Healthcare Professionals or an equivalent
5 examination; requiring applicants for professional licensure to pass a nationally
6 recognized practical examination, or a practical examination designed by the West Virginia
7 Board of Hearing-Aid Dealers to test certain demonstrated skills and techniques; requiring
8 applicants to pass an examination, designed by the board, to test knowledge of certain
9 local laws and practices; eliminating the requirement that the board provide applicants
10 with certain details pertaining to an applicant's failure of an examination; and authorizing
11 emergency and legislative rulemaking.

Be it enacted by the Legislature of West Virginia:

1 That §30-26-4, §30-26-6 and §30-26-7 of the Code of West Virginia, 1931, as amended,
2 be amended and reenacted, all to read as follows:

ARTICLE 26. HEARING-AID DEALERS AND FITTERS.

§30-26-4. Administrative duties; examinations; register; use of fees.

1 (a) Effective July 1, 2012, the administrative work of the board shall be performed by the
2 board. The board shall keep full and complete records of all of their proceedings and accounts,
3 which said records and accounts shall be open to public inspection at all reasonable times.

4 (b) The board ~~is authorized to~~ may conduct, supervise and administer the qualifying
5 examinations authorized and required by this article, to maintain for a register or record of persons
6 who apply for a license or a temporary trainee permit as well as a register or record of the name
7 and last-known business address of all persons to whom a license or trainee permit is issued
8 pursuant to this article.

9 (c) Effective July 1, 2012, the board shall bear the costs of carrying out the powers and
10 duties granted to it by this article from the fees collected by it for these purposes.

§30-26-6. Standards, scope and subject of examination.

1 ~~The board by rules and regulations shall determine and set minimum standards to be met~~
2 ~~in the qualifying examination provided for in this article, which examination shall be designed to~~
3 ~~demonstrate the applicant's technical competency and other qualifications by:~~

4 ~~(1) A test of knowledge in the following areas as they pertain to the fitting and sale of~~
5 ~~hearing aids:~~

6 ~~(a) Basic physics of sound;~~

7 ~~(b) The anatomy and physiology of the ear; and~~

8 ~~(c) The function of hearing aids~~

9 (a) Before obtaining a license to engage in the practice of dealing in or fitting of hearing-
10 aids, an applicant must meet the following requirements:

11 (1) The applicant must pass the International Licensing Examination for Hearing
12 Healthcare Professionals, prepared by the International Hearing Society, or an equivalent
13 examination selected by the board.

14 ~~(2) Practical tests of proficiency in the following techniques as they pertain to the fitting of~~
15 ~~hearing aids~~ The applicant must pass a practical examination, which shall be a nationally
16 recognized test selected by the board, or a test designed by the board to test the applicant's
17 proficiency in the following techniques as they pertain to the fitting of hearing aids:

18 ~~(a)~~ (A) Pure tone audiometry, including air conduction testing;

19 ~~(b)~~ (B) Live voice or recorded voice speech audiometry, including speech reception
20 threshold testing and speech discrimination testing; and

21 ~~(c)~~ (C) Masking when indicated and effective masking.

22 ~~(3) Evidence of:~~ The applicant must pass an examination, which shall be developed by
23 the board, to test an applicant's competency in the following subjects:

24 ~~(a)~~ (A) Ability to counsel the person or family who will receive the hearing aid relative to
25 the care and use of the instrument;

26 **(b)** (B) Knowledge regarding the medical and rehabilitative facilities for hearing-
27 handicapped children and adults in the area being served;

28 **(c)** (C) Knowledge and understanding of the grounds for revocation, suspension, or
29 probation of a license as outlined in this article; and

30 **(d)** (D) Knowledge and understanding of criminal offenses as outlined in this article.

31 **(b)** The board may promulgate rules to implement the requirements of this section,
32 including emergency rules promulgated pursuant to the provisions of section five, article three,
33 chapter twenty-nine-a of this code.

34 **(c)** The examinations required by this section shall be collectively referred to in this article
35 as “the examination.”

§30-26-7. Results of examination disclosed to applicant; issuance of license; fees.

1 (a) Any person who has taken the examination shall be notified by the board within thirty
2 days following such examination as to whether he or she has satisfactorily passed the
3 examination. ~~If such person has failed to pass the examination, he shall be notified of the reasons~~
4 ~~for such failure and the particular portions of the examination which he failed to pass~~ Such person
5 shall also be advised of his or her right to take the examination in the future.

6 If such applicant has satisfactorily passed the examination, he or she shall be advised of
7 that fact by the board and, upon payment of the prescribed fee, the board shall register the
8 applicant as a licensee and shall issue a license to such applicant. Such license shall remain in
9 effect until the next succeeding ~~thirtieth day~~ of June 30.

10 (b) Within six months following the effective date of this article, any applicant for a license
11 who has been engaged in the practice of dealing in or fitting of hearing aids in this state for a
12 period of three years immediately prior to such effective date, shall be so registered and issued a
13 license without being required to undergo or take the examination required by this article:
14 *Provided*, That such person meets all other requirements of this article and the rules and
15 regulations promulgated pursuant thereto. All of the fees which such prospective licensee would

16 be otherwise required to pay shall be paid by such prospective licensee in the same manner and
17 to the same extent as if such prospective licensee had not so engaged in such practice in this
18 state for such three-year period.

19 (c) The issuance of a license by the board must have the concurrence of a majority of its
20 members.

NOTE: The purpose of this bill is to require applicants for professional licensure to pass the International Licensing Examination for Hearing Healthcare Professionals or an equivalent examination; to require applicants for professional licensure to pass a nationally recognized practical examination, or a practical examination designed by the West Virginia Board of Hearing-Aid Dealers to test certain demonstrated skills and techniques; to require applicants to pass an examination, designed by the board, to test knowledge of certain local laws and practices; to eliminate the requirement that the board provide applicants with certain details pertaining to an applicant's failure of an examination; and to authorize emergency and legislative rulemaking.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.