

Assembly Bill No. 545

CHAPTER 440

An act to amend Sections 3303, 3321, and 3325 of the Business and Professions Code, relating to hearing aid dispensers, and making an appropriation therefor.

[Approved by Governor September 21, 1999. Filed
with Secretary of State September 21, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 545, Robert Pacheco. Hearing aid dispensers.

Existing law establishes, within the jurisdiction of the Division of Licensing of the Medical Board of California, the Hearing Aid Dispensers Examining Committee, that is charged with administering the laws relating to the practice of fitting and selling hearing aids. The law authorizing the committee became inoperative July 1, 1999, and is repealed January 1, 2000. Existing law requires 4 members of the committee to be public members, one of whom must be a licensed audiologist, and 3 members to be engaged in fitting or selling hearing aids.

This bill would (1) transfer the powers and duties of the committee to the Director of Consumer Affairs and (2) establish the Hearing Aid Dispensers Advisory Commission, within the jurisdiction of the Department of Consumer Affairs, which commission would consist of 3 licensed hearing aid dispensers and 4 members of the public, as specified, and would perform those duties delegated to it or authorized by the director, as specified.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 3303 of the Business and Professions Code is amended to read:

3303. "Committee," as used in this chapter, means the Director of Consumer Affairs.

SEC. 2. Section 3321 of the Business and Professions Code is amended to read:

3321. (a) There is within the jurisdiction of the department a Hearing Aid Dispensers Advisory Commission. The commission shall consist of seven members, three of whom shall be licensed hearing aid dispensers and four of whom shall be public members. Only one of the licensed hearing aid dispenser members may also be licensed as an audiologist or otolaryngologist.

(b) Each member of the commission shall hold office for a term of four years. Each member shall hold office until the appointment and qualification of his or her successor or until one year shall have elapsed since the expiration of the term for which he or she was appointed, whichever first occurs.

(c) Vacancies occurring shall be filled by appointment for the unexpired term. Each member of the commission shall be eligible for reappointment in the discretion of the appointing power, provided that reappointed hearing aid dispenser members shall, at the time of the reappointment, hold a valid license under this chapter. No person may serve as a member of the commission for more than two full consecutive terms.

(d) The Governor shall appoint two of the public members and the three licensed members. The Senate Rules Committee and the Speaker of the Assembly shall each appoint a public member. When appointing the public members, consideration shall be given to appointing a hearing-impaired individual. If an otolaryngologist is not appointed as one of the three licensed hearing aid dispenser members, consideration shall also be given to appointing a licensed physician or surgeon as a public member.

(e) Every member of the commission shall receive per diem and expenses as provided in Sections 103 and 113.

(f) The commission shall perform those duties and functions that have been delegated to it by the director, however, the director may retain full authority for enforcing the provisions of this chapter. The director shall not delegate his or her authority to receive and process complaints against licensees, or to investigate, prosecute, or discipline licensees. The director also shall not delegate his or her authority to (1) review the qualifications of individual applicants for licensure, (2) accept or deny applications of individuals for license examination, (3) administer license examinations, (4) hear appeals from individuals related to their performance on license examinations, or (5) participate in any other way in the issuance of licenses to individual applicants. The director shall authorize the commission to advise him or her regarding general issues relating to the qualifications and examination of applicants for licensure.

(g) The director may authorize the commission to do any or all of the following: (1) assist the director in the examination of candidates for a license provided under this chapter, (2) after investigation, evaluate and make recommendations to the director regarding potential violations of this chapter, and (3) investigate, assist, and make recommendations to the director regarding the regulation of hearing aid dispensing in this state.

(h) The director, or his or her designee, shall meet with the commission quarterly and shall consult with the commission prior to the introduction of any legislation or regulations proposed by the department relating to hearing aid dispensing in this state.



SEC. 3. Section 3325 of the Business and Professions Code is amended to read:

3325. Notice of each meeting of the commission shall be given in accordance with the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Part 1 of Division 3 of Title 2 of the Government Code).

