

First Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 07-0132.01 Kristen Forrestal

SENATE BILL 07-208

SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

Green,

Senate Committees
Business, Labor and Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE REGULATION OF PERSONS WHO TREAT THE HEARING**
102 **IMPAIRED, AND, IN CONNECTION THEREWITH, CONTINUING THE**
103 **REGISTRATION OF AUDIOLOGISTS AND HEARING AID PROVIDERS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Sunset Process - Senate Business, Labor, and Technology Committee. Continues the registration of audiologists and registered hearing aid providers by the division of registrations within the department of regulatory agencies until July 1, 2012. Defines the "practice of audiology". Deletes the requirement that hearing aid providers keep records of minor accessories provided to customers.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 22, 2007

Changes terminology to require that cerumen accumulation in the ear be significant prior to requiring a recommendation to consult a physician. Clarifies that a buyer of a hearing aid is entitled to cancel a purchase and receive a refund only if the hearing aid was not lost or significantly damaged beyond repair. Moves provisions regarding deceptive trade practices of hearing aid providers from the "Colorado Consumer Protection Act" to the article governing audiologists and hearing aid providers.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 SECTION 1. 6-1-105 (1), Colorado Revised Statutes, is amended
3 BY THE ADDITION OF A NEW PARAGRAPH to read:

4 6-1-105. Deceptive trade practices. (1) A person engages in a
5 deceptive trade practice when, in the course of such person's business,
6 vocation, or occupation, such person:

7 (yy) VIOLATES ANY PROVISION OF PART 3 OF ARTICLE 5.5 OF TITLE
8 12, C.R.S.

9 SECTION 2. 6-1-114, Colorado Revised Statutes, is amended to
10 read:

11 6-1-114. Criminal penalties. Upon a first conviction any person
12 who promotes a pyramid promotional scheme in this state or who violates
13 any provision of section 6-1-701 PART 3 OF ARTICLE 5.5 OF TITLE 12,
14 C.R.S., is guilty of a class 1 misdemeanor, as defined in section
15 18-1.3-501, C.R.S., and upon a second or subsequent conviction is guilty
16 of a class 6 felony, as defined in section 18-1.3-401, C.R.S.

17 SECTION 3. 6-1-501 (7) (a), Colorado Revised Statutes, is
18 amended to read:

19 6-1-501. Definitions. As used in this part 5, unless the context
20 otherwise requires:

21 (7) "Facilitative device" means a device that has a retail price

1 equal to or greater than one hundred dollars and that is exclusively
2 designed and manufactured to assist a person with a disability with such
3 person's specific disability, through the use of facilitative technology, to
4 be self-sufficient or to maintain or improve that person's quality of life.
5 "Facilitative device" does not include wheelchairs as that term is defined
6 in section 6-1-402 (17). "Facilitative device" does include the following:

7 (a) Telephone communication devices for the hearing impaired
8 and other facilitative listening devices except for hearing aids as defined
9 in section 6-1-701 (1)(c)(F) SECTION 12-5.5-301 (4), C.R.S., and cochlear
10 implants as defined in section 6-1-701 (1)(c)(H) SECTION 12-5.5-301 (2),
11 C.R.S.:

12 **SECTION 4. Repeal.** 6-1-701, Colorado Revised Statutes, is
13 repealed.

14 **SECTION 5.** 12-5.5-101 (1) and (4), Colorado Revised Statutes,
15 are amended, and the said 12-5.5-101 is further amended BY THE
16 ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

17 **12-5.5-101. Definitions.** As used in this part 1, unless the context
18 otherwise requires:

19 (1) "Audiologist" means a person who meets the following
20 requirements: ~~except that an audiologist who is engaged in the practice~~
21 ~~of audiology on or before July 1, 1995, shall demonstrate compliance~~
22 ~~with such requirements not later than July 1, 1997:~~

23 (a) ~~Holds a master's or doctorate degree in audiology or an~~
24 ~~equivalent degree, as determined by the director; and HAS EARNED A~~
25 ~~DOCTORAL DEGREE IN AUDIOLOGY FROM A PROGRAM THAT IS OR, AT THE~~
26 ~~TIME THE APPLICANT WAS ENROLLED AND GRADUATED, WAS ACCREDITED~~
27 ~~BY AN ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL FOR HIGHER~~

1 EDUCATION ACCREDITATION OR ITS SUCCESSOR OR THE UNITED STATES
2 DEPARTMENT OF EDUCATION;

3 (b) Has obtained a certificate of competency in audiology from a
4 nationally recognized certification agency or has been licensed as a
5 school audiologist by the Colorado department of education pursuant to
6 section 22-60.5-210, C.R.S. HAS EARNED A MASTER'S DEGREE WITH A
7 MAJOR EMPHASIS IN AUDIOLOGY THAT WAS CONFERRED BEFORE JULY 1,
8 2007, FROM A PROGRAM OF HIGHER LEARNING THAT IS OR, AT THE TIME
9 THE APPLICANT WAS ENROLLED AND GRADUATED, WAS ACCREDITED BY AN
10 ACCREDITING AGENCY RECOGNIZED BY THE COUNCIL FOR HIGHER
11 EDUCATION OR ITS SUCCESSOR OR THE UNITED STATED DEPARTMENT OF
12 EDUCATION, AND HAS OBTAINED A CERTIFICATE OF COMPETENCY IN
13 AUDIOLOGY FROM A NATIONALLY RECOGNIZED CERTIFICATION AGENCY;

14 OR

15 (c) HAS BEEN LICENSED AS A SCHOOL AUDIOLOGIST BY THE
16 COLORADO DEPARTMENT OF EDUCATION PURSUANT TO SECTION
17 22-60.5-210, C.R.S.

18 (3.3) "LICENSEE" MEANS AN AUDIOLOGIST WHO HOLDS A CURRENT
19 LICENSE FROM THE DIVISION OF REGISTRATIONS PURSUANT TO THIS PART
20 1.

21 (3.5) "PRACTICE OF AUDIOLOGY" MEANS:

22 (a) THE APPLICATION OF PRINCIPLES, METHODS, AND PROCEDURES
23 RELATED TO THE DEVELOPMENT, DISORDERS, AND CONDITIONS OF THE
24 HUMAN AUDITORY-VESTIBULAR SYSTEM, WHETHER SUCH DISORDERS OR
25 CONDITIONS ARE OF ORGANIC OR FUNCTIONAL ORIGIN, INCLUDING, BUT
26 NOT LIMITED TO, DISORDERS OF HEARING, BALANCE, TINNITUS, AUDITORY
27 PROCESSING, AND OTHER NEURAL FUNCTIONS, AS THOSE PRINCIPLES,

1 METHODS, AND PROCEDURES ARE TAUGHT IN DOCTORAL PROGRAMS IN
2 AUDIOLOGY IN ACCREDITED PROGRAMS. THE PRINCIPLES, METHODS, OR
3 PROCEDURES INCLUDE DIAGNOSIS, ASSESSMENT, MEASUREMENT, TESTING,
4 APPRAISAL, EVALUATION, REHABILITATION, TREATMENT, PREVENTION,
5 CONSERVATION, IDENTIFICATION, CONSULTATION, COUNSELING,
6 INTERVENTION, MANAGEMENT, INTERPRETATION, INSTRUCTION, OR
7 RESEARCH RELATED TO HEARING, VESTIBULAR FUNCTION, BALANCE AND
8 FALL PREVENTION, AND ASSOCIATED NEURAL SYSTEMS, OR ANY
9 ABNORMAL CONDITION RELATED TO TINNITUS, AUDITORY SENSITIVITY,
10 ACUITY, FUNCTION OR PROCESSING, SPEECH, LANGUAGE, OR OTHER
11 ABERRANT BEHAVIOR RESULTING FROM HEARING LOSS, FOR THE PURPOSE
12 OF DIAGNOSING, DESIGNING, AND IMPLEMENTING AUDIOLOGICAL
13 MANAGEMENT AND TREATMENT OR OTHER PROGRAMS FOR THE
14 AMELIORATION OF SUCH DISORDERS AND CONDITIONS. MANAGEMENT
15 AND TREATMENT SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ACTIVITIES
16 DESCRIBED IN PARAGRAPH (b) OF THIS SUBSECTION (3.5).

17 (b) ENGAGING IN THE PRACTICE OF PRESCRIBING, SELECTING,
18 SPECIFYING, EVALUATING, ASSISTING IN THE ADJUSTMENT TO, AND
19 DISPENSING OF PROSTHETIC DEVICES FOR HEARING LOSS, INCLUDING, BUT
20 NOT LIMITED TO, HEARING AIDS AND HEARING ASSISTIVE DEVICES BY
21 MEANS OF SPECIALIZED AUDIOMETRIC EQUIPMENT OR BY ANY OTHER
22 MEANS ACCEPTED BY THE DIRECTOR.

23 (4) "Registrant" means an audiologist who holds a current
24 certificate of registration from the division of registrations pursuant to
25 this part 1.

26 SECTION 6. 12-5.5-101.5, Colorado Revised Statutes, is
27 amended to read:

1 **12-5.5-101.5. Scope of article.** This article shall not apply to
2 persons who are licensed pursuant to section 22-60.5-210, C.R.S., and
3 who are not ~~registered~~ LICENSED under this article for work undertaken
4 as part of their employment by, or contractual agreement with, the public
5 schools.

6 **SECTION 7.** 12-5.5-102 (1) and (2), the introductory portion to
7 12-5.5-102 (3), and 12-5.5-102 (4), Colorado Revised Statutes, are
8 amended to read:

9 **12-5.5-102. License required - application - bond.** (1) An
10 audiologist shall ~~register~~ BE LICENSED with the division of registrations
11 before performing audiology services in this state. ~~Upon registering, The~~
12 audiologist shall be given a ~~certificate of registration~~ LICENSE bearing a
13 unique ~~registration~~ LICENSE number. The audiologist shall include the
14 ~~registration~~ LICENSE number on all written contracts and receipts, as
15 required pursuant to section 6-1-701 (2) (e) (III) (B), C.R.S. SECTION
16 12-5.5-302 (1) (e) (III) (B).

17 (2) An audiologist desiring to ~~register~~ BE LICENSED pursuant to
18 this section shall submit to the director an application containing the
19 information described in subsection (3) of this section and shall pay a fee
20 to be determined and collected by the director pursuant to section
21 24-34-105, C.R.S. The director may deny an application for ~~registration~~
22 A LICENSE if the required information is not submitted. If an applicant or
23 ~~registrant~~ LICENSEE does not notify the director of a change in the
24 submitted information within thirty days after such change, such failure
25 shall be cause for disciplinary action.

26 (3) The following information shall be included in every
27 application for ~~registration~~ A LICENSE under this section:

1 (4) A student enrolled in a course of study at an accredited
2 institution and practicing audiology under the supervision of a registered
3 LICENSED audiologist shall be exempt from the requirements of this
4 section.

5 **SECTION 8.** 12-5.5-102.5, Colorado Revised Statutes, is
6 amended to read:

7 **12-5.5-102.5. Temporary license.** The director shall grant a
8 temporary ~~registration certificate~~ LICENSE to any applicant who has
9 obtained a master's or doctorate degree in audiology and is practicing
10 audiology in a year of "clinical fellowship", as required for certification
11 by a national accrediting organization. No temporary ~~registration~~
12 ~~certificate~~ LICENSE issued pursuant to this section shall be valid for more
13 than twelve months.

14 **SECTION 9.** 12-5.5-103, Colorado Revised Statutes, is amended
15 to read:

16 **12-5.5-103. Licensing procedure - renewal - reinstatement.**

17 (1) The director shall register LICENSE all applicants who meet the
18 requirements of this part 1 and shall provide each registrant LICENSEE
19 with a certificate indicating that the person named in such certificate is
20 registered LICENSED in the state of Colorado as an audiologist.

21 (2) All ~~registrations~~ LICENSES shall expire pursuant to a schedule
22 established by the director and shall be renewed or reinstated pursuant to
23 section 24-34-102 (8), C.R.S. The director may establish renewal fees
24 and delinquency fees for reinstatement pursuant to section 24-34-105,
25 C.R.S. If a person fails to renew his or her ~~registration~~ LICENSE pursuant
26 to the schedule established by the director of the division of registrations,
27 such ~~registration~~ LICENSE shall expire. Any person whose ~~registration~~

1 LICENSE has expired shall be subject to the penalties provided in this
2 article or section 24-34-102 (8), C.R.S.

3 (3) All fees collected under this part 1 shall be deposited in
4 accordance with section 12-5.5-104.

5 **SECTION 10.** 12-5.5-104, Colorado Revised Statutes, is
6 amended to read:

7 **12-5.5-104. Division of registrations cash fund.** It is the intent
8 of the general assembly that all direct and indirect costs incurred in the
9 implementation of this part 1 be funded by annual registration LICENSE
10 and renewal fees. All fees collected by the director shall be transmitted
11 to the state treasurer, who shall credit the same to the division of
12 registrations cash fund, created by section 24-34-105, C.R.S.

13 **SECTION 11.** The introductory portion to 12-5.5-105 (1) (a) and
14 12-5.5-105 (1) (a) (III), (1) (a) (IV), (1) (b) (I), (1) (b) (IV), (1) (b) (X),
15 (2), (3) (a), and (3) (b), Colorado Revised Statutes, are amended, and the
16 said 12-5.5-105 (1) (b) is further amended BY THE ADDITION OF A
17 NEW SUBPARAGRAPH, to read:

18 **12-5.5-105. Grounds for discipline - disciplinary actions.**
19 (1) (a) If, after investigation, notice, and the opportunity for hearing in
20 accordance with article 4 of title 24, C.R.S., the director determines that
21 an applicant or registrant LICENSEE has committed any of the acts
22 specified in paragraph (b) of this subsection (1), the director may:

23 (III) Place a registrant LICENSEE on probation, which shall entail
24 close supervision on such terms and for such time as the director deems
25 appropriate;

26 (IV) Deny, refuse to renew, revoke, or suspend the registration
27 LICENSE of an applicant or registrant LICENSEE; or

1 (b) The following acts shall constitute grounds for discipline:

2 (I) Using false or misleading advertising or making a false or
3 misleading statement or omission in an application for registration
4 LICENSURE;

5 (IV) Violation of any provision of this part 1, including failure to
6 comply with the registration LICENSE requirements of section 12-5.5-102,
7 or violation of any rule promulgated by the director under this part 1;

8 (X) Failing to adequately supervise a registered LICENSED hearing
9 aid provider trainee or associate.

10 (XI) PROVIDING SERVICES BEYOND THE SCOPE OF THE
11 EDUCATIONAL PREPARATION, EXPERIENCE, SKILLS, OR COMPETENCE OF
12 THE LICENSEE.

13 (2) Any disciplinary action taken with respect to an audiologist by
14 another state or local jurisdiction or the federal government shall be
15 deemed prima facie evidence of grounds for disciplinary action, including
16 denial of registration A LICENSE under this part 1; except that this
17 subsection (2) shall apply only to disciplinary actions that are
18 substantially similar to those set out as grounds for disciplinary action
19 under this part 1.

20 (3) (a) When a complaint or investigation discloses an instance of
21 misconduct that, in the opinion of the director, does not warrant formal
22 action by the director but that should not be dismissed as being without
23 merit, a letter of admonition may be issued and sent, by certified mail, to
24 the registrant LICENSEE.

25 (b) When a letter of admonition is sent by the director, by certified
26 mail, to a registrant LICENSEE, such registrant LICENSEE shall be advised
27 that he or she has the right to request in writing, within twenty days after

1 receipt of the letter, that formal disciplinary proceedings be initiated to
2 adjudicate the propriety of the conduct upon which the letter of
3 admonition is based.

4 **SECTION 12.** 12-5.5-106 (3) (b) and (5), Colorado Revised
5 Statutes, are amended to read:

6 **12-5.5-106. Director - powers - duties.** (3) (b) Upon failure of
7 any witness to comply with such subpoena or process, the district court
8 of the county in which the subpoenaed person or registrant LICENSEE
9 resides or conducts business, upon application by the board or director
10 with notice to the subpoenaed person or registrant LICENSEE, may issue
11 to the person or registrant LICENSEE an order requiring that person or
12 registrant LICENSEE to appear before the director; to produce the relevant
13 papers, books, records, documentary evidence, or materials if so ordered;
14 or to give evidence touching the matter under investigation or in question.
15 Failure to obey the order of the court may be punished by the court as a
16 contempt of court.

17 (5) The director shall adopt all rules necessary for the enforcement
18 and administration of this part 1, including, but not limited to, a
19 requirement that registrants LICENSEES maintain for at least seven years
20 records identifying customers by name, the goods or services provided to
21 each customer, and the date and price of each transaction.

22 **SECTION 13.** 12-5.5-107 (1) (a), (2) (a), (2) (c) (III), (3), and (6),
23 Colorado Revised Statutes, are amended to read:

24 **12-5.5-107. Cease and desist orders - unauthorized practice -**
25 **penalties.** (1) (a) If it appears to the director, based upon credible
26 evidence as presented in a written complaint by any person, that a
27 registrant LICENSEE is acting in a manner that is an imminent threat to the

1 health and safety of the public or a person is acting or has acted without
2 the required registration LICENSE, the director may issue an order to cease
3 and desist such activity. The order shall set forth the statutes and rules
4 alleged to have been violated, the facts alleged to have constituted the
5 violation, and the requirement that all unlawful acts or unregistered
6 UNLICENSED practices immediately cease.

7 (2) (a) If it appears to the director, based upon credible evidence
8 as presented in a written complaint by any person, that a person has
9 violated any other portion of this part 1, then, in addition to any specific
10 powers granted pursuant to this part 1, the director may issue to such
11 person an order to show cause as to why the director should not issue a
12 final order directing such person to cease and desist from the unlawful act
13 or unregistered UNLICENSED practice.

14 (c) (III) If the director reasonably finds that the person against
15 whom the order to show cause was issued is acting or has acted without
16 the required registration LICENSE or has or is about to engage in acts or
17 practices constituting violations of this part 1, a final cease and desist
18 order may be issued directing such person to cease and desist from further
19 unlawful acts or unregistered UNLICENSED practices.

20 (3) If it appears to the director, based upon credible evidence
21 presented to the director, that a person has engaged in or is about to
22 engage in any unregistered UNLICENSED act or practice, any act or practice
23 constituting a violation of this part 1, any rule promulgated pursuant to
24 this part 1, any order issued pursuant to this part 1, or any act or practice
25 constituting grounds for administrative sanction pursuant to this part 1,
26 the director may enter into a stipulation with such person.

27 (6) Any person who practices or offers or attempts to practice

1 audiology services without an active ~~registration~~ LICENSE issued under
2 this article commits a class 2 misdemeanor and shall be punished as
3 provided in section 18-1.3-501, C.R.S., for the first offense, and, for the
4 second or any subsequent offense, the person commits a class 6 felony
5 and shall be punished as provided in section 18-1.3-401, C.R.S.

6 **SECTION 14.** 12-5.5-201 (3) and (4), Colorado Revised Statutes,
7 are amended to read:

8 **12-5.5-201. Definitions.** As used in this part 2, unless the context
9 otherwise requires:

10 (3) "**Registered LICENSED hearing aid provider**" means a person
11 engaged in the practice of dispensing, fitting, or dealing in hearing aids,
12 who has passed an examination conducted under the auspices of the
13 national board for certification in hearing instrument sciences (NBC-HIS)
14 or an equivalent examination as determined by the director; except that
15 a ~~registered~~ LICENSED hearing aid provider who is engaged in the practice
16 of dispensing, fitting, or dealing in hearing aids on or before July 1, 1995,
17 shall demonstrate, not later than July 1, 1997, that he or she has passed
18 such an examination.

19 (4) "**Registrant**" "**LICENSEE**" means a ~~registered~~ LICENSED hearing
20 aid provider who holds a current ~~certificate of registration~~ LICENSE from
21 the division of registrations pursuant to this part 2.

22 **SECTION 15.** 12-5.5-202, Colorado Revised Statutes, is
23 amended to read:

24 **12-5.5-202. License required - application - bond.** (1) A
25 ~~registered~~ hearing aid provider shall ~~register~~ BELICENSED pursuant to this
26 part 2 before selling or negotiating to sell, directly or indirectly, any
27 hearing device for the hearing impaired unless such provider holds a

1 current registration LICENSE pursuant to part 1 of this article. Upon
2 registering LICENSING, the registered LICENSED hearing aid provider shall
3 be given a certificate of registration LICENSE bearing a unique registration
4 LICENSE number. The registered LICENSED hearing aid provider shall
5 include the registration LICENSE number on all written contracts and
6 receipts, as required pursuant to section 6-1-701 (2) (e) (HH) (B), C.R.S.
7 12-5.5-302 (1) (e) (III) (B). A registered LICENSED hearing aid provider
8 who is also an audiologist and is registered LICENSED only under part 1 of
9 this article shall include the registration LICENSE number issued pursuant
10 to such part 1 on all written contracts and receipts.

11 (2) (a) A registered hearing aid provider desiring to register BE
12 LICENSED pursuant to this section shall submit to the director an
13 application containing the information described in this subsection (2)
14 and shall pay a fee to be determined and collected pursuant to section
15 24-34-105, C.R.S. The director may deny an application for registration
16 LICENSURE if the required information is not submitted or if an applicant's
17 trainee registration certificate LICENSE, issued pursuant to section
18 12-5.5-202.5, has been revoked. If an applicant or registrant LICENSEE
19 does not notify the director of a change in the submitted information
20 within thirty days after such change, such failure shall be cause for
21 disciplinary action.

22 (b) The following information shall be included in every
23 application for registration LICENSURE under this section:

24 (I) The name, business address, and business telephone number
25 of the registered hearing aid provider;

26 (II) The location of each office from which sales of hearing
27 devices for the hearing impaired are intended to be made;

1 (III) Proof of having obtained a surety bond or an alternative, as
2 authorized in section 11-35-101, C.R.S., in an amount not to exceed ten
3 thousand dollars. Such surety bond shall require the surety to provide
4 notice to the director within thirty days after receipt of a claim or payment
5 made from such surety bond or if the bond is cancelled for any reason.

6 (IV) A statement indicating whether any registered hearing aid
7 provider license, certificate, or registration was issued to the registered
8 hearing aid provider by a local, state, or national health care agency,
9 whether any such license, certificate, or registration was suspended or
10 revoked, whether charges or complaints are pending against such license,
11 certificate, or registration, and whether disciplinary action was taken.

12 **SECTION 16.** 12-5.5-202.5 (1), the introductory portion to
13 12-5.5-202.5 (2), and 12-5.5-202.5 (2) (b), (3) (a), (4) (a), and (5),
14 Colorado Revised Statutes, are amended to read:

15 **12-5.5-202.5. License - trainees and associates - rules.** (1) A
16 person training to be a registered LICENSED hearing aid provider shall
17 submit to the director an application containing the information described
18 in subsection (2) of this section and shall pay a trainee or associate
19 registration LICENSE fee to be determined and collected pursuant to
20 section 24-34-105, C.R.S.

21 (2) The director shall issue a trainee registration certificate
22 LICENSE to any applicant who provides the following to the director's
23 satisfaction:

24 (b) Verification of training to become a registered LICENSED
25 hearing aid provider, which training is under the direct and personal
26 supervision of an audiologist or a registered LICENSED hearing aid
27 provider whose registration LICENSE is in good standing. For the

1 purposes of this section, "audiologist" has the same meaning as set forth
2 in section 12-5.5-101 (1).

3 (3) During the training period:

4 (a) A trainee or associate shall not sell hearing aids independently
5 of the supervising ~~registered~~ LICENSED hearing aid provider or
6 audiologist;

7 (4) The director shall promulgate all rules necessary for the
8 enforcement and administration of this section, including rules that:

9 (a) Establish the time period during which a ~~registration certificate~~
10 TRAINEE LICENSE issued under this section shall be valid;

11 (5) Any person issued a trainee ~~registration certificate~~ LICENSE,
12 including an associate, under this section is subject to the disciplinary
13 provisions of section 12-5.5-205.

14 **SECTION 17.** 12-5.5-203 (1), (2), and (3), Colorado Revised
15 Statutes, are amended to read:

16 **12-5.5-203. Licensing procedure - renewal - reinstatement.**

17 (1) The director shall ~~register~~ LICENSE all applicants who meet the
18 requirements of this part 2 and shall provide each ~~registrant~~ LICENSEE
19 with a ~~certificate~~ LICENSE indicating that the person named in such
20 ~~certificate~~ LICENSE is ~~registered~~ LICENSED in the state of Colorado as a
21 ~~registered~~ hearing aid provider.

22 (2) All ~~registrations~~ LICENSES shall expire pursuant to a schedule
23 established by the director and shall be renewed or reinstated pursuant to
24 section 24-34-102 (8), C.R.S. The director may establish renewal fees
25 and delinquency fees for reinstatement pursuant to section 24-34-105,
26 C.R.S. If a person fails to renew his or her ~~registration~~ LICENSE pursuant
27 to the schedule established by the director of the division of registrations,

1 such registration LICENSE shall expire. Any person whose registration
2 LICENSE has expired shall be subject to the penalties provided in this
3 article or section 24-34-102 (8), C.R.S.

4 (3) The director shall issue or deny a certificate of registration
5 LICENSE within sixty days after the date of receipt of the application.

6 **SECTION 18.** 12-5.5-204, Colorado Revised Statutes, is
7 amended to read:

8 **12-5.5-204. Division of registrations cash fund.** It is the intent
9 of the general assembly that all direct and indirect costs incurred in the
10 implementation of this part 2 be funded by annual registration LICENSE
11 and renewal fees. All fees collected by the director shall be transmitted
12 to the state treasurer, who shall credit the same to the division of
13 registrations cash fund, created by section 24-34-105, C.R.S.

14 **SECTION 19.** The introductory portion to 12-5.5-205 (1) (a),
15 12-5.5-205 (1) (a) (III), (1) (a) (IV), (1) (a) (V), (1) (b) (V), (2), (3) (a),
16 and (3) (b), Colorado Revised Statutes, are amended to read:

17 **12-5.5-205. Grounds for discipline - disciplinary actions.**
18 (1) (a) If, after investigation, notice, and the opportunity for hearing in
19 accordance with article 4 of title 24, C.R.S., the director determines that
20 an applicant, registrant LICENSEE, trainee, or associate has committed any
21 of the acts specified in paragraph (b) of this subsection (1), the director
22 may:

23 (III) Place a registrant LICENSEE on probation, which shall entail
24 close supervision on such terms and for such time as the director deems
25 appropriate;

26 (IV) Deny, refuse to renew, revoke, or suspend the registration
27 LICENSE of an applicant or registrant;

1 (V) Deny, revoke, or suspend the certificate of a registered
2 LICENSE OF A hearing aid provider trainee or associate; or

3 (b) The following acts shall constitute grounds for discipline:

4 (V) Refusing to honor a buyer's request to cancel a contract for the
5 purchase of a hearing device for the hearing impaired, if such request was
6 made during the rescission period set forth in ~~section 6-1-701 (2) (e);~~
7 ~~C.R.S.~~ SECTION 12-5.5-302 (1) (e);

8 (2) Any disciplinary action taken with respect to a registered
9 hearing aid provider by another state or local jurisdiction or the federal
10 government shall be deemed prima facie evidence of grounds for
11 disciplinary action, including denial of registration LICENSURE under this
12 part 2; except that this subsection (2) shall apply only to disciplinary
13 actions that are substantially similar to those set out as grounds for
14 disciplinary action under this part 2.

15 (3) (a) When a complaint or investigation discloses an instance of
16 misconduct that, in the opinion of the director, does not warrant formal
17 action by the director but that should not be dismissed as being without
18 merit, a letter of admonition may be issued and sent, by certified mail, to
19 the registrant LICENSEE.

20 (b) When a letter of admonition is sent by the director, by certified
21 mail, to a registrant LICENSEE, such registrant LICENSEE shall be advised
22 that he or she has the right to request in writing, within twenty days after
23 receipt of the letter, that formal disciplinary proceedings be initiated to
24 adjudicate the propriety of the conduct upon which the letter of
25 admonition is based.

26 **SECTION 20.** 12-5.5-205.5 (1) (a), (2) (a), (2) (c) (III), and (3),
27 Colorado Revised Statutes, are amended to read:

1 12-5.5-205.5. Cease and desist orders - unauthorized practice

2 - penalties. (1) (a) If it appears to the director, based upon credible
3 evidence as presented in a written complaint by any person, that a
4 registrant LICENSEE is acting in a manner that is an imminent threat to the
5 health and safety of the public or a person is acting or has acted without
6 the required registration LICENSE, the director may issue an order to cease
7 and desist such activity. The order shall set forth the statutes and rules
8 alleged to have been violated, the facts alleged to have constituted the
9 violation, and the requirement that all unlawful acts or unregistered
10 UNLICENSED practices immediately cease.

11 (2) (a) If it appears to the director, based upon credible evidence
12 as presented in a written complaint by any person, that a person has
13 violated any other portion of this part 2, then, in addition to any specific
14 powers granted pursuant to this part 2, the director may issue to such
15 person an order to show cause as to why the director should not issue a
16 final order directing such person to cease and desist from the unlawful act
17 or unregistered UNLICENSED practice.

18 (c) (III) If the director reasonably finds that the person against
19 whom the order to show cause was issued is acting or has acted without
20 the required registration LICENSE or has or is about to engage in acts or
21 practices constituting violations of this part 2, a final cease and desist
22 order may be issued directing such person to cease and desist from further
23 unlawful acts or unregistered UNLICENSED practices.

24 (3) If it appears to the director, based upon credible evidence
25 presented to the director, that a person has engaged in or is about to
26 engage in any unregistered UNLICENSED act or practice, any act or practice
27 constituting a violation of this part 2, any rule promulgated pursuant to

1 this part 2, any order issued pursuant to this part 2, or any act or practice
2 constituting grounds for administrative sanction pursuant to this part 2,
3 the director may enter into a stipulation with such person.

4 **SECTION 21.** 12-5.5-206 (4) (b) and (5), Colorado Revised
5 Statutes, are amended to read:

6 **12-5.5-206. Director - powers - duties - rules.** (4) The director
7 shall adopt all rules necessary for the enforcement or administration of
8 this part 2, including, but not limited to, rules that require:

9 (b) That supervising registrants LICENSEES or registrants
10 LICENSEES designated by such registrants' LICENSEES' employers maintain
11 for at least seven years records identifying customers by name; the goods
12 or services, EXCEPT BATTERIES AND MINOR ACCESSORIES, provided to
13 each customer; and the date and price of each transaction.

14 (5) The director may require registered LICENSED hearing aid
15 providers to make disclosures to purchasers in their written contracts of
16 sale or in separate written documents if the director finds that such
17 disclosures are necessary for the protection of purchasers.

18 **SECTION 22.** 12-5.5-207 (2), Colorado Revised Statutes, is
19 amended to read:

20 **12-5.5-207. Repeal of article.** (2) Prior to such repeal, the
21 registration LICENSING AND SUPERVISORY functions of the director shall
22 be reviewed as provided in section 24-34-104, C.R.S.

23 **SECTION 23.** Article 5.5 of title 12, Colorado Revised Statutes,
24 is amended BY THE ADDITION OF A NEW PART to read:

25 **PART 3**

26 **LICENSED HEARING AID PROVIDERS -**

27 **DECEPTIVE TRADE PRACTICES**

1 **12-5.5-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
2 CONTEXT OTHERWISE REQUIRES:

3 (1) "AUDIOLOGIST" MEANS AN INDIVIDUAL WHO IS LICENSED AS AN
4 AUDIOLOGIST PURSUANT TO PART 1 OF THIS ARTICLE OR WHO HAS BEEN
5 LICENSED AS A SCHOOL AUDIOLOGIST BY THE COLORADO DEPARTMENT OF
6 EDUCATION PURSUANT TO SECTION 22-60.5-210, C.R.S.

7 (2) "COCHLEAR IMPLANT" OR "COCHLEAR PROSTHESIS" MEANS AN
8 ELECTRODE OR ELECTRODES SURGICALLY IMPLANTED IN THE COCHLEA
9 THAT ARE ATTACHED TO AN INDUCTION COIL BURIED UNDER THE SKIN
10 NEAR THE EAR, AND THE ASSOCIATED UNIT WHICH IS WORN ON THE BODY.

11 (3) "DISPENSE" MEANS TO TRANSFER TITLE, POSSESSION, OR THE
12 RIGHT TO USE BY LEASE, BAILMENT, OR ANY OTHER METHOD, BUT
13 EXCLUDES TRANSACTIONS WITH DISTRIBUTORS OR DEALERS.

14 (4) "HEARING AID" MEANS ANY WEARABLE INSTRUMENT OR
15 DEVICE DESIGNED OR OFFERED FOR THE PURPOSE OF AIDING OR
16 COMPENSATING FOR IMPAIRED HUMAN HEARING AND ANY PARTS,
17 ATTACHMENTS, OR ACCESSORIES THERETO, INCLUDING EAR MOLDS BUT
18 EXCLUDING BATTERIES AND CORDS; EXCEPT THAT "HEARING AID" DOES
19 NOT INCLUDE A COCHLEAR IMPLANT OR COCHLEAR PROSTHESIS.

20 (5) "LICENSED HEARING AID PROVIDER" MEANS AN INDIVIDUAL
21 WHO IS LICENSED AS A HEARING AID PROVIDER PURSUANT TO PART 2 OF
22 THIS ARTICLE.

23 (6) "PRACTICE OF DISPENSING, FITTING, OR DEALING IN HEARING
24 AIDS" INCLUDES THE SELECTION AND ADAPTATION FOR THE SALE OF
25 HEARING AIDS AND INCLUDES THE TESTING OF HEARING FOR THESE
26 PURPOSES. THE PRACTICE ALSO INCLUDES THE MAKING OF IMPRESSIONS
27 FOR EAR MOLDS AND COUNSELING AND INSTRUCTION PERTAINING TO THE

1 SELECTION, FITTING, ADAPTATION, OR SALE OF HEARING AIDS.

2 (7) "TRIAL PERIOD" MEANS THE FIRST THIRTY DAYS A BUYER HAS
3 A HEARING AID IN THE BUYER'S POSSESSION. ANY SUCH TRIAL PERIOD MAY
4 BE EXTENDED BY MUTUAL AGREEMENT OF THE BUYER AND THE LICENSED
5 HEARING AID PROVIDER WHO DISPENSED THE HEARING AID.

6 **12-5.5-302. Licensed hearing aid providers - deceptive trade**
7 **practices. (1) IN ADDITION TO ANY OTHER DECEPTIVE TRADE PRACTICES**
8 **UNDER SECTION 6-1-105, C.R.S., OR THIS PART 3, A LICENSED HEARING AID**
9 **PROVIDER OR, WITH RESPECT TO ONLY PARAGRAPH (a) OF THIS**
10 **SUBSECTION (1), AN AUDIOLOGIST, ENGAGES IN A DECEPTIVE TRADE**
11 **PRACTICE WHEN SUCH PROVIDER:**

12 (a) FAILS TO DELIVER TO EACH PERSON SUPPLIED WITH A HEARING
13 AID A RECEIPT THAT:

14 (I) BEARS THE BUSINESS ADDRESS OF THE HEARING AID PROVIDER
15 OR AUDIOLOGIST TOGETHER WITH SPECIFICATIONS AS TO THE MAKE AND
16 SERIAL NUMBER OF THE HEARING AID FURNISHED AND THE FULL TERMS OF
17 THE SALE CLEARLY STATED. IF A HEARING AID THAT IS NOT NEW IS SOLD,
18 THE CONTAINER THEREOF AND THE RECEIPT SHALL BE CLEARLY MARKED
19 AS "USED" OR "RECONDITIONED", WHICHEVER IS APPLICABLE, WITHIN THE
20 TERMS OF THE GUARANTEE, IF ANY.

21 (II) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
22 BODY OF THE RECEIPT, IN SUBSTANCE, A PROVISION THAT THE PURCHASER
23 HAS BEEN ADVISED AT THE OUTSET OF THE PURCHASER'S RELATIONSHIP
24 WITH THE HEARING AID PROVIDER OR AUDIOLOGIST THAT ANY
25 EXAMINATION OR REPRESENTATION MADE BY A HEARING AID PROVIDER OR
26 AUDIOLOGIST IN CONNECTION WITH THE PRACTICE OF DISPENSING, FITTING,
27 OR DEALING IN HEARING AIDS IS NOT AN EXAMINATION, DIAGNOSIS, OR

1 PRESCRIPTION BY A PERSON LICENSED TO PRACTICE MEDICINE IN THIS
2 STATE AND, THEREFORE, MUST NOT BE REGARDED AS MEDICAL OPINION OR
3 ADVICE;

4 (III) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE
5 BODY OF THE RECEIPT, A PROVISION INDICATING THAT HEARING AID
6 PROVIDERS AND AUDIOLOGISTS ARE REGULATED BY THE DIVISION OF
7 REGISTRATIONS WITHIN THE DEPARTMENT OF REGULATORY AGENCIES;

8 (IV) BEARS A PROVISION LABELED "WARRANTY" IN WHICH THE
9 EXACT WARRANTY TERMS AND PERIODS AVAILABLE FROM THE
10 MANUFACTURER ARE DOCUMENTED, OR INCLUDES AN ORIGINAL OR
11 PHOTOCOPY OF THE ORIGINAL MANUFACTURER'S WARRANTY WITH THE
12 RECEIPT;

13 (b) SELLS A HEARING AID TO A CHILD UNDER EIGHTEEN YEARS OF
14 AGE WITHOUT RECEIVING DOCUMENTATION THAT THE CHILD HAS BEEN
15 EXAMINED BY A LICENSED PHYSICIAN AND AN AUDIOLOGIST WITHIN SIX
16 MONTHS PRIOR TO THE FITTING;

17 (c) (I) FAILS TO RECEIVE FROM A LICENSED PHYSICIAN, PRIOR TO
18 DISPENSING, FITTING, OR DEALING IN A HEARING AID TO ANY PERSON, A
19 WRITTEN PRESCRIPTION OR RECOMMENDATION THAT SPECIFIES THAT THE
20 PERSON IS IN FACT IN NEED OF A HEARING AID; EXCEPT THAT ANY PERSON
21 EIGHTEEN YEARS OF AGE OR OLDER WHO OBJECTS TO MEDICAL
22 EVALUATION ON THE BASIS OF RELIGIOUS OR PERSONAL BELIEFS MAY
23 WAIVE THE REQUIREMENT BY DELIVERING TO THE REGISTERED HEARING
24 AID PROVIDER A WRITTEN WAIVER.

25 (II) SELLS, PROVIDES, DISPENSES, ADJUSTS, PROVIDES TRAINING OR
26 TEACHING IN REGARD TO, OR OTHERWISE SERVICES COCHLEAR IMPLANTS
27 UNLESS SUCH LICENSED HEARING AID PROVIDER IS AN AUDIOLOGIST OR A

1 PHYSICIAN.

2 (d) FAILS TO RECOMMEND IN WRITING PRIOR TO FITTING OR
3 DISPENSING A HEARING AID THAT THE BEST INTERESTS OF THE
4 PROSPECTIVE USER WOULD BE SERVED BY CONSULTING A LICENSED
5 PHYSICIAN SPECIALIZING IN DISEASES OF THE EAR, OR ANY LICENSED
6 PHYSICIAN, IF ANY OF THE FOLLOWING CONDITIONS EXISTS:

7 (I) VISIBLE CONGENITAL OR TRAUMATIC DEFORMITY OF THE EAR;

8 (II) HISTORY OF OR ACTIVE DRAINAGE OF THE EAR WITHIN THE
9 PREVIOUS NINETY DAYS;

10 (III) HISTORY OF SUDDEN OR RAPIDLY PROGRESSIVE HEARING
11 LOSS;

12 (IV) ACUTE OR CHRONIC DIZZINESS;

13 (V) UNILATERAL HEARING LOSS OF SUDDEN ONSET WITHIN THE
14 PREVIOUS NINETY DAYS;

15 (VI) AUDIOMETRIC AIR-BONE GAP EQUAL TO OR GREATER THAN
16 FIFTEEN DECIBELS AT 500 HERTZ (Hz), 1,000 Hz, AND 2,000 Hz;

17 (VII) VISIBLE EVIDENCE OF SIGNIFICANT CERUMEN
18 ACCUMULATION ON OR A FOREIGN BODY IN THE EAR CANAL;

19 (VIII) PAIN OR DISCOMFORT IN THE EAR;

20 (e) FAILS TO PROVIDE A THIRTY-DAY RESCISSION PERIOD WITH THE
21 FOLLOWING TERMS:

22 (I) THE BUYER SHALL HAVE THE RIGHT TO CANCEL THE PURCHASE
23 FOR ANY REASON BEFORE THE EXPIRATION OF THE RESCISSION PERIOD BY
24 GIVING OR MAILING WRITTEN NOTICE OF CANCELLATION TO THE SELLER
25 AND PRESENTING THE HEARING AID TO THE DEALER, UNLESS THE HEARING
26 AID HAS BEEN LOST OR SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE
27 IN THE BUYER'S POSSESSION AND CONTROL. THE THIRTY-DAY RESCISSION

1 PERIOD SHALL BE TOLLED FOR ANY PERIOD DURING WHICH A LICENSED
2 HEARING AID PROVIDER TAKES POSSESSION OR CONTROL OF A HEARING AID
3 AFTER ITS ORIGINAL DELIVERY.

4 (II) THE BUYER, UPON CANCELLATION, IS ENTITLED TO RECEIVE A
5 FULL REFUND OF ANY PAYMENT MADE FOR THE HEARING AID WITHIN
6 THIRTY DAYS AFTER RETURN OF THE HEARING AID TO THE SELLER, UNLESS
7 THE HEARING AID WAS SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE
8 THE HEARING AID WAS IN THE BUYER'S POSSESSION AND CONTROL; EXCEPT
9 THAT, IF THE HEARING AID IS RETURNED FOR ANY REASON OTHER THAN A
10 DEFECT IN SUCH HEARING AID, THE SELLER MAY RETAIN AN ITEMIZED
11 AMOUNT TO COVER THE MINIMUM COSTS OF MATERIALS USED BY THE
12 LICENSED HEARING AID PROVIDER OR AUDIOLOGIST AND A
13 MANUFACTURER'S RETURN FEE, BUT SUCH AMOUNT MAY NOT BE GREATER
14 THAN FIVE PERCENT OF THE TOTAL CHARGE FOR THE HEARING AID.

15 (III) (A) THE SELLER SHALL PROVIDE A WRITTEN RECEIPT OR
16 CONTRACT TO THE BUYER THAT INCLUDES, IN IMMEDIATE PROXIMITY TO
17 THE SPACE RESERVED FOR THE SIGNATURE OF THE BUYER, THE FOLLOWING
18 SPECIFIC STATEMENT IN ALL CAPITAL LETTERS OF NO LESS THAN
19 TEN-POINT, BOLD-FACED TYPE:

20 **THE BUYER HAS THE RIGHT TO CANCEL THIS**
21 **PURCHASE FOR ANY REASON AT ANY TIME**
22 **PRIOR TO 12 MIDNIGHT OF THE 30TH**
23 **CALENDAR DAY AFTER RECEIPT OF THE**
24 **HEARING AID BY GIVING OR MAILING THE**
25 **SELLER WRITTEN NOTICE OF CANCELLATION**
26 **AND BY RETURNING THE HEARING AID, UNLESS**
27 **THE HEARING AID HAS BEEN SIGNIFICANTLY**

1 **DAMAGED BEYOND REPAIR WHILE THE**
2 **HEARING AID WAS IN THE BUYER'S CONTROL.**
3 **BY LAW, THE SELLER IS ALLOWED TO RETAIN**
4 **AN ITEMIZED AMOUNT, NOT TO EXCEED FIVE**
5 **PERCENT OF THE TOTAL CHARGE FOR THE**
6 **HEARING AID, TO COVER THE COSTS OF A**
7 **MANUFACTURER'S RETURN FEE AND THE**
8 **MINIMUM COSTS OF MATERIALS USED BY THE**
9 **REGISTERED HEARING AID PROVIDER, UNLESS**
10 **THE HEARING AID IS RETURNED BECAUSE IT IS**
11 **DEFECTIVE.**

12 **(B) THE WRITTEN CONTRACT OR RECEIPT PROVIDED TO THE BUYER**
13 **SHALL ALSO CONTAIN A STATEMENT, IN PRINT SIZE NO SMALLER THAN**
14 **TEN-POINT TYPE, THAT THE SALE IS VOID AND UNENFORCEABLE IF THE**
15 **HEARING AID BEING PURCHASED IS NOT DELIVERED TO THE CONSUMER**
16 **WITHIN THIRTY DAYS AFTER THE DATE THE WRITTEN CONTRACT IS SIGNED**
17 **OR THE RECEIPT IS ISSUED, WHICHEVER OCCURS LATER. THE WRITTEN**
18 **CONTRACT OR RECEIPT SHALL ALSO INCLUDE THE LICENSED HEARING AID**
19 **PROVIDER'S LICENSE NUMBER AND A STATEMENT THAT THE LICENSED**
20 **HEARING AID PROVIDER SHALL PROMPTLY REFUND ALL MONEYS PAID FOR**
21 **THE PURCHASE OF A HEARING AID IF IT IS NOT DELIVERED TO THE**
22 **CONSUMER WITHIN SUCH THIRTY-DAY PERIOD. SUCH STATEMENT IS NOT**
23 **SUBJECT TO WAIVER BY THE BUYER.**

24 **(IV) A REFUND REQUEST FORM SHALL BE ATTACHED TO EACH**
25 **RECEIPT AND SHALL CONTAIN THE INFORMATION IN SUBPARAGRAPH (I) OF**
26 **PARAGRAPH (a) OF THIS SUBSECTION (1) AND THE STATEMENT, IN ALL**
27 **CAPITAL LETTERS OF NO LESS THAN TEN-POINT, BOLD-FACED TYPE:**

1 "REFUND REQUEST - THIS FORM MUST BE POSTMARKED BY
2 (DATE TO BE FILLED IN). NO REFUND WILL BE GIVEN UNTIL THE HEARING
3 AID OR HEARING AIDS ARE RETURNED TO THE SELLER." A SPACE FOR THE
4 BUYER'S ADDRESS, TELEPHONE NUMBER, AND SIGNATURE SHALL BE
5 PROVIDED. THE BUYER SHALL ONLY BE REQUIRED TO SIGN, LIST THE
6 BUYER'S CURRENT ADDRESS AND TELEPHONE NUMBER, AND MAIL THE
7 REFUND REQUEST FORM TO THE SELLER. IF THE HEARING AID IS SOLD IN
8 THE BUYER'S HOME, AT THE BUYER'S OPTION, THE SELLER SHALL BE
9 RESPONSIBLE FOR ARRANGING THE RETURN OF THE HEARING AID.

10 (f) REPRESENTS THAT THE SERVICE OR ADVICE OF A PERSON
11 LICENSED TO PRACTICE MEDICINE WILL BE USED OR MADE AVAILABLE IN
12 THE SELECTION, FITTING, ADJUSTMENT, MAINTENANCE, OR REPAIR OF
13 HEARING AIDS WHEN THAT IS NOT TRUE OR USING THE TERMS "DOCTOR",
14 "CLINIC", "STATE-LICENSED CLINIC", "STATE-REGISTERED",
15 "STATE-CERTIFIED", OR "STATE-APPROVED" OR ANY OTHER TERM,
16 ABBREVIATION, OR SYMBOL WHEN IT WOULD FALSELY GIVE THE
17 IMPRESSION THAT SERVICE IS BEING PROVIDED BY PERSONS TRAINED IN
18 MEDICINE OR THAT THE HEARING AID DEALER'S SERVICE HAS BEEN
19 RECOMMENDED BY THE STATE WHEN SUCH IS NOT THE CASE; OR WHEN
20 THAT WOULD BE FALSE OR MISLEADING;

21 (g) DIRECTLY OR INDIRECTLY GIVES OR OFFERS TO GIVE OR
22 PERMITS OR CAUSES TO BE GIVEN MONEY OR ANYTHING OF VALUE TO ANY
23 PERSON WHO ADVISES ANOTHER IN A PROFESSIONAL CAPACITY AS AN
24 INDUCEMENT TO INFLUENCE SUCH PERSON OR HAVE SUCH PERSON
25 INFLUENCE OTHERS TO PURCHASE OR CONTRACT TO PURCHASE PRODUCTS
26 SOLD OR OFFERED FOR SALE BY A LICENSED HEARING AID PROVIDER OR
27 INFLUENCES PERSONS TO REFRAIN FROM DEALING IN THE PRODUCTS OF

1 COMPETITORS:

2 (h) DISPENSES A HEARING AID TO A PERSON WHO HAS NOT BEEN
3 GIVEN TESTS UTILIZING APPROPRIATE ESTABLISHED PROCEDURES AND
4 INSTRUMENTATION IN THE FITTING OF HEARING AIDS, EXCEPT IN CASES OF
5 SELLING REPLACEMENT HEARING AIDS WITHIN ONE YEAR AFTER THE DATE
6 OF THE ORIGINAL PURCHASE;

7 (i) MAKES A FALSE OR MISLEADING STATEMENT OF FACT
8 CONCERNING GOODS OR SERVICES OR THE BUYER'S RIGHT TO CANCEL WITH
9 THE INTENTION OR EFFECT OF DETERRING OR PREVENTING THE BUYER
10 FROM EXERCISING THE BUYER'S RIGHT TO CANCEL;

11 (j) CHARGES, COLLECTS, OR RECOVERS ANY COST OR FEE FOR ANY
12 GOOD OR SERVICE THAT HAS BEEN REPRESENTED BY THE LICENSED
13 HEARING AID PROVIDER AS FREE.

14 **12-5.5-303. Fines.** FINES COLLECTED PURSUANT TO THIS ARTICLE
15 SHALL BE TRANSFERRED TO THE STATE TREASURER WHO SHALL CREDIT
16 THE SAME TO THE GENERAL FUND.

17 **SECTION 24.** 12-5.5-207, Colorado Revised Statutes, is
18 amended to read:

19 **12-5.5-207. Repeal of article.** (1) This article is repealed,
20 effective July 1, ~~2007~~ 2012.

21 (2) Prior to such repeal, the registration functions of the director
22 shall be reviewed as provided in section 24-34-104, C.R.S.

23 **SECTION 25. Repeal.** 24-34-104 (38) (c), Colorado Revised
24 Statutes, is repealed as follows:

25 **24-34-104. General assembly review of regulatory agencies**
26 **and functions for termination, continuation, or reestablishment.**

27 (38) The following agencies, functions, or both, shall terminate on July

1 1, 2007:

2 (c) The registration of audiologists and registered hearing aid
3 providers by the division of registrations, pursuant to article 5.5 of title
4 12, C.R.S.:

5 SECTION 26. 24-34-104 (43), Colorado Revised Statutes, is
6 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

7 24-34-104. General assembly review of regulatory agencies
8 and functions for termination, continuation, or reestablishment.

9 (43) The following agencies, functions, or both, shall terminate on July
10 1, 2012:

11 (c) THE LICENSING OF AUDIOLOGISTS AND HEARING AID PROVIDERS
12 BY THE DIVISION OF REGISTRATIONS, PURSUANT TO ARTICLE 5.5 OF TITLE
13 12, C.R.S.

14 SECTION 27. Effective date - applicability. This act shall take
15 effect July 1, 2007, and shall apply to audiologists and hearing aid
16 providers on or after said date.

17 SECTION 28. Safety clause. The general assembly hereby finds,
18 determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, and safety.