

Introduced: 5/9/85
Referred: Labor & Commerce,
Health, Education & Social
Services and Finance

BY NAVARRE, GRUENBERG,
HURLEY AND THOMPSON

1 IN THE HOUSE

2

HOUSE BILL NO. 430

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act regulating audiologists, hearing aid dealers
7 and the dispensing of hearing aids."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. LEGISLATIVE FINDINGS, PURPOSE. (a) The legislature finds
10 that the practice of audiology and the dispensing of hearing aids affects
11 the health, safety and welfare of the public and requires regulation and
12 control by the state in the public interest.

13 (b) The purpose of this Act is to establish the procedures necessary
14 to ensure that the public is protected from the incompetent, unprofession-
15 al, improper, and unauthorized practice of audiology and dispensing of
16 hearing aids, and to assure the availability of the highest possible quali-
17 ty audiology and hearing aid services for the communicatively handicapped
18 persons of the state.

19 * Sec. 2. AS 08.01.010 is amended by adding new paragraphs to read:

20 (26) regulation of audiologists under AS 08.11;

21 (27) regulation of hearing aid dealers under AS 08.55.

22 * Sec. 3. AS 08.01.050(a) is amended to read:

23 (a) The department shall provide the following administrative
24 and budgetary services when appropriate:

25 (1) collect fees and issue receipts;

26 (2) maintain records and files;

27 (3) issue and receive application forms;

28 (4) notify applicants of acceptance or rejection of appli-
29 cants as determined by the board or as determined by the department

1 under AS 08.11 for audiologists or under AS 08.55 for hearing aid
2 dealers;

3 (5) designate dates examinations are to be held and notify
4 applicants;

5 (6) publish notice of examination;

6 (7) arrange space for holding examinations;

7 (8) notify applicants of results of examinations;

8 (9) issue licenses and certificates or temporary licenses
9 or certificates as authorized by the board or as authorized by the
10 department under AS 08.11 for audiologists or under AS 08.55 for
11 hearing aid dealers;

12 (10) issue duplicate licenses or certificates upon proof by
13 the licensee of loss of the original and payment by the licensee of a
14 fee of \$2 except as otherwise provided in this title;

15 (11) notify licensees of renewal dates at least 30 days
16 before the expiration date of their licenses;

17 (12) compile and maintain current a register of licenses;

18 (13) answer routine inquiries;

19 (14) maintain files relating to individual licensees;

20 (15) arrange for printing and advertising;

21 (16) purchase supplies;

22 (17) employ secretarial help when needed;

23 (18) perform other services that [WHICH] may be requested by
24 the board;

25 (19) provide investigative services to the boards estab-
26 lished under AS 08.04, AS 08.20, AS 08.36, AS 08.64, AS 08.68, AS 08.-
27 70, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86, for the
28 purpose of assisting those boards in matters of professional disci-
29 pline and in responding to consumer complaints.

1 * Sec. 4. AS 08.01.087 is amended to read:

2 Sec. 08.01.087. POWERS AND DUTIES OF DEPARTMENT. (a) The
3 department may, upon its own motion, conduct investigations to deter-
4 mine whether a [ANY] person has violated a provision of this chapter
5 or a regulation adopted under it, or a provision of [A CHAPTER IN]
6 this title or regulation adopted under this title dealing with an
7 occupation or board [ONE OF THE BOARDS] listed in AS 08.01.010 [OR A
8 REGULATION ADOPTED BY ONE OF THOSE BOARDS], or to secure information
9 useful in the administration of this chapter.

10 (b) If it appears to the commissioner that a person has engaged
11 in or is about to engage in an act or practice in violation of a
12 provision of this chapter or a regulation adopted under it, or a
13 provision of this title or regulation adopted under this title dealing
14 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR
15 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010, the commis-
16 sioner may, if the commissioner considers it in the public interest,
17 and after notification of a proposed order or action by telephone or
18 telegraph to all board members, if a board regulates the act or prac-
19 tice involved, [BY TELEPHONE OR TELEGRAPH OF A PROPOSED ORDER OR
20 ACTION] unless a majority of the members of the board object within 10
21 days,

22 (1) issue an order directing the person to stop the act or
23 practice; however, reasonable notice of and an opportunity for a
24 hearing must first be given to the person, except that the commis-
25 sioner may issue a temporary order before a hearing is held; a tempo-
26 rary order remains in effect until a final order affirming, modifying,
27 or reversing the temporary order is issued or until 15 days after the
28 person receives the notice and has not requested a hearing by that
29 time; a temporary order becomes final if the person to whom the notice

1 is addressed does not request a hearing within 15 days after receiving
2 the notice; the commissioner or the commissioner's designee shall be
3 the hearing officer at the hearing and shall issue a final order
4 within 10 days after the hearing;

5 (2) bring an action in the superior court to enjoin the
6 acts or practices and to enforce compliance with this chapter, a
7 regulation adopted under it, [OR] an order issued under it, or with a
8 provision of this title or regulation adopted under this title dealing
9 with an occupation or board [OR ANY OF THE LAWS PERTAINING TO OR
10 REGULATIONS ADOPTED BY THE BOARDS] listed in AS 08.01.010;

11 (3) examine or have examined the books and records of a
12 [ANY] person whose business activities require licensure by a board
13 listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010;
14 the commissioner [AND HE] may require the [THAT] person to pay the
15 reasonable costs of the examination; and

16 (4) issue subpoenas for the attendance of witnesses, and
17 the production of books, records and other documents.

18 * Sec. 5. AS 08.01.110 is amended to read:

19 Sec. 08.01.110. DEFINITIONS. In this chapter

20 (1) "board" includes the boards and commissions listed in
21 AS 08.01.010;

22 (2) "department" means the Department of Commerce and
23 Economic Development;

24 (3) "commissioner" means the commissioner of commerce and
25 economic development;

26 (4) "license" means a [ANY] license, certificate, permit,
27 or registration or similar evidence of authority issued for an occupa-
28 tion or board [BY ONE OF THE BOARDS] listed in AS 08.01.010;

29 (5) "licensee" means a [ANY] person who holds a license;

1 (6) "occupation" means a trade or profession [ANY OF THE
2 TRADES OR PROFESSIONS FOR WHICH LICENSURE IS REQUIRED BY ONE OF THE
3 BOARDS] listed in AS 08.01.010.

4 * Sec. 6. AS 08.02.010(a) is amended to read:

5 (a) An audiologist licensed under AS 08.11, a [A] person li-
6 censed in the state as a chiropractor under AS 08.20, a dentist under
7 AS 08.36, a medical practitioner or osteopath under AS 08.64, a regis-
8 tered nurse under AS 08.68, an optometrist under AS 08.72, a regis-
9 tered pharmacist under AS 08.80, a registered physical therapist under
10 AS 08.84, or a psychologist under AS 08.86, shall use as professional
11 identification appropriate letters or a title after that person's name
12 which represents that person's specific field of practice. The letters
13 or title shall appear on all signs, stationery or other advertising in
14 which the person offers or displays personal professional services to
15 the public. In addition, a person engaged in the practice of medicine
16 or osteopathy under AS 08.64.380(2), or a person engaged in any manner
17 in the healing arts who diagnoses, treats, tests, or counsels other
18 persons in relation to human health or disease and uses the letters
19 "M.D." or the title "doctor" or "physician" or another [ANY OTHER]
20 title that [WHICH] tends to show that the person is willing or qual-
21 ified to diagnose, treat, test, or counsel another person, shall
22 clarify the letters or title by adding the appropriate specialist
23 designation, if any, such as "dermatologist", "radiologist", "audio-
24 logist", "naturopath", or the like.

25 * Sec. 7. AS 08 is amended by adding a new chapter to read:

26 CHAPTER 11. AUDIOLOGISTS.

27 Sec. 08.11.010. QUALIFICATIONS FOR LICENSE. (a) The department
28 shall issue a license to practice audiology to an individual who

29 (1) is 18 years of age or more;

1 (2) applies on a form provided by the department;
2 (3) pays the fee required under AS 08.11.050;
3 (4) furnishes evidence satisfactory to the department that
4 the person

5 (A) has not engaged in conduct that is a ground for
6 imposing disciplinary sanctions under AS 08.11.070;

7 (B) holds a master's degree, doctorate, or the equiva-
8 lent, in audiology from an accredited educational institution
9 approved by the department; and

10 (5) has good moral character.

11 Sec. 08.11.020. TEMPORARY LICENSE TO PRACTICE AUDIOLOGY. (a)
12 Pending disposition of the application the department shall issue a
13 temporary license for the practice of audiology to an individual who
14 is licensed to practice audiology in another state and has submitted
15 to the department an application for a license under this chapter.

16 (b) The department may issue a temporary license to the follow-
17 ing:

18 (1) an individual from another state for the practice of
19 audiology in this state

20 (A) for five days or less in a calendar year; and

21 (B) in cooperation with an audiologist licensed under
22 this chapter;

23 (2) a nonresident individual of the state for the practice
24 of audiology in the state for 30 days or fewer in a calendar year, if
25 the individual is licensed as an audiologist in another state, terri-
26 tory of the United States, foreign country, or province that has
27 requirements for a license to practice audiology that are substan-
28 tially equivalent to or higher than the requirements of this chapter.

29 (3) a nonresident individual of the state for the practice

1 of audiology in this state for 30 days or fewer in a calendar year, if
2 the individual meets the qualifications and requirements for a license
3 under this chapter, and resides in a state or territory of the United
4 States or a foreign country or province that does not license audiologists.
5

6 (c) The department may impose limitations that it determines are
7 appropriate on a temporary license issued under this section.

8 Sec. 08.11.030. DURATION OF LICENSE. A license issued under
9 this chapter is valid until January 30 of the year following its
10 issuance, and is subject to renewal.

11 Sec. 08.11.040. RENEWAL OF LICENSES. (a) The department shall
12 renew the license of a person licensed under this chapter if the
13 person submits to the department on or before January 30 of each year
14 an application for renewal and pays the renewal fee.

15 (b) If a person fails to renew a license under (a) of this
16 section, the license lapses.

17 (c) The department may reinstate a lapsed license if the license
18 has lapsed for less than two years and if the person submits to the
19 department an application for renewal and pays a delinquency fee in
20 addition to the renewal fee.

21 (d) A suspended license is subject to expiration and must be
22 renewed as provided in this section, but the renewal does not entitle
23 the person while the license remains suspended to practice audiology
24 or to engage in other activity or conduct that violates the order or
25 judgment that suspended the license.

26 Sec. 08.11.050. FEES. The following fees shall be imposed under
27 this chapter:

- 28 (1) application\$ 25
- 29 (2) credential review 50

1	(3) license under AS 08.11.010	100
2	(4) temporary license	50
3	(5) renewal of license under AS 08.11.040	100
4	(6) delinquency	25
5	(7) reinstatement	100

6 Sec. 08.11.060. MALPRACTICE INSURANCE. A person licensed under
7 this chapter shall maintain insurance against liability for negligence
8 in the practice of audiology.

9 Sec. 08.11.070. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
10 TIONS. After a hearing, the department may impose a disciplinary
11 sanction on a person licensed under this chapter when the department
12 finds that the person

13 (1) secured a license through deceit, fraud, or intentional
14 misrepresentation;

15 (2) engaged in deceit, fraud, or intentional misrepresenta-
16 tion in the course of practicing audiology;

17 (3) advertised professional services in a false or mislead-
18 ing manner;

19 (4) has been convicted of a felony or other crime that
20 affects the person's ability to continue to practice competently and
21 safely;

22 (5) failed to comply with a provision of this chapter or a
23 regulation adopted under this chapter, or an order of the department;

24 (6) continued to practice after becoming unfit due to

25 (A) professional incompetence;

26 (B) addiction to or severe dependency on alcohol or
27 another drug that impairs the person's ability to practice
28 safely;

29 (C) physical or mental disability;

- 1 (7) permitted another person to use the licensee's license;
2 (8) employed a person who does not have a valid current
3 license to practice audiology to perform work covered by this chapter;
4 (9) violated the code of ethics established by the depart-
5 ment for the practice of audiology;
6 (10) violated a provision of this chapter.

7 Sec. 08.11.080. DISCIPLINARY SANCTIONS. (a) When it finds that
8 a licensee has committed an act listed in AS 08.11.070, the department
9 may impose the following sanctions singly or in combination:

- 10 (1) permanently revoke a license to practice;
11 (2) suspend a license for a determinate period of time;
12 (3) censure a licensee;
13 (4) issue a letter of reprimand;
14 (5) place a licensee on probationary status and require the
15 licensee to
16 (A) report regularly to the department on matters
17 involving the basis of probation;
18 (B) limit practice to those areas prescribed;
19 (C) continue professional education until a satisfac-
20 tory degree of skill has been attained in those areas determined
21 by the department to need improvement;
22 (6) impose limitations or conditions on the practice of a
23 licensee.

24 (b) The department may withdraw a limitation, condition, or
25 probationary status if it finds that the deficiency that required the
26 sanction has been remedied.

27 (c) The department may summarily suspend a license before final
28 hearing or during the appeals process if the department finds that the
29 licensee poses a clear and immediate danger to the public welfare and

1 safety if the licensee continues to practice. A person whose license
2 is suspended under this section is entitled to a hearing by the de-
3 partment no later than seven days after the effective date of the
4 order. The person may appeal the suspension after the hearing to the
5 superior court.

6 (d) The department may reinstate a license that has been sus-
7 pended or revoked if the department finds after a hearing that the
8 person is able to practice with reasonable skill and safety.

9 (e) One year after revocation of a license issued under this
10 chapter, the person whose license was revoked may reapply for a li-
11 cense to practice audiology. The department may require an examina-
12 tion for reinstatement.

13 Sec. 08.11.090. PROHIBITED ACTS. Unless a person is licensed
14 under this chapter, the person may not

15 (1) practice audiology;

16 (2) use a title indicating or representing that the person
17 practices or is licensed to practice audiology;

18 (3) advertise that the person practices audiology.

19 Sec. 08.11.100. PENALTIES. A person who violates AS 08.11.090
20 is guilty of a class B misdemeanor.

21 Sec. 08.11.110. EXEMPTIONS. (a) This chapter does not apply to
22 a person who practices audiology consistent with the accepted stan-
23 dards and code of ethics of the person's profession and as part of the
24 person's duties as

25 (1) a physician licensed under AS 08.64;

26 (2) a nurse licensed under AS 08.68;

27 (3) an employee of a governmental unit, educational insti-
28 tution, or nonprofit agency who is required to practice audiology
29 during the employment, if

1 (A) the employer maintains appropriate supervision of
2 the person's practice of audiology;

3 (B) the person practices audiology as part of the
4 duties for which the person is employed;

5 (C) the person practices audiology in the facility
6 where the person is employed or under the supervision of the
7 governmental unit, educational institution, or nonprofit agency
8 where the person is employed; and

9 (D) the person does not render or offer to render
10 audiology services to the public for compensation in addition to
11 the salary the person receives from the governmental unit, educa-
12 tional institution, or nonprofit agency;

13 (4) a student, intern, or resident pursuing a course of
14 study in audiology at an accredited college or a clinical training
15 facility approved by the department, if the activities of the student,
16 intern, or resident constitute part of a supervised course of study
17 and the student, intern, or resident is designated as an "audiology
18 intern," "audiology trainee," or other title approved by the depart-
19 ment that clearly indicates that the person is training to be an
20 audiologist.

21 (b) Notwithstanding the provisions of this chapter,

22 (1) a person licensed as a hearing aid dealer under AS 08.-
23 55 may consult about the selling of hearing aids;

24 (2) a person holding a Class A certificate issued by the
25 Conference of Executives of American Schools of the Deaf may perform
26 the functions for which the person qualifies.

27 (c) A person exempt under this section may not use a title or
28 description stating or implying that the person is an audiologist
29 licensed under this chapter.

1 (d) A person exempt under (a)(3) of this section may consult
2 with and disseminate research findings and scientific information to
3 accredited academic institutions or governmental agencies, and offer
4 lectures to the public for a fee, monetary or otherwise, without being
5 licensed under this chapter.

6 Sec. 08.11.120. PROCEDURES. The Administrative Procedure Act
7 (AS 44.62) applies to regulations and proceedings under this chapter.

8 Sec. 08.11.200. DEFINITIONS. In this chapter, unless the con-
9 text indicates otherwise,

10 (1) "audiologist" means a person who practices audiology;

11 (2) "department" means the Department of Commerce and
12 Economic Development;

13 (3) "practice of audiology" means the application of prin-
14 ciples, methods, and procedures of measurement, testing, appraisal,
15 prediction, consultation, counseling and instruction related to hear-
16 ing and hearing impairment for the purpose of modifying communicative
17 disorders involving speech, language, auditory function, including
18 auditory training, speech reading and hearing aid evaluation, or other
19 behavior related to hearing impairment.

20 * Sec. 8. AS 08 is amended by adding a new chapter to read:

21 CHAPTER 55. HEARING AID DEALERS.

22 Sec. 08.55.010. QUALIFICATIONS FOR LICENSE. (a) The department
23 shall issue a license to act as a hearing aid dealer to an individual
24 who

25 (1) is 18 years of age or older;

26 (2) applies on a form provided by the department;

27 (3) has a high school diploma or the equivalent;

28 (4) has good moral character;

29 (5) has a business license issued under AS 43.70.020;

1 (6) furnishes evidence satisfactory to the department that
2 the individual has not engaged in conduct that is a ground for impos-
3 ing disciplinary sanctions under AS 08.55.040.

4 Sec. 08.55.020. DURATION AND RENEWAL OF LICENSE. (a) A license
5 to act as a hearing aid dealer is valid for one year and is subject to
6 renewal.

7 (b) On or before the expiration of one year after the issuance
8 of a license under this chapter, a licensee may apply for renewal of
9 the license, and the department shall renew the license if the li-
10 censee pays the renewal fee and provides evidence satisfactory to the
11 department that the individual has not engaged in conduct that is a
12 ground for imposing disciplinary sanctions under AS 08.55.040.

13 (c) If a licensee fails to renew a license under (b) of this
14 section, the license lapses.

15 (d) The department may reinstate a lapsed license under (b) of
16 this section if the license has not lapsed for more than two years and
17 if the person pays a delinquency fee in addition to the renewal fee.

18 Sec. 08.55.030. FEES. The following fees shall be imposed under
19 this chapter:

- 20 (1) application\$ 25
- 21 (2) license under AS 08.55.010 100
- 22 (3) renewal of license under AS 08.55.020 100
- 23 (4) renewal delinquency 50

24 Sec. 08.55.040. GROUNDS FOR IMPOSITION OF DISCIPLINARY SANC-
25 TIONS. After a hearing, the department may impose a disciplinary
26 sanction on a person licensed under this chapter when the department
27 finds that the person

28 (1) secured a license through deceit, fraud, or intentional
29 misrepresentation;

- 1 (2) engaged in deceit, fraud, or intentional misrepresenta-
2 tion in the course of providing professional services or engaging in
3 professional activities;
- 4 (3) advertised professional services in a false or mislead-
5 ing manner;
- 6 (4) has been convicted of a felony or other crime that
7 affects the person's ability to continue to practice competently and
8 safely;
- 9 (5) failed to comply with a provision of this chapter or a
10 regulation adopted under this chapter, or an order of the department;
- 11 (6) continued to practice after becoming unfit due to
- 12 (A) professional incompetence;
- 13 (B) addiction to or severe dependency on alcohol or
14 another drug that impairs the person's ability to practice
15 safely;
- 16 (C) physical or mental disability;
- 17 (7) employed a person who did not have a valid current
18 license to deal in hearing aids to perform work covered by this chap-
19 ter;
- 20 (8) failed or refused to honor a representation, promise,
21 agreement or warranty made by the person while dealing in hearing
22 aids;
- 23 (9) advertised a model, type, or kind of hearing aid for
24 sale that the person does not sell;
- 25 (10) failed to maintain a business address and telephone
26 number at which the person could normally be reached during regular
27 business hours;
- 28 (11) permitted another person to use the licensee's license;
- 29 (12) dealt in hearing aids while suffering from a serious

1 disease that was contagious or infectious;

2 (13) violated a provision of this chapter.

3 Sec. 08.55.050. DISCIPLINARY SANCTIONS. (a) When it finds that
4 a licensee has committed an act listed in AS 08.55.040, the department
5 may impose the following sanctions singly or in combination:

6 (1) permanently revoke a license to practice;

7 (2) suspend a license for a determinate period of time;

8 (3) censure a licensee;

9 (4) issue a letter of reprimand;

10 (5) place a licensee on probationary status and require the
11 licensee to

12 (A) report regularly to the department on matters
13 involving the basis of probation;

14 (B) limit practice to those areas prescribed;

15 (C) continue professional education until a satisfac-
16 tory degree of skill has been attained in those areas determined
17 by the department to need improvement;

18 (6) impose limitations or conditions on the practice of a
19 licensee.

20 (b) The department may withdraw a limitation, condition, or
21 probationary status if it finds that the deficiency that required the
22 sanction has been remedied.

23 (c) The department may summarily suspend a license before final
24 hearing or during the appeals process if the department finds that the
25 licensee poses a clear and immediate danger to the public welfare and
26 safety if the licensee continues to practice. A person whose license
27 is suspended under this section is entitled to a hearing by the de-
28 partment no later than seven days after the effective date of the
29 order. The person may appeal the suspension after the hearing to the

1 superior court.

2 (d) The department may reinstate a license that has been sus-
3 pended or revoked if the department finds after a hearing that the
4 applicant is able to deal in hearing aids with reasonable skill and
5 safety.

6 Sec. 08.55.060. PROHIBITED ACTS. (a) Unless a person is li-
7 censed under this chapter, the person may not

8 (1) deal in hearing aids;

9 (2) use a title indicating or representing that the person
10 deals in hearing aids or is licensed to deal in hearing aids;

11 (3) advertise that the person deals in hearing aids.

12 (b) A person may not

13 (1) sell, barter, or offer to sell or barter a license
14 issued under this chapter;

15 (2) purchase or obtain by barter a license issued under
16 this chapter with the intent to use it as evidence of the holder's
17 qualification to deal in hearing aids;

18 (3) materially alter a license issued under this chapter
19 with fraudulent intent;

20 (4) use or attempt to use as valid a license to deal in
21 hearing aids that has been purchased, fraudulently obtained, counter-
22 feited, or materially altered.

23 Sec. 08.55.070. NOTICE OF PLACE OF BUSINESS. A person who holds
24 a license under this chapter shall notify the department in writing of
25 the regular address of the place or places where the person deals or
26 intends to deal in hearing aids.

27 Sec. 08.55.080. PROCEDURES. The Administrative Procedure Act
28 (AS 44.62) applies to regulations and proceedings under this chapter.

29 Sec. 08.55.200. DEFINITIONS. In this chapter

- 1 (1) "audiologist" means a person licensed under AS 08.11;
2 (2) "dealing in hearing aids" means the sale, lease, or
3 rental, or attempted sale, lease, or rental of hearing aids, and the
4 recommendation, selection, fitting, or adaptation of hearing aids;
5 (3) "department" means the Department of Commerce and
6 Economic Development;
7 (4) "hearing aid" means a prosthetic instrument or device
8 designed for or represented as aiding, improving, or correcting defec-
9 tive human hearing and the parts, attachments, or accessories of the
10 instrument or device; "hearing aid" does not include cochlear im-
11 plants, middle-ear implants, vibro-tactile speech-reading aids, other
12 aids for cued speech, or group or individual auditory training units
13 and assistive devices.

14 * Sec. 9. AS 09.55.560(1) is amended to read:

- 15 (1) "health care provider" means an audiologist licensed
16 under AS 08.11, a chiropractor licensed under AS 08.20; a dental
17 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
18 a nurse licensed under AS 08.68; a dispensing optician licensed under
19 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
20 censed under AS 08.80; a physical therapist licensed under AS 08.84; a
21 physician licensed under AS 08.64; a podiatrist; a psychologist and a
22 psychological associate licensed under AS 08.86; and a hospital as
23 defined in AS 18.20.130, including a governmentally owned or operated
24 hospital; a corporate entity covered under AS 21.88.050(b)(12); and an
25 employee of a health care provider acting within the course and scope
26 of employment;

27 * Sec. 10. AS 21.88.900(a)(9) is amended to read:

- 28 (9) "health care provider" means an audiologist licensed
29 under AS 08.11, a chiropractor licensed under AS 08.20; a dental

1 hygienist licensed under AS 08.32; a dentist licensed under AS 08.36;
2 a nurse licensed under AS 08.68; a dispensing optician licensed under
3 AS 08.71; an optometrist licensed under AS 08.72; a pharmacist li-
4 censed under AS 08.80; a physical therapist licensed under AS 08.84; a
5 physician licensed under AS 08.64; a podiatrist; a psychologist and a
6 psychological associate licensed under AS 08.86; a hospital as defined
7 in AS 18.20.130, including a governmentally owned or operated hospi-
8 tal; a corporate entity covered under AS 21.88.050(b)(11); an employee
9 of a health care provider acting within the course and scope of em-
10 ployment;

11 * Sec. 11. AS 44.62.330(a) is amended by adding new paragraphs to read:

12 (53) Department of Commerce and Economic Development con-
13 cerning the licensing and regulation of audiologists (AS 08.11);

14 (54) Department of Commerce and Economic Development con-
15 cerning the licensing and regulation of hearing aid dealers (AS 08.-
16 55).

17 * Sec. 12. AS 45.45 is amended by adding new sections to read:

18 ARTICLE 7. SALE OF HEARING AIDS.

19 Sec. 45.45.400. STATEMENT FOR PROSPECTIVE PURCHASERS. (a)

20 Before selling a hearing aid, a person dealing in hearing aids shall
21 deliver to the prospective purchaser a written statement, signed by
22 the person dealing in hearing aids, that must include

23 (1) the name and address of the prospective purchaser;

24 (2) the date of the sale;

25 (3) the make, serial number, model number, and manufacturer
26 of the hearing aid sold;

27 (4) the address or principal place of business of the
28 person dealing in hearing aids;

29 (5) a statement that the prospective purchaser has the

1 right to cancel the purchase within 45 days of the purchase and the
2 procedure to be followed if the prospective purchaser decides to
3 cancel;

4 (6) the number of the license issued under AS 08.55 of the
5 person dealing in hearing aids;

6 (7) the terms of a guarantee or express warranty made to
7 the purchaser for the hearing aid;

8 (8) the address of the department and the procedure for
9 making a complaint.

10 (b) A hearing aid dealer shall keep a duplicate copy of the
11 statement required under this section for one year. The hearing aid
12 dealer shall provide the statement to the department on request.

13 Sec. 45.45.410. RIGHT TO CANCEL HEARING AID PURCHASE. (a) In
14 addition to the other rights and remedies the purchaser may have, the
15 purchaser of a hearing aid has the right to cancel the purchase within
16 45 days.

17 (b) Cancellation of the purchase is effective when the purchaser
18 returns the hearing aid to the seller or the seller's agent, or mails
19 a letter, return receipt requested, to the seller or the seller's
20 agent at the last known address of the seller or the seller's agent,
21 cancelling the purchase and offering to return the hearing aid to the
22 seller or seller's agent.

23 (c) The seller shall, without request,

24 (1) refund to the purchaser within 10 days after the can-
25 cellation, all deposits, including a down payment, less five percent
26 of the total purchase price for each 15 days that has elapsed from the
27 date of the sale to the date of the cancellation as reasonable rental
28 for the hearing aid, and less the reasonable price of ear molds or
29 custom casings purchased; and

1 (2) return all goods traded in to the seller for the sale,
2 less a reasonable cost actually incurred by the seller to prepare the
3 goods traded in for sale.

4 Sec. 45.45.420. DEFINITIONS. In AS 45.45.400 - 45.45.420

5 (1) "audiologist" means a person licensed under AS 08.11;

6 (2) "dealing in hearing aids" means the sale, lease, or
7 rental, or attempted sale, lease, or rental of hearing aids, and the
8 recommendation, selection, fitting, or adaptation of hearing aids;

9 (3) "department" means the Department of Commerce and
10 Economic Development;

11 (4) "hearing aid" means a prosthetic instrument or device
12 designed for or represented as aiding, improving, or correcting defec-
13 tive human hearing and the parts, attachments, or accessories of the
14 instrument or device; "hearing aid" does not include cochlear im-
15 plants, middle-ear implants, vibro-tactile speech-reading aids, other
16 aids for cued speech, or group or individual auditory training units
17 and assistive devices.

18 * Sec. 13. AS 45.50.471(b) is amended by adding a new paragraph to
19 read:

20 (26) failing to comply with AS 45.45.400 - 45.45.420.

21 * Sec. 14. AS 47.17.070(6) is amended to read:

22 (6) "practitioner of the healing arts" includes chiroprac-
23 tors, dentists, health aides, nurses, optometrists, osteopaths, phys-
24 ical therapists, physicians, psychiatrists, psychologists, audiolo-
25 gists licensed under AS 08.11, hearing aid dealers licensed under
26 AS 08.55, religious healing practitioners, and surgeons;

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