

The House Committee on Regulated Industries offers the following substitute to HB 232:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 20 of Title 43 of the Official Code of Georgia Annotated, relating to  
2 hearing aid dealers and dispensers, so as change certain provisions relative to the creation of  
3 the State Board of Hearing Aid Dealers and Dispensers, composition, qualifications of  
4 members, terms of office, vacancies, and selection of officers; to change certain provisions  
5 relating to the issuance of licenses and fees; to change the number of hours of continuing  
6 education required for the renewal of a hearing aid specialist license; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 20 of Title 43 of the Official Code of Georgia Annotated, relating to hearing aid  
11 dealers and dispensers, is amended by revising Code Section 43-20-4, relating to creation of  
12 board, composition, qualifications of members, terms of office, vacancies, and selection of  
13 officers, as follows:

14 "43-20-4.

15 (a) There shall be established a the State Board of Hearing Aid Dealers and Dispensers,  
16 which shall administer and enforce this chapter.

17 (b) ~~Members of the board shall be residents of the state.~~ The board shall consist of seven  
18 members,; four of whom shall hold dispenser's licenses issued by the board and each shall  
19 have no less than three years' experience ~~as a hearing aid dispenser; in the practice of~~  
20 dispensing hearing aids, one of whom shall be a diplomate or eligible for certification by  
21 the American Board of Otolaryngology and licensed to practice medicine in this state;2 one  
22 of whom shall be an audiologist licensed under Chapter 44 of this title;2 and one of whom  
23 shall be appointed from the public at large, shall be an individual to whom neither this state  
24 nor any other state has ever issued a license, permit, certificate, or registration to engage  
25 in the practice of dispensing hearing aids, and shall not employ any individual to engage

26 in the practice of dispensing hearing aids. Each member of the board shall be a resident  
 27 of this state.

28 (c) Each member of the board shall be appointed by the Governor with the approval of the  
 29 Secretary of State. The term of office for each member shall be three years or until his or  
 30 her successor has been appointed and qualified ~~except that, for the first board appointed~~  
 31 ~~under this chapter, two members shall be appointed for a two-year term and three members~~  
 32 ~~shall be appointed for a three-year term.~~ Upon the expiration of each term, the Governor,  
 33 with the approval of the Secretary of State, shall appoint a successor as provided above.  
 34 Any vacancy on the board arising from death, resignation, or other cause shall be filled by  
 35 such appointment for the unexpired term.

36 (d) The members of the board shall annually designate one such member to serve as  
 37 ~~chairman~~ chairperson and another to serve as ~~vice-chairman~~ vice chairperson and may  
 38 select such additional officers as the board deems necessary. The chairperson and vice  
 39 chairperson shall each hold a dispenser's license."

#### 40 SECTION 2.

41 Said chapter is further amended by revising Code Section 43-20-8, relating to issuance of  
 42 licenses and fees, as follows:

43 "43-20-8.

44 (a) The board may issue a dealer's license to any applicant for a dealer's license upon  
 45 compliance with this chapter, upon payment of the appropriate license fee for a dealer's  
 46 license, and upon the presentation of evidence satisfactory to the board that ~~he~~ such  
 47 applicant has established or will establish and maintain a regular office, store, or location  
 48 for the dispensing of hearing aid devices or instruments, and that a person who possesses  
 49 a valid Georgia dispenser's license will be responsible for the dispensing of hearing aids  
 50 under such dealer's license.

51 (b)(1) The board may issue a dispenser's license to an applicant only when:

52 (A) ~~The~~ the applicant has satisfactorily completed a board approved examination; ~~and~~

53 (B) Proof ~~when proof~~ of age has been verified; ~~and~~

54 (C) The applicant has satisfactory results from a fingerprint record check report  
 55 conducted by the Georgia Crime Information Center and the Federal Bureau of  
 56 Investigation, as determined by the board. An application for a dispenser's license by  
 57 examination under this chapter shall constitute express consent and authorization for  
 58 the board or its representative to perform a criminal background check. Each applicant  
 59 who submits an application to the board for a dispenser's license by examination agrees  
 60 to provide the board with any and all information necessary to run a criminal  
 61 background check, including, but not limited to, classifiable sets of fingerprints. The

62 applicant shall be responsible for all fees associated with the performance of such  
 63 background check. This subparagraph shall not apply to an application for a renewal  
 64 of a dispenser's license.

65 (2) The dispenser's license shall authorize the holder to dispense hearing aids under the  
 66 general supervision of a licensed dealer.

67 (c) The dealer's license fee shall be in an amount determined by the board and must be  
 68 paid for each office or location established by the dealer.

69 (d) The dispenser's license fee shall be in an amount determined by the board."

70 **SECTION 3.**

71 Said chapter is further amended by revising Code Section 43-20-15, relating to continuing  
 72 education requirement, as follows:

73 "43-20-15.

74 (a) As a prerequisite for the renewal of a dispenser's license on or before  
 75 December 31, 2015, the ~~dispenser~~ individual must provide proof to the board that ~~the~~  
 76 ~~dispenser~~ such individual has successfully completed 14 hours of continuing education in  
 77 a program approved by the board.

78 (b) As a prerequisite for the renewal of a dispenser's license on or after January 1, 2016,  
 79 the individual must provide proof to the board that such individual has successfully  
 80 completed 20 hours of continuing education in a program approved by the board.

81 (c) The board may promulgate such rules and regulations as are necessary to implement  
 82 the continuing education requirement."

83 **SECTION 4.**

84 All laws and parts of laws in conflict with this Act are repealed.