

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 86/2

4216 SLAB HB 430 - HB 486 1096



RECEIVED
Department of Law
AUG - 3 1984

CONSUMER COMPLAINT
ATTORNEY GENERAL

E. 1
21 1/2

CC 0140-FSS-AI 46.0

ANCHORAGE 1031 W. 4th Suite 110 Anchorage, AK 99501 279-0428	Office of the Attorney General Consumer Protection FAIRBANKS 1st National Center 100 Cushman, Ste. 400 Fairbanks, AK 99701 456-8588	JUNEAU S.S. Fuller Bldg. 4th & Harris, Ste. 214 Pouch K Juneau, AK 99811 465-3692	VALDEZ P. O. Box 671 Valdez, AK 99686 835-2462
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I WISH TO FILE A CONSUMER COMPLAINT AGAINST THE PERSON OR COMPANY NAMED IN 7 BELOW. I REALIZE THAT A COPY OF THIS COMPLAINT WILL BE SENT TO THE PERSON OR BUSINESS I HAVE COMPLAINED OF. (PLEASE TYPE OR PRINT)

1. NAME Last First M.I. JERDE, RUTH E.	2. TODAY'S DATE July 31, 1984
3. MAILING ADDRESS P. O. Box 2042 Palmer, Alaska	CITY STATE ZIP CODE Palmer Alaska 99645
4. HOME ADDRESS (if different) NHN Sarasota Drive, Shorewood, Sub.	CITY STATE ZIP CODE Palmer Alaska 99645
5. HOME TELEPHONE NO. 745-4797	6. BUSINESS TELEPHONE NO. None
7. NAME OF THE PERSON OR COMPANY COMPLAINED ABOUT Fifth Avenue Hearing Center - Miracle Ear	NAME OF SALESPERSON: Mr. Steve Kaufman and Lou
8. COMPANY'S ADDRESS 4426	CITY STATE ZIP CODE Anchorage Alaska 99545
9. COMPANY'S TELEPHONE NO. 907-562-4463 (Heller 206-623-0555)	10. DATE OF TRANSACTION October 19, 1984
11. WERE YOU ATTRACTED TO THE SERVICE OR PRODUCT BY AN ADVERTISEMENT? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
12. IF YES, WHEN AND WHERE DID YOU SEE THE ADVERTISEMENT? Fall of 1983, in Anchorage Daily News and the Anchorage Times - it was an insert - such as the one sent last week in both papers.	
13. WAS A WRITTEN CONTRACT SIGNED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
14. HAVE YOU COMPLAINED TO THE INDIVIDUAL OR COMPANY? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	15. IF YES, NAME OF PERSON TO WHOM YOU COMPLAINED. Miracle Ear, P.O. Box 549, Minneapolis, Minn. and by phone - Mr. Steve Kaufman in Anchorage
16. HAVE YOU CONTACTED A PRIVATE ATTORNEY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	17. IF YES, NAME OF ATTORNEY.
18. IS THERE A COURT OR ADMINISTRATIVE PROCEEDING PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	19. IF YES, NAME COURT OR AGENCY.

AUTOMOBILE REPAIR ONLY

20. DID YOU REQUEST A SIGNED COPY OF REPAIRS TO BE MADE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DID YOU RECEIVE IT?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DID YOU REQUEST A WRITTEN PRICE ESTIMATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DID YOU RECEIVE IT?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DID COSTS EXCEED WRITTEN ESTIMATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
WERE YOU NOTIFIED OF ADDITIONAL COSTS BEFORE WORK WAS DONE?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DID YOU REQUEST THAT REPLACED PARTS BE RETURNED TO YOU?	<input type="checkbox"/> YES <input type="checkbox"/> NO	RECEIVED/OR ALLOWED TO INSPECT PARTS?	<input type="checkbox"/> YES <input type="checkbox"/> NO
		DID YOU RECEIVE IT?	<input type="checkbox"/> YES <input type="checkbox"/> NO

Please state the year, make, model name and V.I.N. (Vehicle Identification No.) of your auto. (Check your registration papers.)

Year	Make	Model	V.I.N.
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I hereby certify that I have read the information contained in this complaint and that all of the information I have given is true and complete to the best of my knowledge, information and belief. I further authorize the Attorney General to use this information as he deems necessary and proper.

Richard B. Oude
Signature

On the reverse side of this form
Summarize your complaint. Be brief,
But complete.

HOW TO WRITE YOUR COMPLAINT:

Start at the beginning. Describe all the events in the order they happened.

Put down the names of any witnesses.

Please attach copies of any documents which explain or support your complaint, including the cancelled checks, copies of advertisements, letters, etc.

I. the fall of 1983 I answered an ad in the Anchorage papers. it was an insert for Miracle Hearing Aid.

On October 19 a Mr. Steve Kaufman and Lou ? reps of the Fifth Avenue Hearing Aid Centers in Seattle came to our home and sold me two Dahlberg hearing aid units to the cost of \$1100 for be

Mr. Steve Kaufman being advised we were leaving for 4-1/2 mos. and would return March 23 stated if I didn't like the hearing aid in my right ear, he would refund the money upon our return or by April 1, 1984. He also stated he would be in touch w. us before April 1 to follow up on the aids. However, he did no follow up at all.

While in Seattle on March 12, 1984 one hearing aid was defective. I called the Seattle office of the Fifth Avenue Hearing Aid that Mr. Kaufman represented. I asked for warranty booklet, and also a cap for the volume control knob and also other items pertaining to the aids working. These were never received.

April 2, 1984 I contacted the Seattle office again as I was unable to obtain Mr. Steve Kaufman here in the Anchorage area. I called for his telephone number, and again they stated they would send me the volume control cap and warranty booklet. I was having other problems with the unit as it wouldn't hold the battery in place... I contacted the Anchorage office this same day, but received no answer.

April 19, 1984 I again, called the Anchorage office and the ~~receptionist~~ fellow Lou told me he would come out and make the service call and follow up call before April 26, which was the date I was leaving to care for my invalid Mother from an emergency doctors call to me. No call or attempt to contact me.

While in Minneapolis, someone called my husband here and ^{he (my husband)} told them they were too late I had already left.

May 4, I contacted the St. Cloud Hearing Aid Service Center in Minnesota to please fix my hearing aid. This the man came out and temporarily fixed it, and again they called the Dahlberg rep in Minneapolis. The Minneapolis rep told me in no way did the Dahlberg reps act this way, and to contact the home office. I didn't know where it was, and accidently left the reps name from the Minneapolis area out or at my mothers place.

After my return to Anchorage, on July 16, I called Mr. Steve' Kaufman's office. I was advised by the receptionist that Mr. Kaufman was in town and also started up another office of Miracle Ear and Fifth Avenue Hearing Center. I asked the girl to please have Mr. Kaufman or someone contact me before the end of that week July 30, or I would have no other recourse but to file with the Anchorage Consumer Protection office here in Alaska. To date there has been no contact or answer to my July 16 call.

While talking to this Lou on April 19, I advised him I knew of 4 more hearing aids they could sell here to one person in the valley.. He wanted to know to whom and I told him when he came to repair and fix my aid I would advise him of such.

Of course, since this shoddy way of treating someone who put out \$1100, I wouldn't recommend them to anyone. I feel senior citizens of Alaska deserve better treatment than this one and they should be made aware of the fly-by-night service and selling procedures.

WHAT TYPE OF SETTLEMENT DO YOU WISH THIS OFFICE TO ATTEMPT TO OBTAIN?

Either refund of both aides, or repair of same. *Preferably Refund*

(Please use additional sheets if necessary)

*MY ONLY WITNESS IS MY HUSBAND:
WALTER E. LEIDE*

RECEIVED
Department of Law

MAR 11 1985

P. O. Box 62
Office of the Attorney General Valparaiso, Florida 32580
Consumer Protection Section March 5, 1985
Anchorage, Alaska

The Consumer Protection Agency
1031 W. 4th Avenue, Suite 110
Anchorage, Alaska 99501

Gentlemen:

I have been having a problem for some time now with Miracle Ear Hearing Center, located at 2909 Arctic Boulevard, Suite 101. Anchorage, 99503, telephone number 562-4425.

The facts in this case are the following, substantiated by the attached documentation. I am seeking the return of \$2,000.00 (what I paid in cash for this (these) hearing aids), plus the \$190.00 discount I was due for paying cash for the items at the time of purchase, September 5, 1984. I purchased this (these) hearing aid(s), in a hurry before leaving Anchorage for Florida, where we generally stay through February of each year. After having received no answer to my last two letters to them requesting a refund (see Atchmnts 6 and 8), I decided to wait until our return to Anchorage in early March but now find we will have to remain here longer than expected. That is why I am now writing you to see if you can help me.

At the time I purchased these items I was assured by Jerry Callahan, the salesman, that I had thirty days in which to try them and if I was not totally satisfied I could return them and get full reimbursement. Because of the rush we were in to leave Anchorage at the time of purchase, I neglected to deduct the \$190.00 discount which was stated on the contract (Atch 1 below) at the time of purchase. I, therefore, paid them \$2000.00 which I should only have paid them \$1810.00. Jerry Callahan should have known this at the time I signed the contract but said nary a word. Of course, he had come to the house about 10 in the morning to put me through a series of tests and then had given me the usual salesman's spiel and by that time I was weary, and hungry, and simply for the pitch about the \$190.00 discount for cash. I should add that I am 74 years of age and, while my hearing is impaired, I am doing very nicely without any kind of a hearing aid at this time.

Listed in chronological order by attachments are the following:

Atch #1 -- Contract for Purchase, dated September 5, 1984. This shows the \$190.00 discount I was due for paying cash. Please note I had 30 days in which to try the merchandise and "if for any reason a refund will be made if not satisfied."

Atch #2 -- copy of my check for \$2,000.00 with endorsement on reverse.

Atch #3 -- letter dated October 17, 1984, wherein I asked for a 30-day extension trial period because I was having trouble with bleeding and "squealing" in my left ear.

Atch #4 -- statement from Eglin Air Force Regional Hospital personnel that I not wear the hearing aids for two weeks to allow recovery.

Atch #5 -- letter dated October 29, 1984, from Miracle Ear granting me a 30-day extension, through November 30, 1984, telling me where to go for assistance and my notes talking with the Miracle Ear people in Tallahassee, Florida, the closest place they advised I could have the ear molds made and/or pared down or modified to fit my ear.

Atch #6 -- letter dated November 17, 1984, from me to Miracle Ear, explaining the problem I was having getting a new mold made and the requirement they were placing on me to travel back and forth to Tallahassee for assistance. Please note that in the next to the last paragraph I stated I was returning the hearing aids and asked for a refund of my money. This was within the 30 day extension granted in Atch #5.

Atch #7 -- registered receipt number R1257140 dated November 20, 1984, for return of the hearing aids, insured for \$2000.00 and receipt from them dated November 26, 1984.

* Atch #8 -- letter dated January 18, 1985, from me to them asking what had happened to my request for reimbursement and again asking for reimbursement.

I have received no replies to either of the letters mentioned in Atchs. 6 and 8 above.

I thought I was dealing with reputable people but I am now convinced these people are frauds. I want the return of my money in the amount of \$12,000.00 plus the \$190.00 discount I was supposed to have gotten for a cash payment of \$2,000.00.

If I have come to the wrong people in this matter then please direct this request to the proper persons who will ensure that a consumer is not bilked by a supposedly reputable company.

Thanking you in advance, I am,

Sincerely yours

Jody M. Thomas
(Mrs.) Jay N. Thomas

* atch # 9 -- receipt from Miracle Ear dated January 24, 1984, showing they received my letter of January 18, 1985 (atch # 8 above)

RECEIVED
Department of Law



JUL 24 1984

CONSUMER COMPLAINT

ATTORNEY GENERAL

20397-85-AI-46-0

Office of the Attorney General
ANCHORAGE Consumer Protection Section
Anchorage, Alaska

1031 W. 4th
Suite 110
Anchorage, AK
99501
279-0428

1st National Center
100 Cushman, Ste. 400
Fairbanks, AK
99701
456-8588

JUNEAU

S.S. Fuller Bldg.
4th & Harris, Ste. 214
Pouch K
Juneau, AK 99811
465-3692

VALDEZ

P. O. Box 671
Valdez, AK
99686
835-2462

I WISH TO FILE A CONSUMER COMPLAINT AGAINST THE PERSON OR COMPANY NAMED IN 7 BELOW. I REALIZE THAT A COPY OF THIS COMPLAINT WILL BE SENT TO THE PERSON OR BUSINESS I HAVE COMPLAINED OF. (PLEASE TYPE OR PRINT)

1. NAME Last First M.I. HINES LLOYD W.		2. TODAY'S DATE JULY 20, 1984	
3. MAILING ADDRESS 4800 BRYN MAWR CT.		CITY ANCHORAGE	STATE ALASKA
4. HOME ADDRESS (if different)		CITY	STATE
5. HOME TELEPHONE NO. 333-7682		6. BUSINESS TELEPHONE NO. 333-9411	
7. NAME OF THE PERSON OR COMPANY COMPLAINED ABOUT CUSTOM HEARING AID CENTER		NAME OF SALESPERSON: THOMAS S. GARCIA	
8. COMPANY'S ADDRESS 3136 NEW SEWARD HIGHWAY		CITY ANCHORAGE	STATE ALASKA
9. COMPANY'S TELEPHONE NO. 274-7330		10. DATE OF TRANSACTION September 6, 1983	
11. WERE YOU ATTRACTED TO THE SERVICE OR PRODUCT BY AN ADVERTISEMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
12. IF YES, WHEN AND WHERE DID YOU SEE THE ADVERTISEMENT?			
13. WAS A WRITTEN CONTRACT SIGNED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
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AUTOMOBILE REPAIR ONLY

20. DID YOU REQUEST A SIGNED COPY OF REPAIRS TO BE MADE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DID YOU RECEIVE IT?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DID YOU REQUEST A WRITTEN PRICE ESTIMATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO	DID YOU RECEIVE IT?	<input type="checkbox"/> YES <input type="checkbox"/> NO
DID COSTS EXCEED WRITTEN ESTIMATE?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
WERE YOU NOTIFIED OF ADDITIONAL COSTS BEFORE WORK WAS DONE?	<input type="checkbox"/> YES <input type="checkbox"/> NO		
DID YOU REQUEST THAT REPLACED PARTS BE RETURNED TO YOU?	<input type="checkbox"/> YES <input type="checkbox"/> NO	RECEIVED/OR ALLOWED TO INSPECT PARTS?	<input type="checkbox"/> YES <input type="checkbox"/> NO
		DID YOU RECEIVE IT?	<input type="checkbox"/> YES <input type="checkbox"/> NO

Please state the year, make, model name and V.I.N. (Vehicle Identification No.) of your auto. (Check your registration papers.)

Year Make Model V.I.N.

I hereby certify that I have read the information contained in this complaint and that all of the information I have given is true and complete to the best of my knowledge, information and belief. I further authorize the Attorney General to use this information as he deems necessary and proper.

Lloyd W. Hines
Signature

On the reverse side of this form
Summarize your complaint. Be brief,
But complete.

HOW TO WRITE YOUR COMPLAINT:

Start at the beginning. Describe all the events in the order they happened.

Put down the names of any witnesses.

Please attach copies of any documents which explain or support your complaint, including the cancelled checks, copies of advertisements, letters, etc.

I HAVE A HEARING LOSS AND I'M WEARING HEARING AIDS. BUT ALWAYS SEARCHING FOR SOMETHING BETTER. THOMAS S. GARCIA, WHO CALLS HIMSELF "CUSTOM HEARING AID CENTER" STATED HIS HEARING AIDS WERE COMPUTERS. AFTER TRYING THEM OUT, I FOUND THEM TO BE VERY INFERIOR TO WHAT I HAD BEEN USING. DUE TO THE FACT THEY DID NOT FILTER OUT BACKGROUND NOISE, I FINALLY RETURNED THESE HEARING AIDS TO HIM.

AFTER SEVERAL CALLS BACK TO HIM, HE COULD NOT TALK ME INTO CONTINUING WITH THEM, SO HE FINALLY AGREED TO PREPARE ANOTHER PAIR. I INFORMED HIM I WAS GOING SOUTH FOR A FEW MONTHS. AND HE AGREED TO SEND THE NEW ONES TO ME. I NEVER RECEIVED THE HEARING AIDS AND UPON RETURN TO ANCHORAGE, APPROXIMATELY MAY 1, 1984. MR. GARCIA, OFFICE & ALL WERE GONE AND HE LEFT NO FORWARDING ADDRESS.

I AGREED TO PAY HIM HIS PRICE OF \$1300.00, 50% DOWN, CHECK No. 662 DATED SEPTEMBER 6, 1983 FOR \$650.00.

I AM NOW DESIROUS OF RECOVERING THE ABOVE PAYMENT, SINCE I HAVE TOTALLY LOST CONFIDENCE IN HIS PROFESSIONAL ABILITY AS WELL AS HIS HONESTY.

WHAT TYPE OF SETTLEMENT DO YOU WISH THIS OFFICE TO ATTEMPT TO OBTAIN?

ALASKA TREATMENT CENTER

3710 E. 20th Avenue • Anchorage, AK 99504 • (907) 272-0586

Dear Dave

here is another letter of dissatisfaction
= dealers to add to the collection.

Gen

ALASKA TREATMENT CENTER

3710 E. 20th Avenue • Anchorage, AK 99504 • (907) 272-0586

Dear Sir
I can't mind spending my money but
I don't like to be fupped out of it
I have spent approximately \$1200 for
Hearing aids. That have never worked Right
I think That are just a pile of Junk.
at an unreasonable Price.

A. E. Kimmel

PO. Box 661

Seldovia AK

Phone 262-4994

99669

(Alaska opticians)

RENDEZVOUS
P.O. Box 9382
Ketchikan, Alaska 99901
(907) 225-6837

June 13, 1985

David Canterbury, ED, CCCA
Chief of Communicative Disorders Program
State of Alaska
Depart. of Health and Social Service
3401 E. 42nd St.
Anchorage, Alaska 99504

Dear Mr. Canterbury;

At the present time I am director of an adult day care center here in Ketchikan and had the opportunity to meet Susan Bunting, regional Audiologist, during her recent visit to Ketchikan.

I had accompanied one of our participants for her hearing evaluation. This woman, Caroline Thompson, had purchased two hearing aids from Miracle Ear Hearing Center, Dahlberg hearing systems, 2909 Arctic Blvd. Suite 101, Anchorage, Alaska 99503. Their representative Jack Hurd sold these two hearing aids to Caroline 8-9-84 and finalized the contract 10-9-84 to the total sum of \$1400.00. \$700 paid initially and the other \$700 C.O.D. Needless to say Caroline expected miracles from these hearing aids but the miracle did not occur. All through the winter the hearing aides have buzzed and cause general discomfort.

After meeting Ms. Bunting several items were clarified:

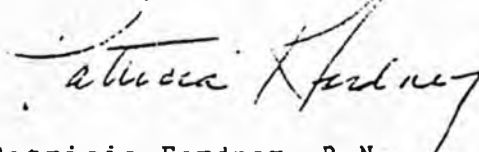
1. The hearing aid is a Dahlberg not a Miracle Ear
2. The fit is not correct for Caroline. New molds were made.
3. The price was excessive.
4. The dealer is from out of town thereby eliminating any follow up contact for problems or questions

The consumer must be protected, especially our senior citizens, from this type of fraud through proper legislation. Better educating of our population in the above matters is imperative, and we need more audiologist to serve the Alaskan population.

Caroline already suffers from low self-esteem and chronic depression and lives on a marginal income and to be taken advantage of hurts deeply.

If action can be taken and the problems remedied then our seniors will be better served.

Sincerely,



Patricia Fordney, R.N.
Program Director

Oct 2-75

Dear Dr. Canterbury,

I had a fraud dealing with hearing aids. The Alaska Hearing Center received \$450.00 check from me for a hearing aid & also took my old one to be repaired which I had only bought two years before for \$600.00. So I do strongly support the legislation to regulate the dispensing of hearing aids. I have made my complaint to the consumer protection section. I am out my money & no hearing aids. Which I need for both ears. I would like to find this guy whose name is Lou Delegge. I even wrote to Dear Bud but he didn't put my letter in the paper. This happened 5-16-85

MARGARET POWELL
617 N. LANE ST.
ANCHORAGE, AK 99508



Sincerely
Margaret R. Powell
617 N. LANE ST.
Anchorage, ak.
99508

MARGARET POWELL
617 N. LANE ST.
ANCHORAGE, AK 99508



State of Alaska
Dept. of Health & Social Services
ATTN: Dr. Canterbury
1231 Gambell St.
Anchorage, Ak. 99501

ALASKA TREATMENT CENTER

3710 E. 20th Avenue • Anchorage, AK 99508 • (907) 272-0586

May 7, 1985

David Canterbury
Chief of Communicative Disorders Program
Department of Health and Social Services
3401 E. 42nd Avenue
Anchorage, Alaska 99504

Dear Mr. Canterbury:

Enclosed is a receipt for a used hearing aid sold to an elderly woman on Medicaid. She did understand the aid was used when she purchased it. There is no indication as to the make or age of the aid or if it had been reconditioned prior to the sale.


A visual check revealed this to be a modular unit that snapped into an "all purpose" ear mold. The model of this aid could not be determined.

This aid fit very poorly resulting in discomfort and feedback. The consumer had used a kitchen knife to try and modify the mold so that it fit comfortably. She and her family were extremely dissatisfied with this aid as well as the method of sale.

Through this Center, she was fit with a postauricular aid with good subjective and objective results.

I will send further documentation of abuse as received.

Sincerely,


Jeri Powers, MS
Audiologist

JP/vm

Anchorage Hearing Aids

3605 S. Arctic Blvd.
 Box 281
 Anchorage, Alaska 99503
 (907) 333-0978

office 338-7877

Model	SERIAL NO.	POWER CODE	STONE	RESPONSE	COLOR INSTRU.	TEMPLE COLOR	LENGTH OF TEMPLE	BATTERY NO.	DELIVERY DATE	<input type="checkbox"/> NEW <input checked="" type="checkbox"/> USED
Right		Rt.								
Left	X	Lf.								

TESTING	\$	<u>NC</u>
CUSTOM EAR MOLD	\$	<u>NC</u>
LAB FEE	\$	<u>NC</u>
TOTAL	\$	<u> </u>
CREDITS:		
Amount of Trade-In	\$	<u> </u>
Make of Trade-In	\$	<u> </u>
Balance	\$	<u> </u>
Sales Tax	\$	<u> </u>
Cash Price <i>Paid</i>	\$	<u>350.00</u>
Down Payment	\$	<u> </u>
Unpaid Cash Price	\$	<u> </u>
FINANCE CHARGE	\$	<u> </u>
BALANCE DUE	\$	<u> </u>

SPECIAL COMMENTS

ONE USED AID

Client's Signature (in ink)
MARKET SCHWACH
 (Print Client's Full Name)

Street BARTLETT
 Street FLOWER AV
 City ANCHORAGE State AK Zip 99503
 Telephone 335 7675

Aid to be Used by _____
 Mr. Mrs. Miss

Address _____ Street _____ City _____

Consultant BURTON SELMYER
 Date 12/17/82

Check No. _____ For Amount _____
 or
 Amount Cash Received _____ By _____

BUYER'S RIGHT TO CANCEL - If this Agreement was solicited at a residence other than that of the Seller and you do not want the goods or services, you may cancel this Agreement by mailing a notice to the Seller. The notice must say that you do not want the goods or services and must be mailed before 12 midnight of the fifth business day after you sign this Agreement.



NORTON SOUND HEALTH CORPORATION

P.O. BOX 966
NOME, ALASKA 99762
(907) 443 5411

June 25, 1985

David Canterbury, Ed.D.
Communicative Disorders Program
3401 E. 42nd Ave.
Anchorage, Alaska 99504

RE: House Bill 430

Dear Dave:

Thank you for providing me with a copy of the above House Bill. I am encouraged by this Bill in that better regulation of hearing aid dispensing will be enforced. It's frustrating when someone from your region ends up with hearing aids that are inappropriate or monstrously expensive or unreturnable! I assume most States have this kind of regulation (at least they do where I've been), and it's about time Alaska quit hiding behind that "wilderness-anything-goes" excuse.

After reading this comprehensive bill, I find only one area of possible conflict. Under Section 08.11.110 Exemptions is listed "a physician..." Usually, physicians are their own employers, so I don't see who is going to supervise their audiological procedures. I would think that a physician would either make an appropriate referral to an audiologist, or only practice limited hearing screening procedures (unless he/she is also a certified audiologist).

I think it is important to set up a supervision structure for those held exempt from licensure - perhaps with the State?

Let me know if any further comments are needed. I know you'll keep me informed.

Sincerely,

NORTON SOUND REGIONAL HOSPITAL

Beverly Short
Audiologist

BS/kn

cc: File



Illinois Hearing Aid Consumer Protection

A consumer protection service provided through
the Illinois Department of Public Health - IDPH.

CALL TOLL-FREE 1-800-572-3270

VOLUME 85-1

The Illinois Hearing Aid Consumer Protection Program

"A Hearing Aid Can Be A Good Sound Investment." This is the promotional theme for the new Illinois law designed to promote the benefits of hearing aids and protect the public from fraudulent dispensing practices which threaten the health, safety and welfare of Illinois citizens.

The Illinois Hearing Aid Consumer Protection Act (HACPA-Supplement to Ill. Rev. Stat. 1983, chap. 111, par. 7403 et seq.) supports sound hearing aid dispensing practices through the certification of dispensers and the follow-up of complaints and/or inquiries. The Illinois Department of Public Health is responsible for administering the provisions of the Hearing Aid Consumer Protection Act (HACPA) by initiating a four component action plan which focuses on:

1. health promotion/
consumer education;
2. continuing education services for hearing aid dispensers;
3. certification of dispensers; and
4. follow-up of inquiries and complaints.

The Illinois Department of Public Health has developed and implemented a system to follow-up consumer inquiries and problems. Inquiries can be received by the toll-free action line or by

mail. Program staff are available to respond to all inquiries and initiate follow-up activities, whether received by the toll-free action line or by mail. Should a reconciliation be unattainable, the individual case and all documentation will be forwarded to the Department and after review, if warranted, to the Board. The Board has the authority, by mandate, to conduct hearings and make recommendations to the Director, should disciplinary action be indicated. The Board is comprised of:

Jack D. Clemis, M.D.
Board Chairman, Otolaryngologist,
Chicago, Illinois

Thomas Regnier, Hearing Aid
Dispenser, Illinois Society of
Hearing Aid Specialists, Peoria,
Illinois

Gail Gudmundsen, Hearing Aid
Dispenser, Illinois Speech, Hearing
and Language Association, Hoffman
Estates, Illinois

Bee White, Senior Advocate,
Springfield, Illinois*

To facilitate the promotion of the HACPA, its provisions, and the service it provides to consumers, program staff are currently developing a statewide networking effort to involve all state and community programs which provide a link to the senior citizens. By successfully educating these interested allied agencies to the services and provision of the HACPA, a larger population of hearing aid consumers can be served.

* One Board position is currently vacant due to the recent resignation of Richard Gelula, Chicago Hearing Society, Chicago, Illinois.



THE ILLINOIS HEARING AID DISPENSERS EXAMINATION

To carry out the requirements for the hearing aid dispensers examinations as stated in the Illinois Hearing Aid Consumer Protection Act, the Department of Public Health convened a statewide committee of hearing aid dispensers to review available tests and decide upon a test for Illinois hearing aid dispensers. This committee chose to work with the Educational Testing Service (ETS) to develop the Illinois Hearing Aid Dispensers' Examination. Guided by the committee, ETS designed a job analysis survey that was completed by over half of the practicing dispensers in Illinois. Based on the survey results and the committee's recommendations, ETS developed multiple forms of a 75-question exam, using questions drafted by the committee.

This first examination is intended for temporary certificate holders. Those temporary certificate holders who registered with IDPH on or before May 31, 1985 will be notified by ETS regarding the examination scheduled for August 24, 1985. On this date, two examinations will be conducted simultaneously in Springfield and Chicago. The times and locations will be announced in registration packages. Registration packages must be completed and returned to ETS so that an entrance ticket to the examination can be mailed to each registrant.

The examination will consist of multiple-choice questions. Each question will have four options and only one correct answer. Test-takers are encouraged to choose the option they think is more than likely correct when they do

not know the correct answer. There is no penalty for guessing on this examination.

Test-takers will have ample time to complete this exam. The three and one-half hours scheduled for the test should allow sufficient time for all test-takers. You need only bring one or two #2 pencils. No notes, dictionaries, etc., will be allowed in the test room. You may bring a silent, hand-held calculator. Calculators, however, are not really needed for this exam.

The examination questions will cover the following subjects:

1. ACOUSTICS
2. NATURE OF THE EAR
(normal ear, hearing process, disorders of the ear)
3. HEARING MEASUREMENT
(data collection and measurement)
4. HEARING AID TECHNOLOGY
5. SELECTION OF HEARING AIDS
6. DISPENSING AND SERVICING HEARING AIDS
7. CONSUMER PROTECTION REGULATIONS
—(Federal and State)

In developing this examination, the committee has made every effort to limit the examination to basic information that all hearing aid dispensers should know so that the public may be adequately protected.

The passing score on the examination will be set in a meeting of the committee on July 11. The committee, in reviewing the test, will define what it expects a person to know in order to be minimally qualified as a hearing aid dispenser.

Test-takers will be informed of the passing score as they begin the examination on August 24. Again, the purpose of the passing score will be to assure that the public is adequately protected. This is not a competitive examination in which the top group passes and the rest fail. If all test-takers are minimally qualified, as defined above, all will pass this examination.

The practicum component of the examination is only available to those who successfully complete the written examination. (The written exam will be offered October 19, 1985 only, at the ETS Headquarters in Evanston for those who fail the written component and wish to retake the examination.) The practicums will be comprised of eight stations each, manned by two examiners (certified hearing aid dispensers). All examiners will be trained by ETS to objectively and uniformly evaluate the practicum performance. This examination component is scheduled to take approximately one hour per person. Admission tickets with the assigned date and location will be mailed with notifications of passing the written examination. The practicums will be conducted:

October 22, 23, 24, 25 and December 4
(Chicago Metropolitan Area)

November 12, 13, (Springfield)



AT YOUR FINGER TIPS;

A toll-free action line was established earlier this year to facilitate

the consumer service component of the Hearing Aid Consumer Protection Act (HACPA). Since its development, over 400 calls have been received by the Illinois Department of Public Health. A majority of the calls received focused on consumer education and awareness about the newly enacted program.

The toll-free telephone line (1-800-572-3270) is provided to respond to problems, questions, or about hearing aid goods and services. In addition, a telecommunication device for the deaf (TDD) can be accessed through this same number. Program staff are available 8:00 a.m. - 5:00 p.m. Monday - Friday to accept calls. A telephone answering device will accept telephone calls received after work hours. The toll-free action line is being promoted on posters and pamphlets developed and disseminated by the Hearing Aid Consumer Protection Program. Copies are available upon request by contacting the toll-free action line. All telephone calls are forwarded to IDPH Vision and Hearing Regional Consultants for follow-up.

"CONSUMER FRAUD AND DECEPTIVE BUSINESS PRACTICES ACT"

The Consumer Fraud and Deceptive Business Practices Act protects consumers, borrowers, and businessmen against fraud, unfair methods of competition and deceptive acts or practices in the conduct of any trade or commerce. It also clarifies the powers of the Attorney General. For these reasons, it is crucial that hearing aid dispensers and consumers understand the Consumer Fraud and Deceptive Business Practices Act. Several major points of this Act are identified below.

1. If a sale of merchandise involving \$25 or more is made or contracted to be made to a consumer as a result of or in connection with a person's contact

with or call on the consumer, that consumer may void the contract or transaction by notifying the seller within three full business days following that day on which the contract was signed or the sale was made. In addition, the consumer must return in its original condition, any merchandise delivered to the consumer under the contract or sale.

2. At the time of a transaction, the dispenser should furnish the consumer with a completed receipt or contract containing a "Notice of Cancellation" informing the consumer that the transaction may be cancelled within three days.

3. The following statement shall be, located near the consumer's signature on the contract or on the front page of the receipt (if a contract is not used) in at least 10-point type.

"YOU, THE CONSUMER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELLATION FORM FOR AN EXPLANATION OF THIS RIGHT."

4. Attached to the receipt or contract shall be a completed form in duplicate, captioned "NOTICE OF CANCELLATION", which shall be easily detachable and shall contain in 10-point bold face type the information identified in the Consumer Fraud and Deceptive Business Practices Act.

These points are provided only to highlight a few of the major issues contained in this Act. If you would like to obtain a copy of this Act, contact the Illinois Department of Public Health.

ROSTER OF PREFERRED MAILING ADDRESSES FOR HEARING AID DISPENSER APPLICANTS

If the place of business of a certificant is changed from that address provided on the certificate and maintained on file by the Illinois Department of Public Health (IDPH), the certificant should notify IDPH in writing within 10 working days of the change. After a change in the business location, the dispenser should leave a forwarding address with the post office for one year and a forwarding telephone number for six months where the consumer can contact the dispenser.

A roster of preferred mailing addresses for Certified and Temporary Hearing Aid Dispenser applicants is now available to the general public. This list identifies each applicants preferred mailing address and the dispenser's certification status.

The cost of the roster is 25c/page which covers duplication, postage and handling expenses.

To obtain this list, contact the HACP Action Line by calling 1-800-572-3270.

IDPH WORKSHOP

Hearing Aid Dispensing Practices: An Overview

The Illinois Department of Public Health is offering a workshop entitled "Hearing Aid Dispensing Practices: An Overview," to orient hearing aid dispensers to the use of acceptable and appropriate dispensing practices. Especially designed for Temporary Certified Dispensers, the workshop was created to augment the skill and knowledge of dispensers. Experts from the field of medicine and the hearing aid industry will provide information regarding hearing aid selection and

fitting. The workshop will be offered at two locations:

August 1, 1985
Holiday Inn East
3100 S. Dirksen Parkway
I-55 Junction By Pass 66
Stevenson Drive
Audiovisual Room
Springfield, Illinois

August 2, 1985
Holiday Inn
4400 Frontage Road
Churchill Room
Hillside, Illinois

 AGENDA 

- | | | |
|------------|--|---|
| 8:00 a.m. | Registration | |
| 8:30 a.m. | Consumer Protection: The Responsibilities of the Dispenser. | James R. Nelson, Chief, Division of Health Promotion and Screening, IDPH |
| 9:00 a.m. | Shall I Sign the Medical Waiver? | Leonard Rybak, M.D., Ph.D.
Otolaryngologist, Springfield Memorial Medical Center (Springfield)

Richard Wiet, M.D.,
Otolaryngologist, Hinsdale, IL (Hillside) |
| 10:00 a.m. | BREAK | |
| 10:15 a.m. | Hearing Aid Selection: Options and Alternatives | Ronald Regan, President, Argosy Electronics, Edina, Minnesota |
| 11:45 a.m. | LUNCH | |
| 1:00 p.m. | Earmolds: Making a Good Impression | Marie Jablin, Vice President Marketing & Audiological Research, Audiovox, Bensonville, IL |
| 2:45 p.m. | BREAK | |
| 3:00 p.m. | The Educational Testing Service (ETS): Test Preparation and Administration | Terri Strand, Ph.D., Professional Associate, cTS, Evanston, IL (Springfield) |

3:00 p.m. (Continued)

George Elford, Director, Mid-western Region, Educational Testing Service, Evanston, Illinois (Hillside)

4:00 p.m. Laboratory Session: Introduction IDPH Staff to the Qualitone Acoustic Appraiser and the Bioacoustic Audiometric Simulator*

5:00 p.m. CLOSURE

* This equipment will be used in the practicum component of the Illinois Hearing Aid Dispenser Examination.

Those interested in attending this workshop should complete the following registration form.

REGISTRATION

Hearing Aid Dispensing Practices: An Overview

Please check the date and location you plan to attend. Advance registration fee is \$40.00 (includes lunch, coffee and materials). At site registration will be \$50.00.

____ August 1, 1985 (Springfield) . ____ August 2, 1985 (Hillside)

Please type or print

NAME: _____

CERTIFICATION I.D. NUMBER: _____

BUSINESS ADDRESS: _____

HOME TELEPHONE: () _____ WORK TELEPHONE: () _____

Please make checks payable to: IDPH/Hearing Aid Program
(Your cancelled check is your receipt)

Mail registration to: Hearing Aid Program
Division of Health Promotion and Screening
Illinois Department of Public Health
535 West Jefferson Street
Springfield, Illinois 62761

NO REFUNDS WILL BE AVAILABLE AFTER JULY 19, 1985

such receipt in Court shall be grounds for dismissal of the action.

For repeal of Act, see note preceding § 7001 of this chapter.

7025.16. Penalties

§ 25.16. Any person who is found to have violated any provision of this Act is guilty of a Class A misdemeanor. On conviction of a second or subsequent offense, the violator shall be guilty of a Class 4 felony.

For repeal of Act, see note preceding § 7001 of this chapter.

7025. State powers and functions

§ 26. It is declared to be the public policy of this State, pursuant to paragraphs (b) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

For repeal of Act, see note preceding § 7001 of this chapter.

7025. Administrative Procedure Act

§ 27. "The Illinois Administrative Procedure Act", approved September 22, 1975, as amended,¹ is hereby expressly accepted and incorporated herein as if all of the provisions of such Act were included in this Act, except that the provision of paragraph (c) of Section 16 of "The Illinois Administrative Procedure Act", as amended,² which provides that at hearings the licensee has the right to show compliance with all lawful requirements for retention, or continuation or renewal of the license, is specifically excluded, and for the purpose of this Act the notice required under Section 10 of "The Illinois Administrative Procedure Act", as amended,³ is considered sufficient when mailed to the last known address of a party.

¹ Chapter 127, § 1001 et seq.

² Chapter 127, § 1016.

³ Chapter 127, § 1010.

For repeal of Act, see note preceding § 7001 of this chapter.

7025. Rights under prior laws

§ 28. Rights and obligations incurred and any actions commenced under the "Veterinary Medicine and Surgery Practice Act", approved August 14, 1961, as amended,¹ as it existed prior to the effective date of this Act shall not be impaired by the enactment of this Act. Rules adopted under the former Act, unless clearly inconsistent with the provisions of this Act, shall remain in effect until amended or rescinded.

All licenses heretofore legally issued in this State permitting the holder thereof to practice veterinary medicine and surgery and valid and in effect on the taking effect of this Act shall have the same force, and be subject to the same authority of the Department to revoke or suspend them as licenses issued under this Act.

¹ Paragraph 6901 et seq. (repealed) of this chapter.

For repeal of Act, see note preceding § 7001 of this chapter.

HEARING AID CONSUMER PROTECTION ACT

AN ACT to regulate the selling, practice of fitting, dispensing or servicing of hearing aids in the State of Illinois. P.A. 83-928, am. veto overridden Nov. 1, 1983, eff. July 1, 1984.

Repeal of Act

P.A. 81-959, the Regulatory Agency Sunset Act, eff. Sept. 22, 1979, which provides for the legislative review of programs and agencies which regulate professions, occupations, business, industry and trade in Illinois, as amended by P.A. 83-928, § 37, eff. July 1, 1984, provided in section 1.8 of the Act for repeal of "The Hearing Aid Consumer Protection Act", enacted by the 13rd General Assembly, as now or hereafter amended", effective Dec. 31, 1995. *For complete text of the Regulatory Agency Sunset Act, see § 1901 et seq. of chapter 137.*

7401. Purpose

Paragraph effective July 1, 1984.

§ 1. The purpose of this Act is to protect the hearing-impaired public from incompetent and dishonest dispensers of hearing aids who could endanger the health, safety and welfare of the People of this State. The Federal Food and Drug Administration has recommended that State legislation is necessary in order to establish standards of competency and to impose stringent penalties for those who violate the public trust in this field of health care.

For repeal of Act, see note preceding this paragraph.

7402. Short title

Paragraph effective July 1, 1984.

§ 2. This Act shall be known as the Hearing Aid Consumer Protection Act.

For repeal of Act, see note preceding § 7401 of this chapter.

7403. Definitions

Paragraph effective July 1, 1984.

§ 3. As used in this Act, except as the context requires otherwise:

(a) "Department" means the Department of Public Health.

(b) "Director" means the Director of the Department of Public Health.

(c) "Certification" means a certificate issued by the State under this Act to a hearing aid dispenser.

(d) "Temporary certificate" means a certificate issued while the applicant is in training or is qualifying to become a certified hearing aid dispenser.

(e) "Clinical Audiologist" means a person with a Masters Degree in Audiology who holds a certificate of clinical competence in Audiology from the American Speech and Hearing Association or its equivalent.

(f) "Hearing Aid Audiologist" means a person who has been so certified after qualification by examination and experience by the National Board of Certification of the National Hearing Aid Society.

(g) "Licensed Physician" means a physician licensed to practice medicine in all of its branches.

(h) "Board" means the Hearing Aid Consumer Protection Board.

(i) "Hearing aid" means any instrument or device designed, intended or offered for the purpose of effectively compensating for impaired human hearing and any parts, attachments or accessories, including earmold. However, batteries, cords and individual or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services are excluded.

(j) "Practice of fitting, dispensing and servicing of hearing aids" means the selection, adaptation, sale and service of hearing aids and include the testing of hearing by means of an audiometer properly calibrated to American National Standard Institute standards.

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

For repeal of Act, see note preceding § 7401 of this chapter.

7404. Consumer information—Medical evaluation—Waiver—Complaint procedure—Liability insurance
Paragraph effective July 1, 1984.

§ 4. Every person fitted and sold a hearing aid shall be given, at no charge, the "User Instructional Brochure", supplied by all hearing aid manufacturers, containing advice to the user regarding requirements for evaluation by licensed physicians, specific waivers to the medical evaluation requirements, hearing aid manufacturer evaluations, purchase privileges and technical data.

Any person who fits, dispenses, services or sells hearing aids shall deliver to each person supplied with a hearing aid a receipt which shall contain the seller's signature, number, the manufacturer's specifications, the type, model and serial number of the hearing aid furnished and the full sales price clearly stated. If a used hearing aid is sold, the receipt and the container thereof shall be clearly marked as "used" or "reconditioned", whichever is applicable, with terms of guarantee, if any.

A hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician which states that the patient's hearing loss has been medically evaluated and the patient may be considered a candidate for a hearing aid. The medical evaluation must have taken place within the 6 months immediately preceding the time the written statement is presented by the prospective hearing aid user to the hearing aid dispenser. If the prospective hearing aid user is 18 years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirement of this Section, provided that the hearing aid dispenser:

- (i) informs the prospective user that the exercise of the waiver is not in the user's best health interest;
- (ii) does not in any way actively encourage the prospective user to waive such a medical evaluation; and
- (iii) affords the prospective user the opportunity to sign the following statement:

I have been advised by _____ (Hearing aid dispenser's name) that the Food and Drug Administration has determined that my best interest would be served if I had a

medical evaluation by a licensed physician (preferably a physician who specializes in diseases of the ear) before purchasing a hearing aid. I do not wish a medical evaluation before purchasing a hearing aid.

The hearing aid dispenser shall retain such proof of medical examination or waiver for at least 4 years.

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

All persons certified under this Act shall have conspicuously displayed in their business establishment a sign indicating that formal complaints regarding hearing aid goods or services may be made to the Department. Such sign shall give the address of the Department. All persons purchasing hearing aids shall be provided with a written statement indicating that formal complaints regarding hearing aid goods or services may be made to the Department and shall give the address of the Department.

Any person wishing to make a complaint against a hearing aid dispenser under this Act, shall file it with the Department within 2 years from the date of the action upon which the complaint is based. The Department shall investigate all such complaints.

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

For repeal of Act, see note preceding § 7401 of this chapter.

7405. Certified hearing aid dispensers

Paragraph effective July 1, 1984.

§ 5. No person shall engage in the selling, practice of fitting, dispensing or servicing hearing aids or display a sign, advertise or represent oneself as a person who practices the fitting and selling of hearing aids after January 1, 1985, unless such person holds a current certificate issued by the Department as provided in this Act. For purposes of this Act, such person shall be known as a certified hearing aid dispenser. The certificate shall be conspicuously displayed in the place of business. Duplicate certificates shall be issued by the Department to valid certificate holders operating more than one office, with such additional payment as may be required.

Nothing in this Act shall prohibit a corporation, partnership, trust, association or other organization maintaining an established business address, from engaging in the business of fitting and selling or offering for sale hearing aids at retail without a certificate, provided it employs only certified individuals in the direct fitting and dispensing of such products. Each such corporation, partnership, trust, association or other organization shall file annually, with the Department, a list of all certified hearing aid dispensers employed by it. Such organizations shall also file with the Department a statement that they comply with this Act, the rules issued pursuant to it and the regulations of the Federal Food and Drug Administration

and the Federal Trade Commission insofar as they are applicable.

For repeal of Act, see note preceding § 7401 of this chapter.

7406. Sale of hearing aids by business organizations—Registration—Disclosure statement—Consent to service of process—Right of cancellation by consumer of mail order—Other requirements

Paragraph effective July 1, 1984.

§ 6. Nothing in this Act shall prohibit a corporation, partnership, trust, association or other organization maintaining an established business address, from engaging in the business of selling or offering for sale hearing aids at retail by mail to persons 18 years of age or older who have not been examined by a licensed physician or tested by a certified hearing aid dispenser provided that:

(a) Each such organization is registered by the Department prior to engaging in business in this State.

(b) Each such organization files with the Department prior to registration and annually thereafter, a Disclosure Statement containing the following:

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

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

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

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

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

(i) has during the 5 year period immediately preceding the date of the disclosure statement been convicted of a felony, pleaded nolo contendere to a felony charge, or been held liable in a civil action by final judgment, if such felony or civil action involved fraud, embezzlement, or misappropriation of property, and a description thereof; or

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

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

(iv) has during the 5 year period immediately preceding the date of the disclosure statement had entered against

such person or organization a final judgment in any material civil proceeding, and a description thereof; or

(v) has during the 5 year period immediately preceding the date of the disclosure statement been adjudicated a bankrupt or reorganized due to insolvency or was a principal executive officer or general partner of any company that has been adjudicated a bankrupt or reorganized due to insolvency during such 5 year period, and a description thereof;

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

(7) a financial statement of the organization audited by an independent certified public accountant, as of the close of the most recent fiscal year of the organization. If the financial statement is filed later than 120 days following the close of the fiscal year of the organization it must be accompanied by a statement of the organization of any material changes in the financial condition of the organization. The Department may in its discretion waive the requirement for audited statements for organizations who have not previously had such certified audits, if the unaudited financial statement is prepared by an independent certified public accountant. If the unaudited financial statement is filed later than 120 days following the close of the fiscal year of the organization, it must be accompanied by a statement of the organization of any material changes in the financial condition of the organization;

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

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

(10) a statement setting forth such additional information and such comments and explanations relative to the information contained in the disclosure statement as the organization may desire to present.

(c) Each such organization files with the Department prior to registration and annually thereafter a statement that they comply with the Act, the rules issued pursuant to it and the regulations of the Federal Food and Drug Administration and the Federal Trade Commission insofar as they are applicable.

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

(e) Each such organization affords the prospective user an opportunity to waive the medical evaluation requirement of Section 4 of this Act and the testing requirement of subsection (j) of Section 3 and subsection (2) of Section 18 provided that the organization:

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

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- 2) does not in any way actively encourage the prospective user to waive such a medical evaluation or test; and
- 3) affords the prospective user the opportunity to sign following statement:

"I have been advised by _____ (Hearing Aid dispenser's name) that the Food and Drug Administration and the State of Illinois have determined that my best interest could be served if I had a medical evaluation by a licensed physician, preferably a physician who specialized in diseases of the ear, before purchasing a hearing aid; or a fit by a certified hearing aid dispenser utilizing established procedures and instrumentation in the fitting of hearing aids. I do not wish either a medical evaluation or test before purchasing a hearing aid".

(c) Where a sale, lease, or rental of hearing aids is sold or contracted to be sold to a consumer by mail order, that consumer may avoid the contract or sale by notifying the seller within 45 full business days following that day on which the hearing aids were mailed by the seller to the consumer and by returning to the seller in its original condition, any hearing aid delivered to the consumer under the contract or sale. At the time the hearing aid is mailed the seller shall furnish the consumer with a fully completed receipt or copy of any contract pertaining to such sale containing a "Notice of Cancellation" informing the consumer that he may cancel the sale at any time within such 45 days and which shows the date of the mailing and contains the name, address and telephone number of the seller, and in immediate proximity to the space reserved in the contract for the signature of the consumer or on the front page of the receipt if a contract is not used and in bold face type of a minimum size of 10 points, a statement in substantially the following form:

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

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

NOTICE OF CANCELLATION

enter date of transaction

(DATE)

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

IF YOU CANCEL ANY PROPERTY TRADED IN, ANY PAYMENTS MADE BY YOU UNDER THE CONTRACT OR SALE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY THE SELLER OF YOUR CANCELLATION NOTICE, AND ANY SECURITY INTEREST ARISING OUT OF THE TRANSACTION WILL BE CANCELLED.

IF YOU CANCEL, YOU MUST MAKE AVAILABLE TO THE SELLER AT YOUR RESIDENCE, IN SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS DELIVERED TO YOU UNDER THIS CONTRACT OR SALE, OR YOU MAY IF YOU WISH, COMPLY WITH THE INSTRUCTIONS OF THE

SELLER REGARDING THE RETURN SHIPMENT OF THE GOODS AT THE SELLER'S EXPENSE AND RISK. IF YOU DO MAKE THE GOODS AVAILABLE TO THE SELLER AND THE SELLER DOES NOT PICK THEM UP WITHIN 20 DAYS OF THE DATE OF YOUR NOTICE OF CANCELLATION, YOU MAY RETAIN OR DISPOSE OF THE GOODS WITHOUT ANY FURTHER OBLIGATION. IF YOU FAIL TO MAKE THE GOODS AVAILABLE TO THE SELLER, OR IF YOU AGREE TO RETURN THE GOODS TO THE SELLER AND FAIL TO DO SO, THEN YOU REMAIN LIABLE FOR PERFORMANCE OF ALL OBLIGATIONS UNDER THE CONTRACT.

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

I HEREBY CANCEL THIS TRANSACTION.

(Date) _____

(Buyer's Signature)

Such written "Notice of Cancellation" may be sent by the consumer to the seller to cancel the contract. The 45 day period provided for in this Section does not commence until the consumer is furnished the Notice of Cancellation, the address and phone number at which such notice to the seller can be given is furnished.

If the conditions of this Section are met, the seller must return to the consumer the full amount of any payment made or consideration given under the contract or for the merchandise.

It is an unlawful practice within the meaning of this Act for a seller to: (1) mail hearing aids to a consumer other than by certified mail; (2) fail, before furnishing copies of the "Notice of Cancellation" to the consumer, to complete both copies by entering the name of the seller, the address of the seller's place of business, the seller's telephone number, the date of the mailing, and the date, not earlier than the 45th business day following the date of the mailing, by which the consumer may give notice of cancellation; (3) include in any contract or receipt any confession of judgment or any waiver of any of the rights to which the consumer is entitled under this Section including specifically his right to cancel the sale in accordance with the provisions of this Section; (4) misrepresent in any manner the consumer's right to cancel; (5) use any undue influence, coercion, or any other wilful act or representation to interfere with the consumer's exercise of his rights under this Section; (6) fail or refuse to honor any valid notice of cancellation by a consumer and within 10 business days after the receipt of such notice, to (i) Refund all payments made under the contract or sale, (ii) return any goods or property traded in, in substantially as good condition as when received by the person, (iii) cancel and return any negotiable instrument executed by the consumer in connection with the contract or sale and take any action necessary or appropriate to terminate promptly any security interest created in the transaction; (7) negotiate, transfer, sell or assign any note or other evidence of indebtedness to a finance company or other third party prior to midnight of the 50th business day following the day of the mailing; or (8) fail, within 10 business days of receipt of the consumer's notice of cancellation, to notify him where-

20 days

Consumer's
business days
45 days

10 days

5 days after
that they
cancel
the

10 days

or the seller intends to repossess or to abandon any shipped or delivered goods.

(g) Each such organization employs only certified individuals in the dispensing of hearing aids and files annually, with the Department, a list of all certified hearing aid dispensers employed by it.

¹ Paragraph 7404 of this chapter.
² Paragraph 7403 of this chapter.
³ Paragraph 7418 of this chapter.

For repeal of Act, see note preceding § 7401 of this chapter.

7407. Exemptions

Paragraph effective July 1, 1984.

§ 7. The following are exempt from this Act:

(a) Persons who measure human hearing and who fit hearing aids for the sole purpose of audiological evaluations. Such persons shall not sell or dispense hearing aids or accessories thereto unless certified under this Act.

(b) Licensed physicians.

(c) Persons who only repair or manufacture hearing aids and their accessories.

For repeal of Act, see note preceding § 7401 of this chapter.

7408. Examination of hearing aid dispensers—Requirements of applicants

Paragraph effective July 1, 1984.

§ 8. In order to protect the hearing-impaired individual the Department shall authorize or shall conduct an appropriate examination for persons who dispense, fit or service hearing aids. The Department may use the test prepared by the National Institute for Hearing Instruments Studies. Those who successfully pass such an examination shall be issued a certificate as a hearing aid dispenser which shall be effective for a 3-year period. Applicants shall be:

- (1) At least 18 years of age;
- (2) Of good moral character;
- (3) A high school graduate or the equivalent;
- (4) Free of contagious or infectious disease; and
- (5) A citizen or person who has the status as a legal alien.

An applicant for certification by examination shall, by means of written and practical tests, demonstrate that such person is qualified to practice the fitting, selling and servicing of hearing aids.

The renewal of a certificate shall be contingent upon compliance with the continuing education requirement as determined by the Board.

For repeal of Act, see note preceding § 7401 of this chapter.

7409. Matters included in examination

Paragraph effective July 1, 1984.

§ 9. The examination required by Section 8¹ shall demonstrate the applicant's technical qualifications by:

(a) Tests of knowledge in the following areas as they pertain to the fitting and selling of hearing aids:

- (1) Characteristics of sound;
- (2) The nature of the ear; and

(3) The function and maintenance of hearing aids.

(b) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

(1) Pure tone audiometry including air conduction testing and bone conduction testing;

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

(3) Masking;

(4) Proper selection and adaptation of a hearing aid in relation to the above procedure;

(5) Taking earmold impressions;

(6) Proper maintenance procedures; and

(7) A general knowledge of the medical and physical contra-indications to the use and fitting of a hearing aid.

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

¹ Paragraph 7408 of this chapter.

For repeal of Act, see note preceding § 7401 of this chapter.

7410. Provisional certificates

Paragraph effective July 1, 1984.

§ 10. For the period of 6 months immediately following the effective date of this Act, an applicant for certification shall be issued a certificate, provided the applicant:

(a) Has been engaged, at a place of business in Illinois, as a hearing aid dispenser for a total of at least 2 years within the 3-year period immediately prior to July 1, 1984;

(b) Is a person of good moral character;

(c) Is 18 years of age or older;

(d) Is free of contagious or infectious disease;

(e) Agrees, in writing, to comply with the provisions of this Act, the rules issued hereunder and the applicable regulations of the Federal Food and Drug Administration and the Federal Trade Commission;

(f) Pays the appropriate fee; and

(g) Is a citizen or has the status of a legal alien.

However, within 3 years of the effective date of this Act, all persons granted a certificate under this Section shall be required to pass the examination required by Section 8.¹ Those who do not pass the examination within this period shall immediately surrender their certificate to the Department and cease operating as a hearing aid dispenser. Upon failure to do so, the Department shall seize the certificate.

¹ Paragraph 7408 of this chapter.

For repeal of Act, see note preceding § 7401 of this chapter.

7411. Temporary certificates

Paragraph effective July 1, 1984.

§ 11. An applicant who fulfills the requirements regarding age, character, education and health, as set forth in Section 8,¹ may obtain a temporary certificate upon application to the Department. Previous experience or a waiting period shall not be a requirement to obtain a temporary or qualifying certificate. Upon receiving such application, when accompanied by the appropriate fee, the Department shall issue a temporary certificate which entitles the applicant to engage in the fitting, dispensing and

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...ing of hearing aids for a period not to exceed one year. A temporary certificate shall not be renewable and the applicant must take the examination within a year after receiving the temporary certificate. All applicants for a temporary certificate shall be employed by a person who has a certificate as a hearing aid dispenser. Such person shall be responsible for the supervision and training of the applicant and shall maintain personal contact and records.

The Department may issue a temporary certificate to an applicant starting a hearing aid dealership as sole owner, principal of a firm, or employee-manager for a corporation if the applicant's training is provided by a manufacturer or by a person who holds a valid certificate issued under this Act and if the new dealer, not later than 5 days prior to the commencement of operation under a temporary certificate, obtains and files with the Department a surety bond in the sum of at least \$5,000, which shall be conditioned on the satisfactory performance, pursuant to and in accordance with this Act and the rules hereunder, during the period covered by the temporary certificate.

¹ Paragraph 7408 of this chapter.

For repeal of Act, see note preceding § 7401 of this chapter.

7412. Registration of person licensed or certified in another state

Paragraph effective July 1, 1984.

§ 12. The Department may register as a hearing aid dispenser without examination, but upon payment of the required fee, an applicant who has a certificate or license in good standing to practice in another state, if the requirements in such state are substantially equal to the requirements imposed by this Act. Applicants who meet such endorsement requirements may practice in this State pending action on their application. If the application is denied, their right to practice ceases on the date of denial.

For repeal of Act, see note preceding § 7401 of this chapter.

7413. Expiration and renewal of certificates

Paragraph effective July 1, 1984.

§ 13. The expiration date and renewal period for each certificate issued under this Act shall be set by rule. A hearing aid dispenser whose certificate has expired may have it reinstated within 5 years after the expiration thereof, by making a renewal application therefor and by paying the required fee. However, any hearing aid dispenser whose certificate expired while: (1) on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the certificate renewed, reinstated or restored without paying any lapsed renewal fees if, within 2 years after honorable termination of such service, training or education, except under conditions other than honorable, such person must furnish the Department with satisfactory evidence of being so engaged and that the service, training or education has been terminated.

If the hearing aid dispenser has not practiced for 5 years or more, the Board shall determine, by an evaluation program established by rule, such person's fitness to resume active status and may require the hearing aid

dispenser to complete a period of evaluated experience and may require successful completion of the examination.

Any hearing aid dispenser whose certificate has expired for more than 5 years prior to July 1, 1984 may have it restored by making application, and filing acceptable proof, to the Department of his fitness to have such certificate restored, including sworn evidence certifying to active practice in another jurisdiction and by paying the required restoration fee.

For repeal of Act, see note preceding § 7401 of this chapter.

7414. Powers and duties of department

Paragraph effective July 1, 1984.

§ 14. The powers and duties of the Department are:

(a) To supervise issuance of certificates and to administer examinations to applicants. However, the Department may authorize a testing service to provide this function or it may use the test prepared by the National Institute for Hearing Instrument Studies.

(b) To certify persons who are qualified to engage in the fitting, selling and dispensing of hearing aids;

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

(d) To issue and to renew certificates;

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

(f) To consider all recommendations of the Board and to inform it of all actions of the Department insofar as hearing aid dispensers are concerned, including any instances where the actions of the Department are contrary to the recommendations of the Board; and

(g) To promulgate rules necessary to implement this Act.

For repeal of Act, see note preceding § 7401 of this chapter.

7415. Fees—Disposition of fees

Paragraph effective July 1, 1984.

§ 15. (a) The following are fees to be charged and are not refundable:

(1) The fee for application for a certificate is \$25.

(2) In addition to the application fee, applicants for any examination shall be required to pay, either to the Department or to the designated testing service, a fee covering the actual cost of the examination. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application and fee for the examination has been received and acknowledged by the Department or the designated testing service, shall result in the forfeiture of the fee.

(3) The fee for the renewal of a certificate shall be \$30 per year.

(4) The fee for the reinstatement of a certificate which has expired for not more than 5 years is \$10, plus payment of all lapsed renewal fees.

(5) The fee for the restoration of a certificate which has expired for more than 5 years is \$100.

(6) The fee for the issuance of a duplicate certificate, for the issuance of a replacement certificate which has been lost or destroyed or for the issuance of a certificate with a change of name or address, other than during the renewal

period, is \$10. No fee is required for name and address changes on Department records when no duplicate certificate is issued.

(7) The fee for a certification of a registrant's record for any purpose is \$10.

(8) The fee to have the scoring of an examination administered by the Department reviewed and verified is \$10, plus any fee charged by the testing service.

(9) The fee for a wall certificate shall be the actual cost of such certificate.

(10) The fee for a roster of persons registered as hearing aid dispensers shall be the actual cost of such roster.

(b) The moneys received as license fees by the Department of Public Health under this Act shall be deposited in the Hearing Aid Dispenser Examining and Certification Fund, which is hereby created as a special fund in the State Treasury, and shall be used only for the administration of this Act, including: (1) costs directly related to certification of persons under this Act; and (2) by the Hearing Aid Consumer Protection Board in the exercise of its powers and performance of its duties, and such use shall be made by the Department of Public Health with full consideration of all recommendations of the Hearing Aid Consumer Protection Board.

For the fiscal year beginning July 1, 1984, the moneys deposited in the Hearing Aid Dispenser Examining and Certification Fund shall be appropriated to the Department for expenses of the Department and the Hearing Aid Consumer Protection Board in the administration of this Act.

Moneys in the Hearing Aid Dispenser Examining and Certification Fund may be invested and reinvested, with all earnings received from such investment to be deposited in the Hearing Aid Dispenser Examining and Certification Fund and used for the same purposes as fees deposited in such fund.

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act,¹ which audit includes an audit of the Hearing Aid Dispenser Examining and Certification Fund, the Department shall make a copy of the audit open to inspection by any interested person, which copy shall be submitted to the Department by the Auditor General, in addition to the copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.²

¹ Chapter 15, § 301-1 et seq.

² Chapter 15, § 302-14.

For repeal of Act, see note preceding § 7401 of this chapter.

7416. Hearing aid consumer protection board—Establishment—Members

Paragraph effective July 1, 1984.

§ 16. There shall be established a Hearing Aid Consumer Protection Board which shall assist, advise and make recommendations to the Department pursuant to this Act.

The Board shall consist of 5 members who shall be residents of Illinois. One shall be a licensed physician who specializes in otology or otolaryngology; one shall be a member of a consumer-oriented organization concerned with the hearing impaired; one shall be from the general public, preferably a senior citizen; and 2 shall be certified hearing aid dispensers. Each such certified hearing aid

dispenser shall have at least 5 years of experience, excepting those appointed to the first Board. One of the certified hearing aid dispensers shall be a Certified Clinical Audiologist, the other shall be a Certified Hearing Aid Audiologist.

Members of the Board shall be appointed by the Director. The term of office of each shall be 3 years, except for those of the first Board, 2 shall be appointed for 2 year terms. Before a member's term expires, the Director shall appoint a successor to assume member's duties at the expiration of his predecessor's term. A vacancy shall be filled by appointment for the unexpired term. The members shall annually designate one member as chairman. No member of the Board who has served 2 or more successive and full terms may be reappointed. The Director may remove members for good cause.

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

For repeal of Act, see note preceding § 7401 of this chapter.

7417. Duties of board

Paragraph effective July 1, 1984.

§ 17. The Board shall advise the Department in all matters relating to this Act and shall assist as requested by the Director.

The Board shall respond to issues and problems relating to the improvement of services to the hearing-impaired and shall make such recommendations as it considers advisable. It shall file an annual report with the Director and shall meet at least twice a year.

The Board shall recommend specialized education programs for persons wishing to become certified as hearing aid dispensers and shall, by rule, establish minimum standards of continuing education required for certificate renewal.

The Board shall hear charges brought against hearing aid dispensers and shall recommend disciplinary action to the Director.

For repeal of Act, see note preceding § 7401 of this chapter.

7418. Disciplinary actions by department—Grounds

Paragraph effective July 1, 1984.

§ 18. The Department may refuse to issue or renew a certificate or it may revoke, suspend, place on probation, censure or reprimand a certificate holder for any of the following:

- (a) Material misstatement in furnishing information to the Department
- (b) Violations of this Act, or the rules promulgated hereunder;
- (c) Conviction of any crime under the laws of the United States or any state or territory thereof which is a felony or misdemeanor, an essential element of which is dishonesty, or of any crime which is directly related to the practice of the profession;
- (d) Making any misrepresentation for the purpose of obtaining a certificate or renewing a certificate, including falsification of the continuing education requirement;
- (e) Professional incompetence;
- (f) Malpractice;

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- (j) Aiding or assisting another person in violating any provision of this Act or the rules promulgated hereunder;
- (k) Failing, within 60 days, to provide information in response to a written request made by the Department;
- (l) Engaging in dishonorable, unethical or unprofessional conduct which is likely to deceive, defraud or harm the public;
- (m) Knowingly employing, directly or indirectly, any suspended or unregistered person to perform any services covered by this Act;
- (n) Habitual intoxication or addiction to the use of drugs;
- (o) Discipline by another state, the District of Columbia, territory, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth herein;
- (p) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership or association any fee, commission, rebate or other form of compensation for any professional services not actually rendered;
- (q) A finding by the Board that the registrant, after having his certificate placed on probationary status has violated the terms of probation;
- (r) Willfully making or filing false records or reports;
- (s) Willfully failing to report an instance of suspected child abuse or neglect as required by the "Abused and Neglected Child Reporting Act", approved June 26, 1975, as amended;¹
- (t) Physical illness, including but not limited to, deterioration through the aging process, or loss of motor skill which results in the inability to practice the profession with reasonable judgment, skill or safety;
- (u) Solicitation of professional services other than by permitted advertising;
- (v) Participating in subterfuge or misrepresentation in the fitting and servicing of a hearing aid;
- (w) Advertising a particular model or type of hearing aid for sale, when prospective purchasers cannot purchase the advertised model or type, where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;
- (x) Representing that the services of a licensed physician will be used or made available in the fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor", "audiologist", "clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State Certified", "Certified Hearing Aid Dispenser" or any other term, abbreviation or symbol when it would give the impression that service is being provided by persons awarded that degree or title, or that the person's service who is holding the certificate has been recommended by a governmental agency, when such is not the case;
- (y) Advertising a manufacturer's product or using a manufacturer's name or trademark implying a relationship which does not exist;
- (z) Directly or indirectly giving or offering anything of value to any person who advises another in a professional capacity, as an inducement to influence the purchase of a product sold or offered for sale by a hearing aid dispenser or influencing persons to refrain from dealing in the products of competitors;

(x) Conducting business while suffering from a contagious disease;

(y) Engaging in the fitting and sale of hearing aids under a name with fraudulent intent;

(z) Dispensing a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in the fitting of hearing aids, except where there is the replacement of a hearing aid, of the same make and model;

(aa) Unavailability or unwillingness to adequately provide for service and repair of hearing aids fitted and sold by the dispenser;

(bb) Violating the regulations of the Federal Food and Drug Administration or the Federal Trade Commission as they affect hearing aids;

(cc) Violating any provision of the "Consumer Fraud and Deceptive Business Practices Act", approved July 24, 1961, as amended.²

¹ Chapter 21 § 2051 et seq.

² Chapter 121 1/2 § 261 et seq.

For repeal of Act, see note preceding § 7401 of this chapter.

7419. Dispensing of hearing aids without certificate—Injunction—Costs

Paragraph effective July 1, 1981

§ 19. The practice of fitting, dispensing and servicing hearing aids by any person not at that time holding a valid and current certificate under this Act is hereby declared to be inimical to the public welfare and constitutes a public nuisance. The Director of the Department, through the Attorney General or the State's Attorney of any county, may maintain an action in the name of the people of the State of Illinois and may apply for an injunction in the circuit court to enjoin any such person from engaging in such practice. Upon the filing of a verified petition in such court, the court, if satisfied by affidavit, or otherwise, that such person has been engaged in such practice without a current certificate to do so, may issue a temporary injunction without notice or bond, enjoining the defendant from any such further practice. A copy of the verified complaint shall be served upon the defendant and the proceedings shall thereafter be conducted as other civil cases. If it is established that the defendant has been, or is engaged in any unlawful practice, the court may enter an order or judgment perpetually enjoining the defendant from further such practice. In all proceedings hereunder, the court, in its discretion, may apportion the costs among the parties interested in the suit, including cost of filing complaint, service of process, witness fees and expenses, court reporter charges and reasonable attorneys fees. In case of violation of any injunction issued pursuant to this Section, the court may try and punish the offender for contempt of court. Such injunction proceedings shall be in addition to all penalties and other remedies in this Act.

For repeal of Act, see note preceding § 7401 of this chapter.

7420. Inactive status

Paragraph effective July 1, 1981

§ 20. Any hearing aid dispenser who notifies the Department, on the prescribed forms, may place such certificate on inactive status and shall be exempt from payment of renewal fees until such person notifies the Department

M. D. Kelly

cite to the Department and if such person fails to do so, the Department shall seize such certificate.

For repeal of Act, see note preceding § 7401 of this chapter.

7427. Restoration of certificate

Paragraph effective July 1, 1981.

§ 27. At any time after the suspension or revocation of any certificate, the Department may restore it to the accused person, upon the written recommendation of the Board.

For repeal of Act, see note preceding § 7401 of this chapter.

7428. Payment of costs—Filing or receipt

Paragraph effective July 1, 1981.

§ 28. The Department shall not be required to certify any record to the Court or to file any answer in court or otherwise appear in any court in a judicial review proceeding, unless there is filed in the court, with the complaint, a receipt from the Department acknowledging payment of the costs of furnishing and certifying the record, which costs shall be computed at the rate of 20 cents per page of such record. Failure on the part of the plaintiff to file such receipt in court shall be grounds for dismissal of the action.

For repeal of Act, see note preceding § 7401 of this chapter.

7429. Certain orders as prima facie proof

Paragraph effective July 1, 1981.

§ 29. An order or a certified copy thereof, over the seal of the Department and purporting to be signed by the Director, shall be prima facie proof:

- (a) That such signature is the signature of the Director;
- (b) That the Director is duly appointed and qualified; and
- (c) That the Board, and the members thereof, are qualified to act.

For repeal of Act, see note preceding § 7401 of this chapter.

7430. Determination of mental illness—Automatic suspension of certificate

Paragraph effective July 1, 1981.

§ 30. The determination by a circuit court that a certificate holder is subject to involuntary admission or judicial admission, as provided in the "Mental Health and Developmental Disabilities Code", approved September 5, 1978, as amended,¹ operates as an automatic suspension of the holder's certificate. Such suspension will end upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the court issues an order so finding and discharging the patient and upon the recommendation of the Board to the Director that the registrant be allowed to resume his practice.

¹ Chapter 91 1/2, § 1-100 et seq.

For repeal of Act, see note preceding § 7401 of this chapter.

7431. Applicability of Administrative Procedure Act—Review under Administrative Review Law

Paragraph effective July 1, 1981.

§ 31. The provisions of "The Illinois Administrative Procedure Act", approved September 22, 1973, as amended,¹ shall apply to this Act. All final administrative decisions of the Department are subject to judicial review pursuant to the provisions of Article 3 of the "Code of Civil Procedure", approved August 19, 1981, as amended.² Any circuit court, upon the application of the certificate holder or the Department, may order the attendance of witnesses and the production of relevant records in any Departmental hearing relative to the application for or refusal, recall, suspension or revocation of a certificate.

¹ Chapter 127, § 1001 et seq.

² Chapter 110, § 3-101 et seq.

For repeal of Act, see note preceding § 7401 of this chapter.

7432. Public policy

Paragraph effective July 1, 1981.

§ 32. It is declared to be the public policy of this State, pursuant to paragraphs (h) and (i) of Section 6 of Article VII of the Illinois Constitution of 1970, that any power or function set forth in this Act to be exercised by the State is an exclusive State power or function. Such power or function shall not be exercised concurrently, either directly or indirectly, by any unit of local government, including home rule units, except as otherwise provided in this Act.

For repeal of Act, see note preceding § 7401 of this chapter.

7433. Violations of act—Unlawful practice under Consumer Fraud and Deceptive Business Practices Act

Paragraph effective July 1, 1981.

§ 33. The advertising, offering for sale, sale or distribution of hearing aid goods and services to consumers by any person in violation of any of the provisions of this Act is an unlawful practice pursuant to Section 20 of the "Consumer Fraud and Deceptive Business Practices Act", approved July 24, 1961, as amended.¹

¹ Chapter 121 1/2, § 262a.

For repeal of Act, see note preceding § 7401 of this chapter.

7434. Powers of attorney general—Award of actual damages

Paragraph effective July 1, 1981.

§ 34. All remedies, penalties and authority granted to the Attorney General by the "Consumer Fraud and Deceptive Practices Act", approved July 24, 1961, as now or hereafter amended,¹ shall be available to him for the enforcement of this Act, and Sections 3, 4, 5, 6, 6.1, 7 and 10 of that Act² are hereby incorporated by reference into this Act. In addition, in any action brought by the Attorney General to enforce this Act, the court may order that persons who incurred actual damages be awarded the amount at which actual damages are assessed.

¹ Chapter 121 1/2, § 261 et seq.

² Chapter 121 1/2, §§ 263 to 267 and 270.

For repeal of Act, see note preceding § 7401 of this chapter.

in writing, of his intention to resume the practice of fitting, dispensing and servicing hearing aids and pays the current renewal fee. However, if such period of inactive status is more than 5 years, the hearing aid dispenser shall also provide the Department with sworn evidence certifying to active practice in another jurisdiction that is satisfactory to the Department. If such person has not practiced in any jurisdiction for 5 years or more, he shall be required to restore his certificate as provided in this Act. Any hearing aid dispenser whose certificate has an inactive status shall not practice in Illinois.

For repeal of Act, see note preceding § 7411 of this chapter.

7421. Investigation by department—Notice of charges—Hearing

Paragraph effective July 1, 1984.

§ 21. The Department may investigate the actions of any applicant or any person holding or claiming to hold a certificate. The Department shall, before refusing to issue a certificate or disciplining a registrant, notify, in writing, at least 10 days prior to the date set for the hearing, the applicant for, or holder of, a certificate. The notification shall set forth the charges and the date of the hearing. The hearing shall determine whether the applicant or holder is entitled to hold such certificate, and shall afford such person an opportunity to be heard in person or by counsel. Such written notice may be served by certified or registered mail to the respondent at his last known address. At the time and place fixed in the notice, the Board shall hear the charges and the parties shall be accorded opportunity to present such statements, testimony and evidence as may be pertinent to the charges or defenses. The Board may continue such hearing from time to time. Pursuant to rule, the Director may conduct informal hearings, and shall so inform the Board.

For repeal of Act, see note preceding § 7301 of this chapter.

7422. Findings and recommendation of board

Paragraph effective July 1, 1984.

§ 22. At the conclusion of the hearing, the Board shall present to the Director a written report of its finding and recommendation as to whether or not the accused person violated this Act or failed to comply with the conditions required in this Act or any rule promulgated pursuant hereto. The Board shall specify the nature of the violation or failure to comply and shall make its recommendations to the Director.

The report of findings and recommendation of the Board shall be the basis for the Department's action with respect to certificates or the imposition of any disciplinary action. The findings are not admissible in evidence against the person in a criminal prosecution brought for the violation of this Act, but the hearing and findings are not a bar to a criminal prosecution brought for violating this Act.

For repeal of Act, see note preceding § 7301 of this chapter.

7423. Record of proceedings—Service upon respondent of copy of board's report—Motion for rehearing—Order

Paragraph effective July 1, 1984.

§ 23. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case

involving the refusal to issue a certificate or to discipline a registrant. The notice of hearing, the complaint and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board and the orders of the Department shall be the record of such proceeding.

In any case involving the refusal to issue a certificate or to discipline a registrant, a copy of the Board's report shall be served upon the respondent by the Department, as provided in this Act for the service of the notice of hearing. Within 20 days after such service, the respondent may present to the Department a motion in writing for a rehearing, which motion shall specify the particular grounds therefor. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon such denial, the Director may enter an order in accordance with recommendations of the Board. If the respondent orders and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which such a motion may be filed shall commence upon the delivery of the transcript to the respondent.

Whenever the Director is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension or refusal to issue a certificate, the Director may order a re-examination or rehearing.

For repeal of Act, see note preceding § 7301 of this chapter.

7424. Violations of act—Injunctions

Paragraph effective July 1, 1984.

§ 24. If any registrant violates any provision of this Act, the Director may, through the Attorney General, petition for an order enjoining such violation or for an order enforcing compliance with this Act or any rule issued pursuant hereto. Upon the filing of a verified petition in such court, the court may issue a temporary injunction, without notice or bond, enjoining such continued violation, and if it is established that such person has violated or is violating the injunction, the Court may punish the offender for contempt of court. Proceedings under this Section shall be in addition to all other remedies and penalties.

For repeal of Act, see note preceding § 7301 of this chapter.

7425. Powers of circuit court

Paragraph effective July 1, 1984.

§ 25. Any circuit court may, upon application of the prosecutor or of the applicant or registrant against whom disciplinary proceedings are pending, enter an order requiring the attendance of witnesses and their testimony, and the production of documents, papers, files, books and records in connection with any hearing or investigation. The court may compel obedience to its order by proceedings for contempt.

For repeal of Act, see note preceding § 7301 of this chapter.

7426. Surrender of certificate

Paragraph effective July 1, 1984.

§ 26. Upon the revocation or suspension of any certificate, the registrant shall forthwith surrender the certifi-

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Department of Human Resources
HEALTH DIVISION Board of Examiners for Speech Pathology
and Audiology

1400 S.W. 5th AVENUE, PORTLAND, OREGON 97201 PHONE

228-6479

November 15, 1982

TO: Oregon Licensed Audiologists

FROM: Duane Anderson, Executive Secretary, Board of Examiners
for Speech Pathology and Audiology

SUBJECT: Law concerning use of the term "Audiologist"

On July 1, 1983 the Board mailed the attached memos to all Oregon registered hearing aid dealers. During their October 15, 1983 meeting the Board requested that we mail copies of this material to all licensed audiologists in Oregon. The Board plans to pursue legal action against any person in Oregon who uses the term "Audiologist" in any context and is not licensed as an audiologist under ORS 681.

attachment

AN EQUAL OPPORTUNITY EMPLOYER

Mailing Address: P.O. Box 231, Portland, Oregon 97207

228-6479

July 1, 1983

TO: Oregon Registered Hearing Aid Dealers
FROM: Board of Examiners for Speech Pathology and Audiology
SUBJECT: Use of the Term "Audiologist" and Related Words

During the last few years the Board of Examiners for Speech Pathology and Audiology has made numerous attempts to discourage hearing aid dealers from using the term "audiologist" and related terms in their telephone directory and newspaper advertising. In addition, several hearing aid dealers are displaying their NHAS certificate which identifies them as a "Certified Hearing Aid Audiologist".

Recently we requested an advisory statement on this matter from the Consumer Protection Section of the Department of Justice. The attached memo from their office should resolve any misunderstandings which may currently exist. If you have any questions, please feel free to contact our office or the Consumer Protection Section of the Department of Justice.

attachment



STATE OF OREGON

INTEROFFICE MEMO

TO: Board of Examiners for Speech Pathology and Audiology DATE: June 15, 1983

FROM: Daryl Dodson Wilson
Assistant Attorney General

SUBJECT: Hearing Aid Dealer's Use of the Term "Audiology" and Related Words

A review of ORS Chapter 681 and ORS Chapter 694 shows that a hearing aid dealer who falsely represents that the services of an audiologist are available, or who claims to be giving "audiological testing" when no licensed audiologist is performing the test, may be in violation of several statutes. The penalties may be cumulative.

1. Hearing aid dealers are generally governed by ORS Chapter 694.

ORS 694.015(5) anticipates that hearing aid dealers will be conducting some hearing tests in conjunction with the provision of hearing aids. These tests include evaluation or measurement of the powers or range of human hearing. In offering these tests, a dealer may not advertise that the services of either an "audiologist" or "clinical audiologist" is available for selection, fitting, adjustment, maintenance or repair of hearing aids, when no properly licensed audiologist is performing the service. A dealer may have his or her license suspended or revoked or may be put on probation for these false representations. ORS 694.136(8).

A problem may arise when a dealer offers "audiological" testing without having a licensed audiologist performing the test. Even though "audiological" and related terms may have trade or common meaning, these words should only be used in advertisements in Oregon in accordance with the definition in ORS 681.205 (see 2. below). It would seem that the Oregon statutory scheme anticipates that only licensed audiologists may conduct "audiological" tests.

ORS Chapter 694 also provides criminal sanctions for some misrepresentations. A false claim that an audiologist's services will be used, are used, or made available may be punishable by up to a \$500 fine and up to 90 days of imprisonment. ORS 694.911(1).

A hearing aid dealer should also be concerned that no false, misleading or deceptive name is used in his or her business. ORS 694.136(11). A dealer would also violate the

To: Board of Examiners for Speech Pathology and Audiology
Page 2
June 15, 1983

statutes by making a false, misleading or deceptive representation regarding any guarantee or services provided.
ORS 694.136(2).

2. ORS Chapter 681 dealing with audiologists and speech pathologists may also be of concern to hearing aid dealers.

Both hearing aid dealers and audiologists measure the powers or range of human hearing. See ORS 694.015(5) and ORS 681.205(4). However, the focus and extent of the testing and evaluation are quite different. ORS Chapter 681 provides that only a licensed audiologist may represent that he or she is engaged in the practice of audiology.

Although many of the terms used in these statutes may have meanings in the hearing aid trade, the statutory definition takes precedence in Oregon. Thus, the terms "audiology" and "practice of audiology" carry a particular meaning, whether used by audiologists or by hearing aid dealers. See ORS 681.205(1) and (4). Any person holding him or herself out as a "hearing clinician", "hearing therapist" or "audiologist" or a similar title or description of service must be a licensed audiologist. ORS 681.250(2). Similar titles or descriptions of service might include "audiological testing" and "audiological service". Remember, the common meaning of these words must give way when the statute provides a definition.

It is a misdemeanor to falsely use any of these titles or descriptions of service. ORS 681.991. The District Attorney's office would prosecute the case. Class A misdemeanor carries a penalty of a maximum \$2,500 fine and a maximum one year in prison. See ORS 161.555(3) and ORS 161.615 and 161.635.

3. The Oregon Unlawful Trade Practices Act (UTPA) ORS 646.605 to 646.638 governs some activities of hearing aid dealers.

A variety of unconscionable tactics and unlawful trade practices are prescribed by the UTPA. A hearing aid dealer might be in conflict with the Unlawful Trade Practices Act if he or she said that "audiological testing services" were available when no licensed audiologist actually performed the services. The unlawful business practice in that case might include causing a likelihood of confusion or misunderstanding as to the affiliation, connection or association with another; or representing that services have quantities or qualities that they do not have or that a person has a status or qualification or connection that he does not have. See ORS 646.608(1)(c) and (e).

To: Board of Examiners for Speech Pathology and Audiology
Page 3
June 15, 1983

A hearing aid dealer who said that audiological testing was performed, when no licensed audiologist performed those tests, might be found in violation of the Unlawful Trade Practices Act for that false advertising, as well as being in violation of ORS Chapter 681 and ORS Chapter 694. The penalties for violation of the Unlawful Trade Practices Act include injunction, restitution for actual damages, possible punitive damages, attorneys fees and other relief granted by the court. The statute provides for suit by the Attorney General, the District Attorney or by a private citizen. This is the area of concern to the Consumer Protection Division (Financial Fraud Unit) of the Department of Justice.

4. Other regulations are also pertinent to hearing aid dealers.

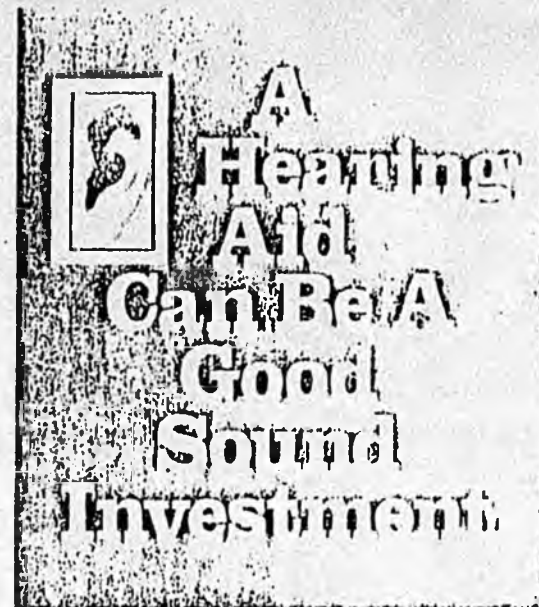
Oregon common law and statutes provide other remedies for a person who has been defrauded. Separate statutes cover home solicitations. See ORS 646.611 and 83.720. A dealer might want to take extra steps to check compliance with these laws before sales are made.

kp

You can call the Illinois Department of Public Health toll-free

1-800-572-3270

(TDD OR VOICE AVAILABLE)



IF...

**YOU
PURCHASE
WISELY**

Division of Health Promotion and Screening
Illinois Department of Public Health
535 West Jefferson
Springfield, Illinois 62761

Printed by Authority of the State of Illinois

6/85

A consumer protection service
provided through the Hearing Aid
Consumer Protection Program

Illinois Department of Public Health

Remember these important facts:

1. **MEDICAL CLEARANCE** from a licensed physician should be obtained before buying a hearing aid. This identifies medically treatable conditions which affect your hearing.
2. Obtain a **HEARING EVALUATION** from a certified dispenser or clinical audiologist before purchasing a hearing aid.
3. Be sure the hearing aid dispenser is **CERTIFIED** by the Illinois Department of Public Health.
4. Ask if a **TRIAL PERIOD OR RETURN PRIVILEGE** is offered. If so, make sure that this and the cost of this trial period are stated in the contract.
5. Ask if the hearing aid has a **MANUFACTURER'S WARRANTY** and/or **SERVICE CONTRACT**. Find out what services each provide, what costs are involved and the time period they cover.
6. Illinois Law requires a dispenser who sells hearing aids door-to-door or in a customer's home to give a **NOTICE OF CANCELLATION** to the buyer. The Notice explains the legal right of the buyer to cancel the purchase within three days of the sale.
7. Make sure that the **DELIVERY DATE** of the hearing aid is written in the contract.
8. If possible, do not pay the full price of the hearing aid in advance. Make a **DEPOSIT** and pay the balance when the hearing aid is delivered.
9. If the hearing aid is uncomfortable, causing problems or not working properly, **CONTACT YOUR DISPENSER** immediately.
10. Ask about the dispenser's **REPAIR POLICY**. Can repairs be done at the office or must hearing aids be mailed to the manufacturer? How long will these repairs take and are "loaner" aids available?
11. Keep all information received as

RECORD OF PURCHASE, such as receipts, warranties, etc., for future reference.

12. You may want to **BRING A FRIEND** along to assist you when you purchase a hearing aid.
13. A hearing aid is an important investment. Don't be afraid to **ASK QUESTIONS** or seek a second opinion.

There is a law to protect Illinois consumers from dishonest and incompetent hearing aid dispensing practices. The **ILLINOIS HEARING AID CONSUMER PROTECTION ACT**, administered by the Illinois Department of Public Health, requires that:

1. All dispensers must be **CERTIFIED** to dispense hearing aids, and
2. Should a consumer have an **INQUIRY** or **COMPLAINT** regarding a hearing aid and/or dispenser, the **ILLINOIS DEPARTMENT OF PUBLIC HEALTH** will investigate and offer assistance.

"The Logo "A Hearing Aid Can Be a Good Sound Investment" by service mark is the property of the Illinois Department of Public Health



Illinois Hearing Aid Consumer Protection

A consumer protection service provided through
the Illinois Department of Public Health (IDPH)

CALL TOLL FREE 1-800-572-3770

IF YOU HAVE ANY QUESTIONS ABOUT THE HEARING AID CONSUMER PROTECTION ACT, OR WOULD LIKE A COPY OF THIS ACT, PLEASE CONTACT THE VISION/HEARING CONSULTANT AT ONE OF THE OFFICES LISTED BELOW.

Region 1

Illinois Department of Public Health
4302 N. Main Street
Rockford, Illinois 61105
815/987-7511

Region 2

Illinois Department of Public Health
5415 University
Peoria, Illinois 61614
309/691-2200, ext. 312

Region 3

Illinois Department of Public Health
4500 South Sixth Street Road
Springfield, Illinois 62706
217/786-6345

Region 4

Illinois Department of Public Health
Cottonwood Road
Edwardsville, Illinois 62025
618/288-5756

Region 5

Illinois Department of Public Health
2209 Main Street
Marion, Illinois 62959
618/997-4371

Region 6

Illinois Department of Public Health
2125 South First Street
Champaign, Illinois 61820
217/333-6914

Region 7

Illinois Department of Public Health
245 West Roosevelt Road
Bldg. 5
West Chicago, Illinois 60185
312/293-6842

Region 8

Illinois Department of Public Health
160 N. LaSalle, Room 1112
Chicago, Illinois 60601
312/793-3880



ILLINOIS DEPARTMENT OF PUBLIC HEALTH
DIVISION OF HEALTH PROMOTION AND SCREENING
535 WEST JEFFERSON STREET
SPRINGFIELD, ILLINOIS 62761

Printed by Authority of the
State of Illinois
5/84

A SYNOPSIS OF THE HEARING AID CONSUMER PROTECTION ACT

PUBLIC ACT 83-0928

EFFECTIVE JULY 1, 1984

For more information call
1-800-572-3210
(Voice or TDD)

Illinois Department of Public Health
Division of Health Promotion and Screening
Hearing Aid Consumer Program

HEARING AID CONSUMER PROTECTION ACT

The Illinois "Hearing Aid Consumer Protection Act" was enacted into law by the 83rd General Assembly. The purpose of the Act is to protect the hearing impaired public from incompetent and dishonest dispensers of hearing aids who could endanger the health, safety and welfare of the people of this State.

ILLINOIS DEPARTMENT OF PUBLIC HEALTH

The Illinois Department of Public Health is mandated to supervise the issuance of certificates to hearing aid dispensers, administer examinations to applicants for the hearing aid dispenser certificate, suspend or revoke certificates or take such other disciplinary action, if the provisions of the Act are violated, and to promulgate rules necessary to implement this Act, which becomes effective July 1, 1984.

Under the direction of the Division of Health Promotion and Screening, Vision and Hearing Section, the Department will initiate a four point action plan to implement Public Act 83-0928:

1. Health Promotion - Consumer Education
2. Continuing Education for Dispenser of Hearing Aids
3. Certification of Dispensers of Hearing Aids
4. Follow-up and Investigation of Complaints

WHAT THE CONSUMER SHOULD KNOW ABOUT THE HEARING AID CONSUMER PROTECTION ACT

1. No person shall engage in the selling, practice of fitting, dispensing or servicing hearing aids, or display signs, advertise, or represent oneself as a person who practices the fitting and selling of hearing aids after January 1, 1985, unless such holds a current certificate issued by the Department as provided in this Act.
2. The certificate shall be conspicuously displayed in the place of business. A sign must be conspicuously displayed in the dispenser's business and a written statement must be given to each hearing aid purchaser indicating that complaints regarding hearing aids may be made to the Illinois Department of Public Health.
3. Every person fitted and sold a hearing aid shall be given, at no charge, the "User Instructional Brochure" supplied by the manufacturer.
4. The dispenser shall provide a receipt to each hearing aid purchaser with the seller's signature, phone number, the manufacturer's specifications, the make, model and serial number of the hearing aid furnished, the dispenser's certification number, and the full sales term clearly stated. The receipt and container for a used hearing aid shall be clearly marked as such.
5. A hearing aid dispenser shall not sell a hearing aid unless the prospective user presents to the dispenser a written statement signed by a licensed physician which states that the patient's hearing loss has been medically evaluated.

The medical waiver requirement may only be waived by the patient when the patient is 18 years or older. The dispenser must inform the user that the exercise of the waiver is not in the user's best health interest; and the dispenser cannot in any way encourage the user to waive medical evaluation.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/24/89
Date

HB

479

January 3, 1986

RECEIVED
JAN 6 1986

Senator Bill Ray
Representative Duncan
Representative Miller
P.O. Box V
State Capitol
Juneau, Alaska 99811

Dele
Jeff the dumb drafted
the letter Miller gave
him

Re: State of Alaska
(Alternative energy Loans)

Dear Senator and Representatives:

We are soon providing an alternative to wood burning stoves in the Juneau area and I understand that this is presently available in Anchorage.

Our product is a pelletized wood and other fuel which burns in specially constructed stoves and burns smoke free.

I am enclosing a couple of articles for your further information.

To meet new ordinances in Juneau, many people will have to replace their wood burning stoves.

I understand that under present law, Alternative Energy Loans are available for catalytic equipped wood stoves, or catalytic converters.

Therefore it would be appreciated if the present law could be amended to authorize loans for biomass pellet fuel burning stoves or furnaces.

Steve Gilbertson, Juneau's Air Quality Control Officer, advised me that he and D.E.C. officials are in favor of this amendment.

I believe the law in question is included in A.S.45.88.010:500.

If you would like further information regarding this, I will be happy to discuss what I have with you.

Thanking you in advance for your consideration.

Very truly yours,

Larry Traeger
Larry Traeger
546 Hemlock
Juneau, Alaska 99801

Phone: 586 3250

Heating homes with pellets

Mount Angel manufacturer designs and sells innovative, affordable furnaces

By DALE STOWELL
Of the Independent

MOUNT ANGEL — Handy Traeger shrugs as he considers the complexity of his pelletized wood burning furnace designs.

"To me, it don't look like nothing super," he says. "Once you've horded around with it for 15 years, it doesn't seem like that much."

But he seems to know he's on to something as he cites statistics that indicate his wood furnaces burn cleaner than do natural gas or oil furnaces for as little as half the cost for fuel.

Traeger, owner and president of Traeger Industries, has been designing woodstoves and furnaces for more than 20 years and is optimistic that his latest design will catch on.

The fuel source is the most novel aspect of the new furnaces, which have been on the market since fall. Biomass pellets, produced from waste products such as pine shavings or rye stubble, are what the newly designed heating devices consume.

One ton of pellets, which costs about \$100, produces as much heat as two cords of wood but leaves substantially less waste. About 6 of one percent of the pellets remain as ash — approximately two gallons of ash per ton of fuel.

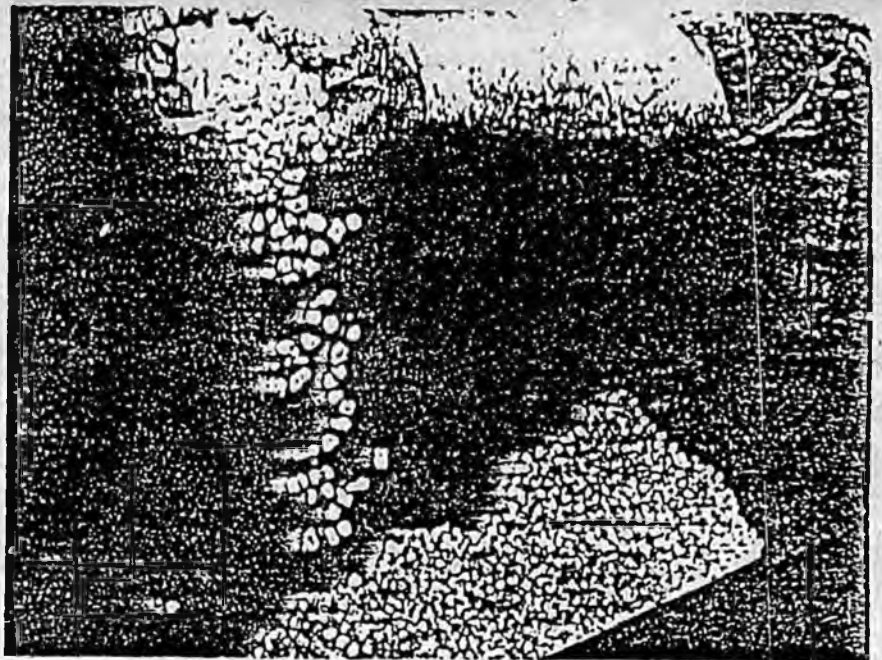
During cold weather, the average home requires about one 50 pound bag per day, Traeger estimated. Average yearly consumption would be in the neighborhood of four tons, he added.

Traeger's thermostatically-controlled stove and furnace designs also attempt to transfer all of the heat produced in the units to the space in the home to be heated.

And Traeger points out another advantage to the pellet-burning systems. "They burn clean. There isn't any smoke. You can stick your nose right in the (smoke)stack."

The major drawback is availability of fuel. Traeger has several hundred tons of it stockpiled to meet the needs of customers who have purchased pellet-burning equipment. It isn't readily available anywhere else in the area.

The fuel, which resembles rabbit food pellets, has existed for several decades, Traeger said. But companies producing it have come and gone due to a lack of demand.



Randy Traeger (above) has designed and is marketing heating systems which burn pine pellets (top photo). Traeger says the new heating units burn cleaner than gas or oil at nearly half the cost for fuel. (Photos by Dale Stowell)

"There's been several plants that have been around and gone broke," he said. "There's the concept of making pelletized fuel. That's fine. But you've got to have something to burn it in. Most of them are looking at commercial applications, but a commercial application can dry up on you very quickly — just a little change in price and they'll switch from one (fuel) to the other."

Before Traeger's design, availability of fuel wasn't the only problem in home-heating pellet applications. In earlier designs, the pellets didn't burn completely, and the furnace

fire would sometimes burn back into the fuel hopper.

Traeger cured the problems without knowing what caused them in other furnaces. "I really didn't look at anybody's design," he said. "I never paid any attention to them. There's no use in reinventing the wheel over again. It was a matter of taking it apart and putting it together again, taking it apart and putting it together again."

After Traeger put it together again, and it worked to his satisfaction, he began developing different home heating uses. His designs range from an indoor furnace that produces nothing but home heat, to an outdoor "pellet pump" that will provide heat for home, hot water and even clothes drying. All of the Traeger Industries products are built at the company shop in Mount Angel.

The furnaces are also outside of Department of Environmental Quality regulations that apply to woodstoves. Traeger predicts that many wood stove manufacturers will be forced out of business by continued tightening of regulations for testing and emissions. However, he added pellet-burning furnaces would pass even the most stringent DEQ requirements.

Traeger knows of only five other pelletized fuel furnace manufacturers in the country, but believes that the heat producing devices will increase in popularity in time.

He points to the state of Minnesota as an example of forward thinking about the new heating concept. Traeger, as well as other pelletized-fuel furnace manufacturers, recently donated equipment to the state as part of a Minnesota low-income heating assistance program. The state will pay for installation of the furnaces.

"The concept is, if they give people pelletized fuel, they can heat twice as many homes for the same cost as supplying them money to buy natural gas or oil," Traeger said.

According to Traeger, Minnesota also has state funds available for research and development of pelletized-fuel manufacturing and use. "They're just not after it," he said. "They're way ahead of everyone else."

Back home, Traeger said sales of the new furnaces have been good — almost better than he's wanted them to be. "I really want to go through the winter just testing it, getting a few out," he said. "It's kind of run away from us. It's been super good."



RECEIVED
JAN 13 1986

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU ALASKA 99811
907-465-3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

January 13, 1986

SUBJECT: Alternative energy loans for biomass
fuel stoves (Work Order 14-1546)

TO: Representative Jim Duncan

FROM: George Utermohle
Legislative Counsel

I.

The draft bill that you requested is attached. The bill amends the definition of "alternative energy system" to expressly include stoves and furnaces that use biomass fuels. The effect of this amendment is to allow the Alternative Energy Revolving Loan Fund to make loans for the purchase of biomass fuel stoves and furnaces.

II.

You also asked whether the Alaska Industrial Development Authority (A.I.D.A.) can aid processors of biomass fuels.

In brief, A.I.D.A. does have the power to make loans, to insure loans, and to assist private lenders to make loans to processors of biomass fuels.

A.I.D.A. was created to provide means of financing and means of facilitating financing for

the establishment, operation, and development of industrial, manufacturing, and business enterprises, including, without limitation, facilities for transportation, facilities for pollution control and waste disposal, facilities for the local furnishing of gas, facilities for water, facilities for industrial parks, mass commuting vehicles, facilities for local district heating or cooling, parking facilities, or a storage or training facility relating to a plant or facility.
(AS 44.88.010(a)(5))

The list of facilities eligible for assistance is only illustrative and in no way restricts the kinds of projects that A.I.D.A. can support.

Provided that a project is located in Alaska and will generate additional employment, A.I.D.A. has the authority to insure loans, to make loans, or to assist private lenders in making loans for the project (AS 44.88.080(12), (13), and (15)). A.I.D.A. defines "project" to include

(A) a plant or facility used or intended for use

(i) in connection with making, processing, preparing, or producing in any manner, goods, products or substances of any kind or nature or in connection with developing or utilizing a natural resource, or extracting, smelting, transporting, converting, assembling or producing in any manner, minerals, raw materials, chemicals, compounds, alloys, fibers, commodities and materials, products or substances of any kind or nature;

(ii) as an industrial park; in connection with transportation; for the prevention, limitation or control of pollution; for the disposal of sewage or solid waste; for the local furnishing of gas; for the furnishing of water; as or in connection with mass commuting vehicles; for local district heating or cooling; as a parking facility; or as a storage or training facility directly related to a plant or facility described in this paragraph;

(B) a plant or facility used or intended for use in connection with a business enterprise;

(C) commercial activity by a small enterprise;
(AS 44.88.220(8))

This definition is broad enough to cover the facilities and equipment necessary to manufacture or produce any form of biomass fuel.

Therefore, processors of biomass fuels are eligible to apply for loans from A.I.D.A. No amendment of the Alaska Industrial Development Authority statutes is necessary.

GU:mkr
M2:020
Enclosure



Official Business

Alaska State Legislature

Senate

Committee on Labor & Commerce

Pouch V
State Capitol
Juneau, Alaska 99811

CSHB 479: SUMMARY

This measure expands statutes on alternative energy systems to include catalytic fireplace inserts, stoves or furnaces that use biomass fuel, and does not include stoves that use only firewood, coal, or oil fuel unless the system has a catalytic converter or catalytic fireplace insert.

CHAIRMAN'S INFORMATION: CSHB 479(L&C)

1) BILL TITLE: "An act relating to biomass fuel systems"

a) Introduced: Rep Duncan

b) Co-sponsors:

2) INTENT: This measure expands the Alternative Energy Loan Fund to include loans for catalytic fireplace inserts, and stoves and furnaces which burn biomass fuels. Also defines what materials are burned in a biomass fuel stove.

FISCAL NOTE: 0

3) ADDITIONAL REFERRALS: Finance and Rules

4) PUBLIC HEARINGS:

a) Sponsor:

b) Public Witnesses:

5) BILL ACTION:

a) Hold in committee?

b) Assign to sub committee for further review?

c) Move from committee?

d) Close public hearings?

6) COMMITTEE ACTION?

a) amendments?

b) CS adoption?

Cary Traeger

Offered: 1/31/86
Referred: House Special Committee on
State Loans and Finance

Original sponsor: Duncan

BY THE LABOR AND
COMMERCE COMMITTEE

1 IN THE HOUSE

2

CS FOR HOUSE BILL NO. 479 (L&C)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to biomass fuel systems."

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

8 * Section 1. AS 45.88.500(a) is amended to read:

9

(a) In this chapter, "alternative energy system"

10

(1) means a source of thermal, mechanical, or electrical

11

energy which is not dependent on oil or gas or a nuclear fuel for the

12

supply of energy for space heating and cooling, refrigeration and cold

13

storage, electrical power, mechanical power, or the heating of water;

14

(2) includes

15

(A) an alternative energy property as defined by 26

16

U.S.C. 48 (1)(3)(A), (Sec. 301, P.L. 95-618, Internal Revenue

17

Code);

18

(B) a method of architectural design and construction

19

which provides for the collection, storage, and use of direct

20

radiation from the sun;

21

(C) a woodstove with a catalytic converter, [OR] a

22

catalytic converter for a wood stove, or a catalytic fireplace

23

insert; [AND]

24

(D) a steam, hot water, or ducted hot air central

25

heating system that uses wood or coal for fuel; and

26

(E) a stove or furnace that uses biomass fuel produced

27

from any organic matter that is available on a renewable basis,

28

including agricultural crops and agricultural waste and residue,

29

wood waste residue, animal waste, municipal waste, and aquatic

*4.50 - 1 1/2 days
1 ton = 2 cords*

1 plants;

2 (3) does not include, unless described in (2)(C) of this
3 subsection.

4 (A) a stove that uses only firewood [WOOD], coal, or
5 oil for fuel; or

6 (B) a fireplace or fireplace insert.

STATE OF ALASKA 1986 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 01/28/86

REQUEST

Bill Resolution No.: HB 479
 Title: An Act Relating to Biomass Fuel Systems
 Sponsor: Representative Duncan
 Requestor: House Labor & Commerce
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.
 BRU: Investments
 Components: Economic Development

EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
REVENUE	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING : (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS :

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

It is anticipated that any new loan demand created as a result of HB 479 will be absorbed within the existing funding available under the Alternative Energy Loan Program. New loan application processing will also be absorbed by existing staff within the division.

Prepared by: Paul B. Arnoldt, Director Phone: 465-2510
 Division: Investments Date: 1/28/86

Approved by Commissioner: Loren H. Lounsbury Date: 1/28/86
 Agency: Commerce & Economic Development

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget

ot know it. It's real easy
to with blasting caps," he

caps are small metallic
few inches in length, usu-
d to a length of electrical
ed is suggesting Juneau
p an eye open for such
heir homes. If a blasting
d, Windred recommends
olice to remove it.

led police to several
sting caps and containers
dynamite stored in the
l Windred. Other explo-

sive material was found following a
search of a suspect's bedroom, he
said.

According to Windred, the stolen
blasting caps may be linked to a se-
ries of unexplained explosions in re-
cent months. On Dec. 29, a door at
Floyd Dryden Middle School was
blown open with blasting caps. Sev-
eral area mail boxes may also have
been blown up with the stolen mat-
erial, he said.

Police are investigating possible
violations of laws regulating storage
of explosives at the suspect contrac-

tor's work site. Police will not re-
lease the name of the contractor un-
der investigation until charges are
filed, Windred said.

Meanwhile, two Juneau teen-
agers are expected to be charged
with misconduct involving a weapon
in the first degree following the in-
vestigation into last Friday's bomb
threat at the high school.

According to police, a 14-year-old
student allegedly brought the explo-
sive materials to the school to sell or
give to a 17-year-old male student.

Police have not identified the person
who made the threat.

"Quite a few kids knew this trans-
action was going to take place," said
Windred.

The threat resulted in the closure
of the high school and adjoining Ma-
rie Drake Middle School. Students
were sent home after a search locat-
ed a bag containing four blasting
caps and a two-and-a-half pound con-
tainer of gelatine dynamite in an un-
assigned high school locker.

The material was removed from
the school without incident.

New law allows use of some wood stoves during air alert

Ordinance changes how burning bans are called

By BETSY LONGENBAUGH

THE JUNEAU EMPIRE

There's new hope on the horizon for local residents
who want to keep their wood stoves burning all winter.

Beginning Wednesday, local residents who own
stoves that meet Juneau City-Borough emission stan-
dards may keep their fires burning during wood smoke
alerts.

In the belief that the approved stoves won't let smoke
get in your eyes, the Juneau City-Borough Assembly re-
cently approved an ordinance that allows the stoves to
burn and sets up new criteria for declaring wood smoke
bans.

That new criteria calls for two types of wood smoke
bans - a wood smoke alert and a wood smoke emergen-
cy. Under an alert, owners of approved wood stoves who
have municipal permits may continue to burn. Under an
emergency, no wood stoves are allowed to burn.

Steve Gilbertson, the municipal lands and resources
manager, is in charge of monitoring the air quality of
Mendenhall Valley and enforcing the new ordinance. He
said Friday he hopes that only air alerts will occur in
the future, with air emergencies necessary in the event
of extreme pollution in the valley.

"I think people have to realize this is at an experi-
mental stage," he added.

Gilbertson also said his office now has applications
for people who own approved wood stoves. In order to
use those stoves during alerts, they must have permits

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Lemon Creek vicinity to be monitored for wood smoke

THE JUNEAU EMPIRE

Lemon Creek residents may want to buy warm slip-
pers for next winter, as their neighborhood will proba-
bly end up being subject to its own wood stove bans.

The Lemon Creek area is one place that will feel the
impact of a comprehensive ordinance regulating wood
stove use that was approved by the Juneau City-Bor-
ough Assembly several weeks ago.

At the urging of some assembly members, municipal
staff agreed to begin monitoring the Lemon Creek area
with an eye to regulating wood stove use. This winter,
however, there isn't the necessary equipment in the
area to effectively measure wood smoke pollution.

In next year's municipal budget, staff will be seeking
\$25,000 to buy a wood smoke monitor for the area. Once
installed, the device will allow municipal officials to call
for wood smoke bans in Lemon Creek, as well as the
Mendenhall Valley.

Steve Gilbertson, lands and resources manager, said
he expects the municipality may call separate wood
smoke bans in each area, depending on weather condi-
tions. He said it is now impossible to predict how often
bans may be necessary in Lemon Creek.

"We do not have a lot of data for the area," said
Gilbertson.

He added, however, that his office has received a lot
of calls from Lemon Creek area residents who com-
plained of wood smoke pollution.

The new proposed smoke alert area in Lemon Creek
extends from the Juneau Christian School, including

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ASSOCIATED PRESS

ion may be cut short.

launch window of only a
ments of the current mis-
bitious schedule of 15

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WEATHER

Rain showers continuing through
Tuesday, Page 14

*Juneau
Empire
1-13-86*

Woodsmoke...

Continued from Page 1
from the city. The free permits are good for two years.

Gilbertson said the approved wood stoves have two things in common — very low emission standards and certification from Oregon.

Because the municipality is basing its new ordinance on a similar law in Oregon, it is accepting that state's testing procedures for wood stoves.

Many of the approved stoves — there are now 10 on the list — have catalytic converters. Others use pellet fuel to reach the low emission standards.

Gilbertson said at least four other stoves, some of which are for sale locally, have gone through the tests, but are not yet certified. He said he expects a new list from Oregon by the end of this month.

Until then, he said he can only recommend the 10 stoves on the approved list. They are:

- Blaze King "King," a catalytic converter stove.
- Earth Stove 1000-C, a catalytic converter stove.
- Turbo 10, a catalytic converter stove.
- Fisher Tech IV, a catalytic fireplace insert.
- Timber Eze 477, a catalytic wood stove.
- Vista 640, a non-catalytic wood stove.
- Pelletier FS-1, a non-catalytic stove that burns pellet fuel.
- Whitfield, a non-catalytic stove that burns pellet fuel.
- Collins Hopper, an add-on device that burns pellet fuel.

Those wood stoves that are on this list and sell locally

cost about \$1,000, not including installation.

The assembly hopes to eventually have all stoves in the city-borough meet the emission standards. To meet this goal, the new ordinance calls for all wood stoves installed and sold in Juneau to meet the Oregon emission standards beginning Aug. 1.

Gilbertson expects the most successful enforcement of this new regulation to come from the building department, which issues permits for wood stove installations.

Steve Shows, who assigns building inspections, said a building permit is required for any new installation, including replacement of an existing stove. The permits and their accompanying inspections are free and are designed to make sure wood stoves are safely installed, he said.

"Home owners are sometimes not getting a building permit and installing a stove, sometimes properly, sometimes not," he said.

During the past year, the municipality has been aided in its inspection effort by some insurance companies who now require proof of wood stove inspections before offering insurance, said Shows.

"This is the greatest plus we have seen," he said.

Shows said that "nine times out of 10," wood stoves that are inspected were installed incorrectly.

He said that currently he is able to schedule inspections with a day's notice. Those who want inspections should call a 24-hour recording phone 586-1703, before 7:30 a.m. on the day they want an inspection.

To receive a permit, they should come into the municipal building department and fill out a form. They will also receive a brochure on proper stove installation.

Lemon Creek...

Continued from Page 1
Sunny Point, back to Lemon Creek basin and to Vanderbilt Hill.

Gilbertson also said many Juneau residents remain unclear about where the boundaries are for the Menden-

hall Valley wood smoke alert area.

They could be described as having a southern boundary of the airport area, a north boundary of the glacier recreational area, an east boundary running along the base of Thunder Mountain and a west boundary that bisects the Mendenhall Peninsula.

Not included in the ban are the Auke Lake area and Fritz Cove Road.

Shuttle...

Continued from Page 1
The flight plan today was devoted mainly to astronomy, and Steve Hawley spent the morning pointing two ultraviolet telescopes at star targets in a search for luminous clouds of ultraviolet radiation.

Mission Control awakened the astronauts today with the theme song from the movie "Animal House." The control center said several of the astronauts were fans of the movie, and commander Robert Gibson responded, "It sounds like our secret is out."

Columbia shed its postponement jinx with a spectacular predawn liftoff Sunday, and 9½ hours later the crew launched the world's most powerful commercial communications satellite, RCA's \$50 million Satcom KU-1.

"It's on its way," Mission Control radioed after a rocket engine ignited to propel the satellite toward stationary orbit 22,300 miles above the Earth.

RCA, which paid the National Aeronautics and Space Administration \$14.2 million for the delivery, said Satcom will be capable of providing video and audio communications for all of the United States except Alaska, transmitting a signal powerful enough to be received by dish antennas as small as three feet.

Nelson and Hawley will have an exclusive view of the comet as it nears the sun on its once-every-76-years swing through this part of the solar system.

"You can't observe Halley's from the ground as it makes its closest approach to the sun in January because of the sun's brightness," explained S. Alan Stern of the University of Colorado, who is principal investigator for an experiment named CHAMP or Comet Halley

Nelson, who will operate the CHAMP cameras, said in an interview before the flight, "We'll be taking some photographs and spectral measurements for the purpose of documenting the comet, and we'll be doing it from above the atmosphere where we can get a real clear look at it. We're going to use the apparatus over the course of three flights, so we should be able to get a good consistent set of data on Halley's."

Stern said the instruments "primarily will be looking at water. The comet is basically an ice ball, and when the sun melts the ice, it breaks the water down into constituents. We'll study these to learn about the comet's atmosphere."

Hawley will use two telescopes to search the universe for sources of luminous clouds of ultraviolet radiation.

"Only in the last 10 years have we begun to look at the universe in the ultraviolet wavelength," he said before the mission. "The reason for that is that the observatories on Earth being beneath the atmosphere are not able to observe these wavelengths because the atmosphere is opaque to UV radiation. So we'll be getting some very fundamental data and will be dealing with questions as to where the UV emission comes from."

He said the knowledge would help astronomers mask out the UV background and thus improve the data from the \$1.2 billion Hubble Space Telescope, which will be launched from a shuttle next October.

One of the telescopes also will be trained on the comet.

Rep. Bill Nelson, a Florida Democrat riding as a congressional observer, planned several medical experi-

NCIL

Board of trustees of Juneau Arts and Sciences Council will meet at 7:30 p.m. at Northern Light United Church. Members and interested persons to attend.

STAR

Juneau Lodge No. 147, F. and M. will meet at 7:30 tonight. All Masons are urged to attend.

Persons of practically any skill level are enthusiastic about forming a new band of Alaska-Juneau pep band are interested persons to attend. Contact the UAJ office of student activities at 789-4528.

ESSURE

Stress and pressure testing will be conducted at Mountain View Senior Center from 9:30 a.m. to 1:30 p.m. Tuesday. No appointment is necessary. Call 586-3736 for information.

S

Set off in the Cedar Park area. Fire set on fire.

ip

Firefighters are reminding residents every home should have at least one fire extinguisher and everyone in the household know how to use it. The Glacier Fire Department offers classes on use of fire extinguishers. For information, call 789-7554.

nice calls

Volunteer Fire Department services teams responded to a call at the weekend:

Call: At 9:49 a.m. Friday, patient, stable, transported to Memorial Hospital.

Vehicle accident: At 10:06 p.m. Saturday, patient, stable, transported to Memorial Hospital. Injuries minor, both patients transported.

Call: At 2:29 a.m. Saturday, patient, no transport; at 11:51 a.m. Saturday, patient, choking, mother dislodged, child was stable and taken home by the family; at 2:01 a.m. Sunday, patient, cuts, patient taken to the hospital.

Volunteer Fire Department services teams responded to a call at the weekend:

Call: At 9:34 a.m. Friday, patient, stable, transported to the hospital; at 11:48 a.m. Sunday, no details; patient stable, transported to the hospital; at 2:50 p.m. Sunday, patient, chest pain, stable condition, transported to the hospital.



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.

James O. Smith
Signature of Camera Operator

11/24/89
Date

H B

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HB 486: "An act relating to financing expansion of the power plant on the Fairbanks campus of UAF; and providing for an effective date."

Measure has additional referrals to HESS, Finance, and Rules

Authorizes the UA Board of Regents to proceed thru the U of A Heating Corporation to issue revenue bonds or certificates of participation in an amount not to exceed \$6.5 million to finance the expansion of the UAF power plant.