

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

April 18, 2013
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

SB13-238 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, page 2, strike lines 14 through 17.

2 Renumber succeeding subsections accordingly.

3 Page 3, strike lines 3 through 5 and substitute:

4 "(4) "DISPENSE", WITH REGARD TO A HEARING AID, MEANS TO SELL
5 OR TRANSFER TITLE, POSSESSION, OR THE RIGHT TO USE BY LEASE,
6 BAILMENT, OR ANY OTHER METHOD. THE TERM DOES NOT APPLY TO
7 WHOLESALE TRANSACTIONS WITH DISTRIBUTORS OR DEALERS."

8 Page 3, strike lines 8 through 11 and substitute:

9 "(6) (a) "HEARING AID" MEANS A WEARABLE DEVICE DESIGNED OR
10 OFFERED TO BE CUSTOMIZED FOR THE PURPOSE OF COMPENSATING FOR
11 IMPAIRED HUMAN HEARING AND INCLUDES:

12 (I) ANY PARTS, ATTACHMENTS, OR ACCESSORIES TO THE
13 INSTRUMENT OR DEVICE, AS DEFINED IN RULES ADOPTED BY THE
14 DIRECTOR; AND

15 (II) EAR MOLDS, EXCLUDING BATTERIES AND CORDS.

16 (b) THE TERM DOES NOT INCLUDE A SURGICALLY IMPLANTED
17 HEARING DEVICE."

18 Page 3, strike lines 16 through 19 and substitute:

- 1 "(9) "PRACTICE OF DISPENSING, FITTING, OR DEALING IN HEARING
2 AIDS" INCLUDES:
3 (a) SELECTING AND ADAPTING HEARING AIDS FOR SALE;
4 (b) TESTING HUMAN HEARING FOR PURPOSES OF SELECTING AND
5 ADAPTING HEARING AIDS FOR SALE; AND
6 (c) MAKING IMPRESSIONS FOR EAR MOLDS AND COUNSELING AND
7 INSTRUCTING PROSPECTIVE USERS FOR PURPOSES OF SELECTING, FITTING,
8 ADAPTING, OR SELLING HEARING AIDS.
9 (10) "SURGICALLY IMPLANTED HEARING DEVICE" MEANS A DEVICE
10 THAT IS DESIGNED TO PRODUCE USEFUL HEARING SENSATIONS TO A
11 PERSON WITH A HEARING IMPAIRMENT AND THAT HAS, AS ONE OR MORE
12 COMPONENTS, A UNIT THAT IS SURGICALLY IMPLANTED INTO THE EAR,
13 SKULL, OR OTHER INTERIOR PART OF THE BODY. THE TERM INCLUDES ANY
14 ASSOCIATED UNIT THAT MAY BE WORN ON THE BODY."
- 15 Renumber succeeding subsection accordingly.
- 16 Page 3, strike lines 20 through 22.
- 17 Page 5, line 12, strike "COCHLEAR".
- 18 Page 5, line 13, strike "IMPLANT" and substitute "SURGICALLY IMPLANTED
19 HEARING DEVICE".
- 20 Page 6, strike lines 6 through 13.
- 21 Renumber succeeding C.R.S. sections accordingly.
- 22 Page 7, line 15, strike "NUMBER;" and substitute "NUMBER AND OTHER
23 CONTACT INFORMATION AS DETERMINED BY THE DIRECTOR;"
- 24 Page 8, strike lines 22 through 24 and substitute "ARTICLE."
- 25 Page 8, line 25, strike "THIRTY" and substitute "SIXTY".
- 26 Page 10, line 8, strike "THE" and substitute "ON AND AFTER JUNE 1, 2014,
27 THE".
- 28 Page 10, line 27, strike "EXPIRES".

1 Page 11, strike line 1 and substitute "IS RENEWABLE AND IS SUBJECT TO
2 SECTION 12-5.5-202 (2), C.R.S."

3 Page 11, after line 5 insert:

4 "(7) ON AND AFTER JUNE 1, 2014, A PERSON IN THIS STATE
5 TRAINING TO BE A LICENSED HEARING AID PROVIDER MUST POSSESS A
6 VALID APPRENTICE LICENSE ISSUED BY THE DIRECTOR PURSUANT TO THIS
7 ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE."

8 Page 11, after line 12 insert:

9 "**12-5.5-206. Retention of records - licensee's obligation.** EACH
10 LICENSEE WHO SELLS A HEARING AID OR PROVIDES GOODS OR SERVICES TO
11 A CUSTOMER SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE
12 MAINTENANCE OF CUSTOMER RECORDS. THE RECORDS MUST BE RETAINED
13 FOR AT LEAST SEVEN YEARS AND IDENTIFY THE CUSTOMER BY NAME; THE
14 GOODS OR SERVICES, EXCEPT BATTERIES, MINOR PARTS, AND ACCESSORIES,
15 PROVIDED TO EACH CUSTOMER; AND THE DATE AND PRICE OF EACH
16 TRANSACTION."

17 Page 11, strike lines 13 through 27.

18 Strike pages 12 through 14.

19 Page 15, strike lines 1 through 17.

20 Renumber succeeding parts accordingly.

21 Page 17, strike lines 1 through 18 and substitute "ENFORCEMENT OR
22 ADMINISTRATION OF THIS ARTICLE.

23 "**12-5.5-302. Disciplinary actions.** (1) IF THE DIRECTOR
24 DETERMINES THAT AN APPLICANT"

25 Page 17, line 23, before "FIVE" insert "TWO THOUSAND".

26 Page 18, line 24, strike "(a)".

27 Page 19, strike lines 4 through 13.

1 Page 26, line 15, strike "COCHLEAR IMPLANTS" and substitute
2 "SURGICALLY IMPLANTED HEARING DEVICES".

3 Page 26, line 24, strike "any provision of part 3 of" and substitute "any
4 ~~provision of part 3 of~~".

5 Page 27, strike lines 11 through 17 and substitute:

6 **"SECTION 4. Effective date.** This act takes effect July 1, 2013."

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