

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

1

HOUSE BILL 566

Short Title: Hearing Aid Board Changes.

(Public)

Sponsors: Representatives Hightower; Balmer, Beall, Gray, Jeffus, and Lilley.

Referred to: State Government.

April 1, 1991

A BILL TO BE ENTITLED

AN ACT TO REVISE AND UPDATE THE LAWS RELATING TO THE NORTH  
CAROLINA STATE HEARING AID DEALERS AND FITTERS BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 93D-1 reads as rewritten:

"§ 93D-1. Definitions.

For the purposes of this Chapter:

(1) 'Board' shall mean the North Carolina State Hearing Aid Dealers and Fitters Instrument Dispensers Board.

(2) ~~'Fitting and selling hearing aids' shall mean the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by other means and the consequent selection or adaptation or sale or rental of hearing aids intended to compensate for hearing loss including the making of an impression of the ear.~~

(2) 'Hearing instrument' shall mean any wearable instrument or device designed for, offered for the purpose of or represented as aiding, improving, or otherwise benefitting persons with or compensating for impaired hearing hearing and any parts, attachments or accessories of such instrument or device.

(3) ~~'Hearing aid' shall mean any instrument or device designed for or represented as aiding, improving or compensating for defective human hearing and any parts, attachments or accessories of such an instrument or device.~~

1 (3) 'Hearing instrument dispensing' shall include: the testing of the  
2 peripheral auditory system including the use of commercially available  
3 auditory test equipment and standardized evaluation procedures as  
4 they relate to identifying persons with impaired hearing who may be  
5 candidates for hearing instrument amplification; the selection, fitting,  
6 adaptation, modification, maintenance and demonstration of hearing  
7 amplification systems; the taking of ear impressions to facilitate  
8 hearing instrument use; the post-dispensing counseling of individuals  
9 to facilitate adjustment or orientation to hearing instrument  
10 amplification; or the selling, leasing or renting of hearing instruments.

11 (4) 'Hearing instrument dispenser' shall mean any person licensed under  
12 the provisions who engages in hearing instrument dispensing."

13 Sec. 2. G.S. 93D-2 reads as rewritten:

14 **"§ 93D-2. ~~Fitting and selling~~ Dispensing Without license or Registration unlawful.**

15 (a) It shall be unlawful for any person to fit or sell hearing aids—instruments  
16 unless he has first obtained a license from the North Carolina State Hearing Aid Dealers  
17 and Fitters—Instrument Dispensers Board or is an apprentice working under the supervision  
18 of a board licensee—has passed the minimum competency examination administered by  
19 the Board and is a registered apprentice under the provisions of this Chapter.

20 (b) Hearing instruments may be offered for sale, lease or rental to persons located  
21 in North Carolina by catalog, direct mail, television radio, and all such mass media  
22 strategic provided that:

23 (1) The seller holds a license issued pursuant to the provisions of this  
24 Chapter;

25 (2) There is no fitting, selection or adaptation of the instrument and no  
26 advice is given with respect to fitting, selection or adaption of the  
27 instrument and no advice is given with respect to the taking of an ear  
28 impression for an earmold by the seller; and

29 (3) The seller has received an audiogram and a statement signed by a  
30 physician audiologist or a hearing instrument dispenser which verifies  
31 that the provisions of this Chapter have been met. A copy of this  
32 audiogram and statement shall be retained by the seller for a period of  
33 time as required under federal law of the provisions of this Chapter or  
34 rules adopted pursuant thereto, whichever is longer."

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

36 **"§ 93D-3. ~~North Carolina State Hearing Aid Dealers and Fitters—Instrument~~**  
37 **Dispensers Board; composition, organization, duties and compensation.**

38 (a) There is hereby created a board whose duty it shall be to carry out the  
39 purposes and enforce the provisions of this Chapter, and which shall be known as the  
40 "North Carolina State Hearing Aid Dealers and Fitters—Instrument Dispensers Board." The  
41 duty of this board is to provide training, evaluation of qualifications, and regulation of  
42 persons engaged in dispensing hearing instruments in order to safeguard the public of  
43 North Carolina. No person shall deny to the recipients or beneficiaries of their aid or

1 service, their freedom to choose a duly licensed hearing instrument dispenser as the  
2 provider of care or service which are within the scope of this Chapter.

3 (b) The Board shall be composed of seven members. Four members who have  
4 been actively engaged in the fitting and selling licensed dispensing of hearing aids for  
5 three years shall be appointed by the Governor. These initial appointments are for the  
6 following terms: one for one year, one for two years, one for three years and one for four years.  
7 All appointments made on or after July 1, 1981, shall be for terms of three years.

8 One member shall be appointed by the Governor who and shall be a physician  
9 practicing in North Carolina, preferably specializing in the field of otolaryngology. All  
10 appointments shall be for terms of three years.

11 One member shall be appointed by the Governor from a list of two audiologists  
12 residing in North Carolina, which list shall be compiled by the North Carolina Speech  
13 and Hearing Association. This initial appointment shall be for a term of three years. All  
14 appointments made on or after July 1, 1981, shall be for a term of three years.

15 One member shall be appointed by the Governor to represent the interest of the  
16 public at large. This member shall have no ties to the hearing aid instrument business  
17 nor shall he be an audiologist. The Governor shall appoint the public member not later than  
18 July 1, 1981, to serve a term of three years.

19 All Board members serving on June 30, 1981, shall be eligible to complete their  
20 respective terms. All appointments shall be for terms of three years. No member  
21 appointed to a term on or after July 1, 1981, shall serve more than two complete  
22 consecutive terms.

23 Vacancies on the Board shall be filled by appointment of the Governor. Appointees  
24 shall serve the unexpired term terms of their predecessor predecessors in office and must  
25 be appointed from the same category as their predecessor predecessors in office. The  
26 members of the Board, before entering their duties, shall respectively take all oaths  
27 taken and prescribed for other State officers, in the manner provided by law, which  
28 oaths shall be filed in the office of the Secretary of State, and the Board shall have a  
29 common seal.

30 (b) The Board shall choose, at the first regular meeting and annually thereafter,  
31 one of its members to serve as president and one as secretary and treasurer. A majority  
32 of the Board shall constitute a quorum. The Board shall meet at least once a year, the  
33 time and place of the annual meeting and any special meetings to be designated by the  
34 president. The Board shall meet quarterly or on the call of the president, the executive  
35 secretary, or a majority of the members of the Board. The Board shall elect annually the  
36 president and the secretary-treasurer. A majority of the Board shall constitute a  
37 quorum. The secretary and treasurer of the Board shall keep a full record of its  
38 proceedings, including a current list of all licensees and apprentices, which shall at all  
39 reasonable times be open to public inspection. The Board is authorized to employ an  
40 executive secretary and to provide such assistance as may be required to enable said  
41 Board to properly perform its duties.

42 (c) The Board is authorized to employ an executive secretary, office personnel,  
43 investigator, and legal representation in order to provide such assistance as may be  
44 necessary for said Board to perform its duties.

- 1       (e)    (d) ~~The Board shall~~ is authorized to:
- 2           (1)    Authorize all disbursements necessary to carry out the provisions of
- 3                    this Chapter;
- 4           (2)    ~~Supervise and administer~~ Establish, administer, and supervise the
- 5                    licensing qualifying examinations to test and determine the knowledge
- 6                    and proficiency of applicants for ~~licenses;~~ licenses, minimum
- 7                    competency examinations required for apprentice registration, and
- 8                    minimum competency examinations as described in G.S. 93D-5.
- 9           (3)    Issue registrations and licenses to ~~qualified persons~~ qualified under the
- 10                   provisions of this Chapter who apply to the Board;
- 11           (4)    Obtain audiometric equipment and facilities necessary to carry out the
- 12                    examination of applicants for licenses and the minimum competency
- 13                    examination;
- 14           (5)    To issue and reissue, deny to issue or reissue with cause, to renew or to
- 15                    deny to renew with cause, and to suspend ~~Suspend~~ or revoke licenses
- 16                    and apprentice registrations pursuant to the provisions of this Chapter;
- 17           (6)    Make and publish rules and regulations (including a code of ethics)
- 18                    which are necessary and proper to regulate the ~~fitting and selling~~
- 19                    dispensing of hearing aids—instruments to carry out the provisions of
- 20                    this Chapter;
- 21           (7)    Exercise jurisdiction over the hearing of complaints, charges of
- 22                    malpractice including corrupt or unprofessional conduct, and
- 23                    allegations of violations of the Board's rules or regulations, which are
- 24                    made against any ~~fitter and seller of licensed hearing aids—instrument~~
- 25                    dispenser or registered apprentice in North Carolina;
- 26           (8)    Require the ~~periodic inspection and annual~~ calibration of audiometric
- 27                    testing equipment of persons who are ~~fitting and selling hearing~~
- 28                    ~~aids~~ dispensing hearing instruments;
- 29           (9)    In connection with any matter within the jurisdiction of the Board,
- 30                    summon and subpoena and examine witnesses under oath and to
- 31                    compel their attendance and the production of books, papers, or other
- 32                    documents or writings deemed by the Board to be necessary or
- 33                    material to the inquiry. Each summons or subpoena shall be issued
- 34                    under the hand of the secretary and treasurer or the president of the
- 35                    Board and shall have the force and effect of a summons or subpoena
- 36                    issued by a court of record. Any witness who shall refuse or neglect to
- 37                    appear in obedience thereto or to testify or produce books, papers, or
- 38                    other documents or writings required shall be liable to contempt
- 39                    charges. The Board shall pay to any witness subpoenaed before it the
- 40                    fees and per diem as paid witnesses in civil actions in the superior
- 41                    court of the county where such hearing is held;
- 42           (10)    Inform the Attorney General of any information or knowledge it
- 43                    acquires regarding any "price-fixing" activity whatsoever in

1 connection with the sales dispensing and service servicing of hearing  
2 aids; instruments;

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

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

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

14 (14) Establish the subject matter of minimum competency examinations  
15 and licensing examinations and provide for instructional training  
16 materials and classes for the purpose of preparing persons to be  
17 qualified as registered apprentices or to be issued licenses in  
18 accordance with the provisions of this Chapter;

19 (15) Provide annual continuing education programs as requirements for  
20 registration and license renewal as established by the Board and  
21 published in the Board's rules;

22 (16) Set where not established by this Chapter and collect fees for the  
23 minimum competency examinations and the licensing examinations;  
24 training classes for apprentices; annual continuing education programs;  
25 issuance and renewal of licenses, registrations, and replacement  
26 licenses and registrations; reproduction of documents; and for  
27 processing continuing education program approval and verification of  
28 attendance.

29 (d) Out of the funds coming into the possession of said Board, each member  
30 thereof may receive as reimbursement for each day he is actually engaged in the  
31 assigned duties of his ~~office, office~~ in accordance with G.S. 93B-5. ~~the sum of eight cents~~  
32 ~~(8¢) per mile for travel plus the actual costs of meals and public lodging while away from~~  
33 ~~home, which costs of meals and lodging may not exceed twenty dollars (\$20.00) per day. Such~~  
34 ~~expenses shall be paid from the fees and assessments received by the Board under the~~  
35 ~~provisions of this Chapter. No part of these expenses or any other expenses of the Board, in any~~  
36 ~~manner whatsoever, shall be paid out of the State treasury. All moneys received in excess of~~  
37 ~~expense allowance and mileage, as above provided, shall be held by the secretary treasurer as a~~  
38 ~~special fund for meeting other expenses of the Board and carrying out the provisions of this~~  
39 ~~Chapter.~~

40 The secretary-treasurer and the executive secretary shall each give a bond to the  
41 Board to be approved by the Board, in the a sum of five thousand dollars (\$5,000) equal to  
42 the annual budget conditioned upon the faithful performance of the duties of his office.

43 The Board shall make an annual report of its proceedings to the Governor on the  
44 first Monday in June of each year, which report shall contain an account of all moneys  
45 received and disbursed by the Board and a complete listing of names and addresses of

1 all licensees and apprentices. Copies of the report and list of licensees and apprentices  
2 shall be filed in the office of the State Auditor, the Secretary of State, and Attorney  
3 General."

4 Sec. 4. G.S. 93D-4 reads as rewritten:

5 **"§ 93D-4. Board may enjoin illegal practices.**

6 The Board may, if it finds that any person is violating any of the provisions of this  
7 Chapter, apply to superior court for a temporary or permanent restraining order or  
8 injunction to restrain such persons from continuing such illegal practices. If upon  
9 application, it appears to the court that such person has violated or is violating the  
10 provisions of this Chapter, the court shall issue an order restraining the ~~sale or fitting~~  
11 dispensing of hearing aids-instruments or other conduct in violation of this Chapter. All  
12 such actions by the Board for injunctive relief shall be governed by the Rules of Civil  
13 Procedure and Article 37, Chapter 1 of the General Statutes; provided, that injunctive  
14 relief may be granted regardless of whether criminal prosecution has been or may be  
15 instituted under the provisions of this Chapter. Actions under this section shall be  
16 commenced in the superior court district or set of districts as defined in G.S. 7A-41.1 in  
17 which the respondent resides or has his principal place of business."

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

19 **"§ 93D-5. Requirements for registration; examinations; apprentice licenses.**

20 (a) No person shall ~~begin the fitting and selling-dispense~~ of hearing aids  
21 instruments in this State after the effective date of this Chapter until he is issued a  
22 license by the Board or is an registered apprentice working under the supervision of a  
23 licensee. Except as hereinafter provided, each applicant for a license shall pay a fee of  
24 one hundred dollars (\$100.00) and shall show to the satisfaction of the Board that he:

- 25 (1) Is a person of good moral character,  
26 (2) Is 18 years of age or older,  
27 (3) Has an education equivalent to graduation from a four-year course in  
28 an accredited high school,  
29 (4) Certifies by signed statement that he is free of contagious or infectious  
30 disease.

31 (b) (1) All applicants for apprentice registration must first register  
32 and pass a minimum competency examination before such  
33 registration is granted under supervision of a licensee. The  
34 requirements for supervision by a licensee are to be determined by  
35 the Board. No person can engage in the dispensing of hearing  
36 instruments until he is issued an apprentice registration.

37 (2) All applicants for apprentice registration must take a minimum  
38 competency examination which will be offered at least quarterly at the  
39 discretion of the Board. The examination will have two sections:

- 40 (i) The written section will test knowledge of State and federal  
41 laws concerning the practice of hearing instrument dispensing  
42 and sponsors' training responsibilities; and  
43 (ii) The practicum section will consist of taking ear impressions and  
44 performing basic audiometric procedures.

1           (3) Upon receiving an application accompanied by a fee set by the Board  
2           and successful completion of a minimum competency examination, the  
3           Board may register the applicant as an apprentice which shall entitle  
4           the applicant to dispense hearing instruments under the supervision of  
5           a licensee.

6           (c) No apprentice shall be registered by the Board under this section unless the  
7           applicant has passed a minimum competency examination and shows to the satisfaction  
8           of the Board that he is or will be supervised and trained by a licensee. No applicant for  
9           apprentice registration shall be allowed to sit for the minimum competency examination  
10          more than three times under the same sponsor.

11          (d) If an apprentice does not take the next succeeding examination given after the  
12          completion of his apprenticeship period as required under this Chapter, his apprentice  
13          registration shall not be renewed except for good cause shown to the satisfaction of the  
14          Board. A registered apprentice is eligible to and must take the licensing examination  
15          for licensure after a period of two years of supervised training as a registered apprentice.

16          (e) If a registered apprentice takes and fails to pass the next succeeding  
17          examination given after two full years of apprenticeship, the Board may renew the  
18          apprenticeship registration for a period of time to end 30 days after the results of the  
19          examination given next after the date of renewal of said registration. The fee for  
20          renewal of apprenticeship registration shall be set by the Board.

21          ~~(b)~~ All requirements for licensure including successfully passing the licensing  
22          examination must be completed within 12 months of initially sitting for the licensing  
23          examination. ~~Except as hereinafter provided, no~~ No license shall be issued to a person  
24          until he has successfully passed a qualifying examination administered by the Board.

25          ~~(e)~~ No license shall be issued to any person until he has served as an apprentice  
26          as set forth in G.S. 93D-9 for a period of at least ~~one~~ two years; provided, that this  
27          subsection shall not apply to those persons ~~qualified under G.S. 93D-6~~ nor to those persons  
28          holding masters degrees in Audiology who have ~~attended a pre-examination workshop~~  
29          sponsored and approved by the Board, passed a minimum competency examination  
30          administered by the Board, been registered as an apprentice, and have completed the  
31          Board-specified ~~undergone 250 hours of supervised activity of fitting dispensing and~~  
32          ~~selling hearing aids instruments~~ under the direct supervision of a ~~licensed hearing aid~~  
33          ~~dealer licensee approved by the Board, Board for a period of one year, or have met the~~  
34          licensure requirements under Article 22 of Chapter 90 of the General Statutes, ~~and~~ have  
35          attended a pre-examination workshop sponsored and approved by the Board, and have  
36          passed a licensing examination. ~~worked full time for one year fitting and selling hearing aids~~  
37          ~~in the office of and under the direct supervision of an otolaryngologist and have participated in~~  
38          ~~250 hours of Board supervised, continuing professional education in fitting hearing aids.~~

39          (f) The Board shall adopt rules implementing initial and renewal registration of  
40          apprentices; dates of examination; pre-examination workshops; and instructional  
41          programs which may be required of apprentices. These rules shall also detail the duties  
42          of the licensee supervising an apprentice and of the apprentice during the entire  
43          apprenticeship period."

44                Sec. 6. G.S. 93D-7 reads as rewritten:

1 **"§ 93D-7. Statements of sale.**

2 Every person ~~fitting and selling~~ dispensing a hearing aid, ~~instrument~~, be it new or  
3 used, in the State of North Carolina, no later than at the time of delivery of the hearing  
4 ~~aid-instrument~~ shall render to the user and/or purchaser a statement of sale to include the  
5 following:

- 6 (1) ~~Date of delivery sale;~~
- 7 (2) Condition of the hearing aid-instrument; new, used, ~~reconditioned~~  
8 reconditioned;
- 9 (3) ~~Hearing aid identification number~~ Name of manufacturer and model of  
10 the instrument;
- 11 (4) ~~Name of manufacturer~~ Hearing instrument serial number and year  
12 manufactured;
- 13 (5) ~~Price of hearing aid~~ Total price of all products and services;
- 14 (6) ~~Charge for fitting and service~~ Name and North Carolina address of the  
15 dispenser;
- 16 (7) ~~Name of dealer and/or fitter~~ Name of the person who sold the instrument  
17 and his license or apprentice registration number;
- 18 (8) ~~Signature of customer~~ customer;
- 19 (9) Name of person who delivered the instrument and his license or  
20 apprentice registration number;
- 21 (10) Name of purchasing party if different than customer; and
- 22 (11) Information required to conform with all current federal and state  
23 laws."

24 Sec. 7. G.S. 93D-7 reads as rewritten:

25 **"§ 93D-8. Licensing Examination. of applicants; issue of license certificate.**

26 (a) Every applicant for a license who is notified by the Board that he has fulfilled  
27 the requirements of ~~G.S. 93D-5(a), except those making application pursuant to G.S. 93D-6,~~  
28 G.S. 93D-5(a) shall appear at a time, place and before such persons as the Board may  
29 designate, to be examined by written and practical tests in order to demonstrate that he  
30 is qualified for the ~~fitting and selling~~ dispensing of hearing aids, ~~instruments~~. The Board  
31 shall give ~~one examination~~ two licensing examinations of the type prescribed herein each  
32 year at a duly prescribed time and place, which shall be publicized for at least 90 days in  
33 advance. Additional licensing examinations may be given at the discretion of the Board.  
34 The ~~licensing examination~~ examinations provided in this section shall not include  
35 questions requiring a medical or surgical education but shall consist of:

- 36 (1) Tests of knowledge in the following areas as they pertain to the fitting  
37 of hearing aids ~~instruments~~:
  - 38 a. The basic physics of sound,
  - 39 b. The human hearing mechanism, including the science of  
40 hearing and the cause and rehabilitation of abnormal hearing  
41 and hearing disorders, and
  - 42 c. The structure and function of hearing aids ~~instruments~~.
- 43 (2) Tests of proficiency in the following techniques as they pertain to the  
44 fitting of hearing aids ~~instruments~~:



- 1 a. Pure tone audiometry, including air conduction testing and bone  
2 conduction testing, and the appropriate use of masking.  
3 b. Live voice and recorded voice speech audiometry, including speech  
4 reception threshold testing and speech discrimination testing,  
5 ~~e. Effective masking,~~  
6 d. Recording and evaluation of audiograms and speech audiometry to  
7 determine hearing ~~aid~~ instrument candidacy,  
8 e. Selection and adaptation of hearing ~~aids~~ instruments and testing of  
9 hearing ~~aids~~ instruments in the opinion of the Board.

10 (3) Knowledge of the state and federal laws and rules that govern the  
11 dispensing of hearing instruments.

12 (b) Upon payment of five dollars (\$5.00) and upon successful completion of the  
13 licensing examination and all other requirements set forth in this Chapter, the Board  
14 shall issue a license certificate to each applicant who successfully passes the licensing  
15 examination.

16 (c) No applicant shall be allowed to sit for the licensing examination more  
17 than three times under the same apprentice registration."

18 Sec. 8. G.S. 93D-10 reads as rewritten:

19 **"§ 93D-10. Registration and notice.**

20 The Board shall register each apprentice and each person to whom it grants a  
21 license. The secretary-treasurer of the Board shall keep a record of the place of business  
22 of all licensees and apprentices. Any notice required to be given by the Board to a  
23 person holding a license or ~~apprenticeship~~-registration may be given by mailing to him at  
24 the last address received by the Board from him."

25 Sec. 9. G.S. 93D-11 reads as rewritten:

26 **"§ 93D-11. Annual fees; failure to pay; expiration of license; occupational**  
27 **instruction courses.**

28 Every licensed person who engages in the ~~fitting-dispensing and selling~~ of hearing  
29 ~~aids-instruments~~ shall pay to the Board an annual license renewal fee of one hundred  
30 dollars (\$100.00). Such payment shall be made prior to the first day of April in each  
31 year. In case of default in payment the license shall expire 30 days after notice by the  
32 secretary-treasurer or executive secretary to the last known address of the licensee by  
33 registered mail. The Board may reinstate an expired license upon the showing of good  
34 cause for late payment of fees, upon payment of said fees within 60 days after  
35 expiration of the license, and upon the further payment of a late penalty of ten dollars  
36 (\$10.00). After 60 days after the expiration date, the Board may reinstate the license for  
37 good cause shown upon application for reinstatement and payment of the late penalty of  
38 ten dollars (\$10.00) and renewal fee. The Board may require all licensees to  
39 successfully attend and complete a course or courses of occupational instruction funded,  
40 conducted or approved or sponsored by the Board on an annual basis as a condition to  
41 any license renewal and evidence of satisfactory attendance and completion of any such  
42 course or courses shall be provided the Board by the licensee."

43 Sec. 10. G.S. 93D-12 reads as rewritten:

44 **"§ 93D-12. License to be displayed at office.**

1 Every person to whom a license or apprenticeship registration is granted shall  
2 display the same in a conspicuous part of his office wherein the ~~fitting and selling~~  
3 dispensing of hearing aids instruments is conducted, or shall have a copy of such license  
4 or apprenticeship registration on his person and exhibit the same upon request when  
5 ~~fitting or selling dispensing hearing aids instruments~~ outside of his office."

6 Sec. 11. G.S. 93D-13 reads as rewritten:

7 "**§ 93D-13. Discipline, suspension, revocation of licenses.**

8 (a) The Board may in its discretion administer the punishment of private  
9 reprimand, suspension of license or registration for a fixed period, or revocation of  
10 license or registration as the case may warrant in their ~~judgment discretion~~ for any  
11 violation of the rules and regulations of the Board or for any of the following causes:

- 12 (1) Habitual drunkenness;
- 13 (2) Gross incompetence;
- 14 (3) Knowingly ~~fitting and selling dispensing~~ hearing aids instruments while  
15 suffering with a contagious or infectious disease;
- 16 (4) Commission of a criminal offense indicating professional unfitness;
- 17 (5) The use of a false name or alias in his business;
- 18 (6) Conduct involving willful deceit;
- 19 (7) Conduct involving fraud or any other business conduct involving  
20 moral turpitude;
- 21 (8) Advertising of a character or nature tending to deceive or mislead the  
22 public;
- 23 (9) The use of Advertising advertising declared to be unethical by the  
24 Board or prohibited by the code of ethics established by the Board;
- 25 (10) Permitting another person to use his license or registration;
- 26 (+10a) (11) Failure by a licensee to properly supervise an apprentice or trainee  
27 under his supervision, ~~and~~;
- 28 (12) Knowingly employing or contracting with any person to dispense  
29 hearing instruments in North Carolina who does not hold a valid North  
30 Carolina hearing instrument dispenser license or a valid apprentice  
31 registration; and
- 32 (+11) (13) For violating any of the provisions of this Chapter.

33 (b) Board action in revoking or suspending a license or registration shall be in  
34 accordance with the provisions of Chapter 150A of the General Statutes. Any person  
35 whose license or registration has been suspended for any of the grounds or reasons  
36 herein set forth, may, after the expiration of 90 days but within two years, apply to the  
37 Board to have the same reissued; upon a showing satisfactory to the Board that such  
38 reissuance will not endanger the public health and welfare, the Board may reissue a  
39 license or registration to such person for a fee of one hundred dollars (\$100.00) plus five  
40 dollars (\$5.00) for a certificate of license. If application is made subsequent to two years  
41 from date of suspension, reissuance shall be in accordance with the provisions of G.S.  
42 93D-8."

43 Sec. 12. G.S. 93D-14 reads as rewritten:

44 "**§ 93D-14. Persons not affected.**

1 (a) This Chapter shall not prevent any person from engaging in the measuring of  
2 human hearing for the purpose of selection of hearing ~~aids~~instruments, provided such  
3 person or organization employing such person does not sell hearing ~~aids~~instruments or  
4 accessories thereto, nor shall this Chapter apply to any physician licensed to practice  
5 medicine or surgery in the State of North Carolina. Nothing in this Chapter shall permit  
6 a licensee hereunder to perform any practices or services set forth in Article 17 of  
7 Chapter 90 of the General Statutes of North Carolina.

8 (b) The purchase of auditory trainers by a school or other educational institution  
9 for the purpose of communicating with and educating individuals with hearing  
10 impairments is exempt from the provisions of this Chapter."

11 Sec. 13. G.S. 93D-15 reads as rewritten:

12 **"§ 93D-15. Violation of Chapter.**

13 Any person who violates any of the provisions of this Chapter and any person who  
14 holds himself out to the public as a ~~fitter and seller~~dispenser of hearing ~~aids~~instruments  
15 without having first obtained a license or apprenticeship registration as provided for  
16 herein shall be deemed guilty of a misdemeanor and upon conviction shall be punished  
17 by a fine of not more than one thousand dollars (\$1,000) nor less than five hundred  
18 dollars (\$500.00) or imprisonment for not more than six months, or both, in the  
19 discretion of the court."

20 Sec. 14. This act shall become effective October 1, 1991.