

AMENDED IN ASSEMBLY APRIL 25, 2000

AMENDED IN ASSEMBLY APRIL 3, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2697

Introduced by Assembly Member Cardoza

February 25, 2000

An act to amend Sections 3302, 3303, 3306, 3325, 3326, 3327, 3327.5, 3328, 3329, 3330, 3350, 3352, 3353, 3354, 3356, 3357, 3358, 3360, 3362, 3364, 3400, 3401, 3402, 3403, 3404, 3421, 3422, 3423, 3424, 3426, 3430, 3451, 3452, 3454, 3455, and 3456 of, to amend, renumber, and add Sections 3304 and 3321 of, to add Section 3303.5 to, and to repeal Sections 3322 and 3323 of, the Business and Professions Code, relating to hearing aid dispensers.

LEGISLATIVE COUNSEL'S DIGEST

AB 2697, as amended, Cardoza. Hearing aid dispensers.

The Hearing Aid Dispensers Licensing Law provides for the Director of Consumer Affairs to administer the licensing and regulatory laws governing hearing aid dispensers. Existing law also establishes the Hearing Aid Dispensers Advisory Commission, with specified members appointed by the Governor and the Legislature. The commission is authorized to perform those duties and functions that have been delegated to the commission by the director.

This bill would create the Hearing Aid Dispensers Bureau within the Department of Consumer Affairs to administer these provisions, which would be under the supervision and

control of the director. This bill would provide for the director to appoint a chief of the bureau who would be responsible to the director and ~~who's~~ *whose* salary would be determined by the director, subject to approval by the Director of Finance. This bill would reconstitute the commission as the Hearing Aid Dispensers Advisory Committee, which would make certain recommendations with respect to the functions and policies of the bureau, as specified.

This bill would delete references to the Division of Licensing of the Medical Board of California and would make various other related technical changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

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

- 1 SECTION 1. Section 3302 of the Business and
- 2 Professions Code is amended to read:
- 3 3302. "Department," as used in this chapter, means
- 4 the Department of Consumer Affairs.
- 5 SEC. 2. Section 3303 of the Business and Professions
- 6 Code is amended to read:
- 7 3303. "Bureau," as used in this chapter, means the
- 8 Hearing Aid Dispensers Bureau.
- 9 SEC. 3. Section 3303.5 is added to the Business and
- 10 Professions Code, to read:
- 11 3303.5. "Advisory committee," as used in this chapter,
- 12 means the Hearing Aid Dispensers Advisory Committee.
- 13 SEC. 4. Section 3304 of the Business and Professions
- 14 Code is amended and renumbered to read:
- 15 3304.5. "License," as used in this chapter, includes a
- 16 temporary license. "Licensee" means a person holding a
- 17 license.
- 18 SEC. 5. Section 3304 is added to the Business and
- 19 Professions Code, to read:
- 20 3304. "Chief," as used in this chapter, means the Chief
- 21 of the Hearing Aid Dispensers Bureau.
- 22 SEC. 6. Section 3306 of the Business and Professions
- 23 Code is amended to read:



1 3306. (a) “Practice of fitting or selling hearing aids,”
2 as used in this chapter, means those practices used for the
3 purpose of selection and adaptation of hearing aids,
4 including direct observation of the ear, testing of hearing
5 in connection with the fitting and selling of hearing aids,
6 taking of ear mold impressions, fitting or sale of hearing
7 aids, and any necessary postfitting counseling.

8 The practice of selling hearing aids does not include the
9 act of concluding the transaction by a retail clerk.

10 When any audiometer or other equipment is used in
11 the practice of fitting or selling hearing aids, it shall be
12 kept properly calibrated and in good working condition,
13 and the calibration of the audiometer or other equipment
14 shall be checked at least annually.

15 (b) A hearing aid dispenser shall not conduct
16 diagnostic hearing tests when conducting tests in
17 connection with the fitting or selling of hearing aids.

18 (c) Hearing tests conducted pursuant to this chapter
19 shall include those that are in compliance with the Food
20 and Drug Administration Guidelines for Hearing Aid
21 Devices and those that are specifically covered in the
22 licensing examination prepared and administered by the
23 bureau.

24 SEC. 7. Section 3321 of the Business and Professions
25 Code is amended and renumbered to read:

26 3320. (a) There is within the jurisdiction of the
27 department the Hearing Aid Dispensers Bureau. The
28 bureau is under the supervision and control of the
29 director. The duty of enforcing and administering this
30 chapter is vested in the chief, who is responsible to the
31 director. The director may adopt and enforce those rules
32 and regulations that he or she determines are reasonably
33 necessary to carry out the purposes of this chapter and to
34 declare the policy of the bureau, including a system for
35 the issuance of citations for violations of this chapter as
36 specified in Section 125.9. These rules and regulations
37 shall be adopted pursuant to Chapter 4.5 (commencing
38 with Section 11400) of Part 1 of Division 3 of Title 2 of the
39 Government Code.



1 (b) The director may appoint a chief of the bureau, at
2 a salary to be fixed and determined by the director with
3 the approval of the Director of Finance. The chief shall
4 serve at the pleasure of the director.

5 SEC. 8. Section 3321 is added to the Business and
6 Professions Code, to read:

7 3321. (a) There is within the bureau a Hearing Aid
8 Dispensers Advisory Committee. The committee shall
9 consist of seven members; three of whom shall be licensed
10 hearing aid dispensers and four of whom shall be public
11 members. Only one of the licensed members—~~shall~~ *may*
12 *also* be licensed as an audiologist.

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

19 (c) Vacancies occurring shall be filled by appointment
20 for the unexpired term. Each member of the committee
21 shall be eligible for reappointment in the discretion of the
22 appointing power, provided that reappointed members
23 shall, at the time of the reappointment, hold a valid
24 license under this chapter. No person may serve as a
25 member of the committee for more than two consecutive
26 terms.

27 (d) The Governor shall appoint two of the public
28 members and the three licensees. The Senate Committee
29 on Rules and the Speaker of the Assembly shall each
30 appoint a public member. When appointing the public
31 members, consideration shall be given to appointing a
32 hearing-impaired individual.

33 (e) Every member of the committee shall receive per
34 diem and expenses as provided in Section 103 and 113.

35 (f) The advisory committee shall:

36 (1) Examine the functions and policies of the bureau
37 and make recommendations with respect to policies,
38 practices, and regulations as may be deemed important
39 and necessary by the director or the chief to promote the



1 interests of consumers or that otherwise promote the
2 welfare of the public.

3 (2) Consider and make appropriate recommendations
4 to the bureau in all matters relating to hearing aid
5 dispensing in this state.

6 (3) Provide assistance as may be requested by the
7 bureau in the exercise of its powers or duties.

8 (g) The bureau shall meet and consult with the
9 committee regarding general policy issues related to
10 hearing aid dispensing.

11 SEC. 9. Section 3322 of the Business and Professions
12 Code is repealed.

13 SEC. 10. Section 3323 of the Business and Professions
14 Code is repealed.

15 SEC. 11. Section 3325 of the Business and Professions
16 Code is amended to read:

17 3325. Notice of each meeting of the committee shall
18 be given in accordance with the Bagley-Keene Open
19 Meeting Act (Article 9 (commencing with Section 11120)
20 of Part 1 of Division 3 of Title 2 of the Government Code).

21 SEC. 12. Section 3326 of the Business and Professions
22 Code is amended to read:

23 3326. The bureau shall keep a record of all
24 prosecutions for violations of this chapter and of all
25 examinations held for applicants for licenses together
26 with the names and addresses of all persons taking
27 examinations and of their success or failure to pass them.

28 SEC. 13. Section 3327 of the Business and Professions
29 Code is amended to read:

30 3327. The bureau may recommend the preparation of
31 and administration of a course of instruction concerned
32 with the fitting and selection of hearing aids. The bureau
33 may require that prospective licensees shall first
34 complete the required course of instruction or otherwise
35 satisfy the bureau that the licensee possesses the
36 necessary background and qualifications to fit or sell
37 hearing aids. If the bureau promulgates regulations to
38 implement this section to require a course of instruction
39 concerned with fitting and selling hearing aids, it shall



1 obtain the advice of persons knowledgeable in the
2 preparation and administration of a course of instruction.

3 The bureau may publish and distribute information
4 concerning the examination requirements for obtaining
5 a license to engage in the practice of fitting and selling
6 hearing aids within this state.

7 SEC. 14. Section 3327.5 of the Business and
8 Professions Code is amended to read:

9 3327.5. All holders of licenses to sell or fit hearing aids
10 shall continue their education after receiving the license.
11 The bureau shall provide by regulation, as a condition to
12 the renewal of a license, that licensees shall submit
13 documentation satisfactory to the bureau that they have
14 informed themselves of current practices related to the
15 fitting of hearing aids by having pursued courses of study
16 satisfactory to the bureau or by other means defined as
17 equivalent by the bureau.

18 Continuing education courses shall be subject to
19 monitoring to ensure compliance with the regulations
20 adopted by the bureau pursuant to this section.

21 SEC. 15. Section 3328 of the Business and Professions
22 Code is amended to read:

23 3328. The bureau may adopt, amend, or repeal, in
24 accordance with the provisions of the Administrative
25 Procedure Act, regulations that are necessary to enable
26 the bureau to carry into effect the provisions of law
27 relating to the practice of fitting or selling hearing aids.

28 SEC. 16. Section 3329 of the Business and Professions
29 Code is amended to read:

30 3329. (a) The bureau may prosecute any and all
31 persons for any violation of this chapter.

32 (b) The director shall hear and decide all matters,
33 including but not limited to, any contested case or any
34 petition for reinstatement or modification of probation,
35 or may assign any of those matters to an administrative
36 law judge in accordance with the Administrative
37 Procedure Act. Except as otherwise provided in this
38 chapter, all hearings shall be conducted in accordance
39 with Chapter 5 (commencing with Section 11500) of Part
40 1 of Division 3 of Title 2 of the Government Code.



1 SEC. 17. Section 3330 of the Business and Professions
2 Code is amended to read:

3 3330. The bureau may employ the personnel
4 necessary to administer this chapter, other than
5 personnel to perform inspections or investigations, and
6 may incur other expenses as are necessary for the
7 administration of this chapter. All inspections or
8 investigations made pursuant to this chapter shall be
9 made by personnel from the Division of Investigation of
10 the department.

11 SEC. 18. Section 3350 of the Business and Professions
12 Code is amended to read:

13 3350. It is unlawful for an individual to engage in the
14 practice of fitting or selling of hearing aids, or to display
15 a sign or in any other way to advertise or hold himself or
16 herself out as being so engaged without having first
17 obtained a license from the bureau under the provisions
18 of this chapter. Nothing in this chapter shall prohibit a
19 corporation, partnership, trust, association or other like
20 organization maintaining an established business address
21 from engaging in the business of fitting or selling, or
22 offering for sale, hearing aids at retail without a license,
23 provided that any and all fitting or selling of hearing aids
24 is conducted by the individuals who are licensed pursuant
25 to the provisions of this chapter. A person whose license
26 as a hearing aid dispenser has been suspended or revoked
27 shall not be the proprietor of a business that engages in
28 the fitting or selling of hearing aids nor shall that person
29 be a partner, shareholder, member, or fiduciary in a
30 partnership, corporation, association, or trust that
31 maintains or operates that business, during the period of
32 the suspension or revocation. This restriction shall not
33 apply to stock ownership in a corporation that is listed on
34 a stock exchange regulated by the Securities and
35 Exchange Commission if the stock is acquired in a
36 transaction conducted through that stock exchange.

37 SEC. 19. Section 3352 of the Business and Professions
38 Code is amended to read:

39 3352. Each person desiring to obtain a license to
40 engage in the practice of fitting or selling hearing aids



1 shall make application to the bureau. The application
2 shall be made upon a form and shall be made in the
3 manner as is provided by the bureau and shall be
4 accompanied by the fee provided for in Section 3456.

5 SEC. 20. Section 3353 of the Business and Professions
6 Code is amended to read:

7 3353. (a) The bureau shall prepare, approve, grade,
8 and conduct examinations of applicants for a hearing aid
9 dispenser's license. The bureau may provide that the
10 preparation and grading of the examination be
11 conducted by a competent person or organization other
12 than the bureau, provided, however, that the bureau shall
13 establish the guidelines for the examination and shall
14 approve the actual examination.

15 (b) Each applicant shall take and pass a written
16 examination and a practical examination compiled at the
17 direction of the bureau covering the critical tasks
18 involved in the fitting and selling of hearing aids and the
19 knowledge, skills, and abilities needed to perform those
20 tasks safely and competently.

21 SEC. 21. Section 3354 of the Business and Professions
22 Code is amended to read:

23 3354. The bureau shall issue a license to all applicants
24 who have satisfied this chapter, who are at least 18 years
25 of age, who possess a high school diploma or its
26 equivalent, who have not committed acts or crimes
27 constituting grounds for denial of licensure under Section
28 480, and who have paid the fees provided for in Section
29 3456. No license shall be issued to any person other than
30 an individual.

31 SEC. 22. Section 3356 of the Business and Professions
32 Code is amended to read:

33 3356. (a) An applicant who has fulfilled the
34 requirements of Section 3352 and has made application
35 therefor, may have a temporary license issued to him or
36 her upon satisfactory proof to the bureau that the
37 applicant holds a hearing aid dispenser's license in
38 another state, that the licensee has not been subject to
39 formal disciplinary action by another licensing authority,
40 and that the applicant has been engaged in the fitting and



1 sale of hearing aids for the two years immediately prior
2 to application.

3 (b) A temporary license issued pursuant to this section
4 shall be valid for one year from date of issuance and is not
5 renewable. A temporary license shall automatically
6 terminate upon issuance of a license prior to expiration of
7 the one-year period.

8 (c) The holder of a temporary license issued pursuant
9 to this section who fails either license examination shall be
10 subject to and shall comply with the supervision
11 requirements of Section 3357 and any regulations
12 adopted pursuant thereto.

13 SEC. 23. Section 3357 of the Business and Professions
14 Code is amended to read:

15 3357. (a) An applicant who has fulfilled the
16 requirements of Section 3352, and has made application
17 therefor, and who proves to the satisfaction of the bureau
18 that he or she will be supervised and trained by a hearing
19 aid dispenser who is approved by the bureau may have a
20 temporary license issued to him or her. The temporary
21 license shall entitle the temporary licensee to fit or sell
22 hearing aids as set forth in regulations of the bureau. The
23 supervising dispenser shall be responsible for any acts or
24 omissions committed by a temporary licensee under his
25 or her supervision that may constitute a violation of this
26 chapter.

27 (b) The bureau shall adopt regulations setting forth
28 criteria for its refusal to approve a hearing aid dispenser
29 to supervise a temporary licensee, including procedures
30 to appeal that decision.

31 (c) A temporary license issued pursuant to this section
32 is effective and valid for six months from date of issue. The
33 bureau may renew the temporary license for an
34 additional period of six months. The bureau shall not issue
35 more than two renewals of a temporary license to any
36 applicant. If a temporary licensee who is entitled to
37 renew a temporary license does not renew the temporary
38 license and applies for a new temporary license at a later
39 time, the new temporary license shall only be issued and



1 renewed subject to the limitations set forth in this
2 subdivision.

3 SEC. 24. Section 3358 of the Business and Professions
4 Code is amended to read:

5 3358. A temporary licensee under Section 3357 shall
6 take the license examination within the first 10 months
7 after the temporary license is issued. Failure to take the
8 license examination within that time shall result in
9 expiration of the temporary license, and it shall not be
10 renewed unless the temporary licensee has first taken the
11 licensure examination. The bureau, however, may in its
12 discretion renew the temporary license if the licensee
13 failed to take the necessary examination due to illness or
14 other hardship.

15 SEC. 25. Section 3360 of the Business and Professions
16 Code is amended to read:

17 3360. Practical examinations shall be held by the
18 bureau at least twice a year. The time and place of any
19 practical examination shall be fixed by the bureau at least
20 45 days prior to the date it is to be held.

21 SEC. 26. Section 3362 of the Business and Professions
22 Code is amended to read:

23 3362. (a) Before engaging in the practice of fitting or
24 selling hearing aids, each licensee shall notify the bureau
25 in writing of the address or addresses where he or she is
26 to engage, or intends to engage, in the fitting or selling of
27 hearing aids, and of any changes in his or her place of
28 business.

29 (b) If a street address is not the address at which the
30 licensee receives mail, the licensee shall also notify the
31 bureau in writing of the mailing address for each location
32 where the licensee is to engage, or intends to engage, in
33 the fitting or selling of hearing aids, and of any change in
34 the mailing address of his or her place or places of
35 business.

36 SEC. 27. Section 3364 of the Business and Professions
37 Code is amended to read:

38 3364. (a) Every licensee who engages in the practice
39 of fitting or selling hearing aids shall have and maintain
40 an established retail business address to engage in such



1 fitting or selling, routinely open for service to customers
2 or clients. The address of the licensee's place of business
3 shall be registered with the bureau as provided in Section
4 3362.

5 (b) Except as provided in subdivision (c), if a licensee
6 maintains more than one place of business within this
7 state he or she shall apply for and procure a duplicate
8 license for each branch office maintained. Such
9 application shall state the name of the person and the
10 location of the place or places of business for which such
11 duplicate license is desired.

12 (c) A hearing aid dispenser may, without obtaining a
13 duplicate license for a branch office, engage on a
14 temporary basis in the fitting or selling of hearing aids at
15 the primary or branch location of another licensee's
16 business or at a location or facility which he or she may use
17 on a temporary basis, provided, that, such hearing aid
18 dispenser notifies the bureau in advance in writing of the
19 dates and addresses of those businesses, locations or
20 facilities at which he or she will engage in the fitting or
21 selling of hearing aids.

22 SEC. 28. Section 3400 of the Business and Professions
23 Code is amended to read:

24 3400. Proceedings to deny, suspend, or revoke a
25 license under this chapter, shall be conducted in
26 accordance with Chapter 5 (commencing with Section
27 11500) of Part 1 of Division 3 of Title 2 of the Government
28 Code, and the bureau shall have all of the powers granted
29 therein.

30 SEC. 29. Section 3401 of the Business and Professions
31 Code is amended to read:

32 3401. The bureau may deny, issue subject to terms
33 and conditions, suspend, or revoke a license, or impose
34 conditions of probation upon a licensee, for any of the
35 following causes:

36 (a) Gross incompetency, which includes, but is not
37 limited to, the improper or unnecessary fitting of a
38 hearing aid.

39 (b) Gross negligence.

40 (c) Repeated negligent acts.



1 (d) Conviction of any crime substantially related to
2 the qualifications, functions, or duties of a hearing aid
3 dispenser.

4 (e) Obtaining a license by fraud or deceit.

5 (f) Use of the term “doctor” or “physician” or “clinic”
6 or “audiologist,” or any derivation thereof, except as
7 authorized by law.

8 (g) Fraud or misrepresentation in the fitting or selling
9 of a hearing aid.

10 (h) The employment, to perform any act covered by
11 this chapter, of any person whose license has been
12 suspended, revoked, or who does not possess a valid
13 license issued under this chapter.

14 (i) The use, or causing the use, of any advertising or
15 promotional literature in a manner that has the capacity
16 or tendency to mislead or deceive purchasers or
17 prospective purchasers.

18 (j) Habitual intemperance in the use of alcohol or any
19 controlled substance.

20 (k) Permitting another to use his or her license for any
21 purpose.

22 (l) Violation of any provision of this chapter or of any
23 regulation adopted pursuant to this chapter.

24 (m) Any cause that would be grounds for denial of an
25 application for a license.

26 (n) Violation of Section 1689.6 or 1793.02 of the Civil
27 Code.

28 SEC. 30. Section 3402 of the Business and Professions
29 Code is amended to read:

30 3402. Upon denial of an application for license, the
31 bureau shall notify the applicant in writing, stating (1)
32 the reason for the denial and (2) that the applicant has a
33 right to a hearing under Section 3400 if he or she makes
34 written request therefor within 60 days after notice of
35 denial. Service of the notice required by this section may
36 be made by certified mail addressed to the applicant at
37 the latest address filed by the applicant in writing with
38 the bureau in his or her application or otherwise.

39 SEC. 31. Section 3403 of the Business and Professions
40 Code is amended to read:



1 3403. A plea or verdict of guilty or a conviction
2 following a plea of nolo contendere, made to a charge
3 substantially related to the qualifications, functions and
4 duties of a hearing aid dispenser is deemed to be a
5 conviction within the meaning of this article. The bureau
6 may order the license suspended or revoked, impose
7 probationary conditions on a licensee, or may decline to
8 issue a license, when the time for appeal has elapsed, or
9 the judgment of conviction has been affirmed on appeal
10 or when an order granting probation is made suspending
11 the imposition of sentence, irrespective of a subsequent
12 order under the provisions of Section 1203.4 of the Penal
13 Code allowing such person to withdraw his or her plea of
14 guilty and to enter a plea of not guilty, or setting aside the
15 verdict of guilty, or dismissing the accusation,
16 information or indictment.

17 SEC. 32. Section 3404 of the Business and Professions
18 Code is amended to read:

19 3404. Before setting aside the revocation or
20 suspension of any license or modifying the probation of
21 any licensee, the bureau may require the petitioner to
22 pass the regular examination given for applicants for
23 licenses.

24 SEC. 33. Section 3421 of the Business and Professions
25 Code is amended to read:

26 3421. It is unlawful to sell or barter, or offer to sell or
27 barter, any license issued by the bureau.

28 SEC. 34. Section 3422 of the Business and Professions
29 Code is amended to read:

30 3422. It is unlawful to purchase or procure by barter
31 any license issued by the bureau with intent to use the
32 same as evidence of the holder's qualification to practice
33 the fitting or selling of hearing aids.

34 SEC. 35. Section 3423 of the Business and Professions
35 Code is amended to read:

36 3423. It is unlawful to alter with fraudulent intent in
37 any material regard a license issued by the bureau.

38 SEC. 36. Section 3424 of the Business and Professions
39 Code is amended to read:



1 3424. It is unlawful to use or attempt to use any license
2 issued by the bureau that has been purchased,
3 fraudulently issued, counterfeited, or materially altered
4 as a valid license.

5 SEC. 37. Section 3426 of the Business and Professions
6 Code is amended to read:

7 3426. It is unlawful to willfully make any false
8 statement in a material regard in an application for an
9 examination before the bureau for a license.

10 SEC. 38. Section 3430 of the Business and Professions
11 Code is amended to read:

12 3430. In addition to other proceedings provided for in
13 this chapter, whenever any person has engaged, or is
14 about to engage, in any acts or practices which constitute,
15 or will constitute, an offense against this chapter, the
16 superior court for the county wherein the acts or
17 practices take place or are about to take place, may issue
18 an injunction or other appropriate order, restraining such
19 conduct on application of the bureau, the Attorney
20 General, or the district attorney of the county. If the acts
21 or practices constitute, or will constitute, an offense
22 against Section 3306.5, the application to the superior
23 court may be made by the State Board of Optometry. The
24 proceedings under this section shall be governed by
25 Chapter 3 (commencing with Section 525) of Title 7 of
26 Part 2 of the Code of Civil Procedure.

27 SEC. 39. Section 3451 of the Business and Professions
28 Code is amended to read:

29 3451. (a) A license issued under this chapter expires
30 at midnight on its assigned renewal date.

31 (b) To renew an unexpired license, the licensee shall,
32 on or before the date of expiration of the license, apply for
33 renewal on a form provided by the bureau, accompanied
34 by the prescribed renewal fee.

35 (c) Temporary license holders shall renew their
36 licenses in accordance with Section 3357, and apply for
37 that renewal on a form provided by the bureau,
38 accompanied by the prescribed renewal fee for
39 temporary licenses.



1 (d) Each duplicate license issued for a branch office
2 shall expire on the same date as the permanent license of
3 the hearing aid dispenser to whom the duplicate license
4 was issued. These duplicate licenses shall be renewed
5 according to subdivision (b).

6 SEC. 40. Section 3452 of the Business and Professions
7 Code is amended to read:

8 3452. Except as otherwise provided in this chapter, an
9 expired license may be renewed at any time within three
10 years after its expiration on filing of an application for
11 renewal on a form prescribed by the bureau, and
12 payment of all accrued and unpaid renewal fees. If the
13 license is renewed after its expiration the licensee, as a
14 condition precedent to renewal, shall also pay the
15 delinquency fee prescribed by this chapter. Renewal
16 under this section shall be effective on the date on which
17 the application is filed, on the date on which the renewal
18 fee is paid, or on the date on which the delinquency fee,
19 if any, is paid, whichever last occurs. If so renewed, the
20 license shall continue in effect through the date provided
21 in Section 3451 which next occurs after the effective date
22 of the renewal, when it shall expire if it is not again
23 renewed.

24 SEC. 41. Section 3454 of the Business and Professions
25 Code is amended to read:

26 3454. A license that is not renewed within three years
27 after its expiration may not be renewed, restored,
28 reissued, or reinstated thereafter, but the holder of the
29 expired license may apply for and obtain a new license if
30 all of the following apply:

31 (a) He or she has not committed acts or crimes
32 constituting grounds for denial of licensure under Section
33 480.

34 (b) He or she pays all the fees that would be required
35 of him or her if he or she were then applying for a license
36 for the first time.

37 (c) He or she takes and passes the examination that
38 would be required of him or her if he or she were then
39 applying for a license for the first time, or otherwise
40 establishes to the satisfaction of the bureau that he or she



1 is qualified to engage in the practice of fitting or selling
2 hearing aids. The bureau may, by regulation, provide for
3 the waiver or refund of all or any part of the application
4 fee in those cases in which a license is issued without an
5 examination under this section.

6 SEC. 42. Section 3455 of the Business and Professions
7 Code is amended to read:

8 3455. There is established in the State Treasury the
9 Hearing Aid Dispensers Fund. All fees collected pursuant
10 to this chapter shall be paid by the bureau into the fund.
11 All money in the Hearing Aid Dispensers Fund is
12 continuously appropriated to the bureau to carry out the
13 purposes of this chapter.

14 SEC. 43. Section 3456 of the Business and Professions
15 Code is amended to read:

16 3456. The amount of fees and penalties prescribed by
17 this chapter shall be those set forth in this section unless
18 a lower fee is fixed by the bureau:

19 (a) The fee for applicants applying for the first time for
20 a license is seventy-five dollars (\$75), which shall not be
21 refunded, except to applicants who are found to be
22 ineligible to take an examination for a license. Those
23 applicants are entitled to a refund of fifty dollars (\$50).

24 (b) The fees for taking or retaking the written and
25 practical examinations shall be amounts fixed by the
26 bureau, which shall be equal to the actual cost of
27 preparing, grading, analyzing, and administering the
28 examinations.

29 (c) The initial temporary license fee is one hundred
30 dollars (\$100). The fee for renewal of a temporary license
31 is one hundred dollars (\$100) for each renewal.

32 (d) The initial permanent license fee is two hundred
33 eighty dollars (\$280). The fee for renewal of a permanent
34 license is not more than two hundred eighty dollars
35 (\$280) for each renewal.

36 (e) The initial branch office license fee is twenty-five
37 dollars (\$25). The fee for renewal of a branch office
38 license is twenty-five dollars (\$25) for each renewal.

39 (f) The delinquency fee is twenty-five dollars (\$25).



1 (g) The fee for issuance of a replacement license upon
2 loss of an original license or upon change of name
3 authorized by law of a person holding a license under this
4 chapter is twenty-five dollars (\$25).

5 (h) The continuing education course approval
6 application fee is fifty dollars (\$50). The fee for a
7 continuing education course transcript is ten dollars
8 (\$10).

9 (i) The fee for official certification of licensure is
10 fifteen dollars (\$15). The fee for a license confirmation
11 letter is ten dollars (\$10).

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