

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Utilities Act is amended by changing
5 Section 13-703 as follows:

6 (220 ILCS 5/13-703) (from Ch. 111 2/3, par. 13-703)

7 (Section scheduled to be repealed on December 31, 2026)

8 Sec. 13-703. (a) The Commission shall design and implement
9 a program whereby each telecommunications carrier providing
10 local exchange service shall provide a telecommunications
11 device capable of servicing the needs of those persons with a
12 hearing or speech disability together with a single party
13 line, at no charge additional to the basic exchange rate, to
14 any subscriber who is certified as having a hearing or speech
15 disability by a hearing instrument ~~care~~ professional, as
16 defined in the Hearing Instrument Consumer Protection Act, a
17 speech-language pathologist, or a qualified State agency and
18 to any subscriber which is an organization serving the needs
19 of those persons with a hearing or speech disability as
20 determined and specified by the Commission pursuant to
21 subsection (d).

22 (b) The Commission shall design and implement a program,
23 whereby each telecommunications carrier providing local

1 exchange service shall provide a telecommunications relay
2 system, using third party intervention to connect those
3 persons having a hearing or speech disability with persons of
4 normal hearing by way of intercommunications devices and the
5 telephone system, making available reasonable access to all
6 phases of public telephone service to persons who have a
7 hearing or speech disability. In order to design a
8 telecommunications relay system which will meet the
9 requirements of those persons with a hearing or speech
10 disability available at a reasonable cost, the Commission
11 shall initiate an investigation and conduct public hearings to
12 determine the most cost-effective method of providing
13 telecommunications relay service to those persons who have a
14 hearing or speech disability when using telecommunications
15 devices and therein solicit the advice, counsel, and physical
16 assistance of Statewide nonprofit consumer organizations that
17 serve persons with hearing or speech disabilities in such
18 hearings and during the development and implementation of the
19 system. The Commission shall phase in this program, on a
20 geographical basis, as soon as is practicable, but no later
21 than June 30, 1990.

22 (c) The Commission shall establish a competitively neutral
23 rate recovery mechanism that establishes charges in an amount
24 to be determined by the Commission for each line of a
25 subscriber to allow telecommunications carriers providing
26 local exchange service to recover costs as they are incurred

1 under this Section. Beginning no later than April 1, 2016, and
2 on a yearly basis thereafter, the Commission shall initiate a
3 proceeding to establish the competitively neutral amount to be
4 charged or assessed to subscribers of telecommunications
5 carriers and wireless carriers, Interconnected VoIP service
6 providers, and consumers of prepaid wireless
7 telecommunications service in a manner consistent with this
8 subsection (c) and subsection (f) of this Section. The
9 Commission shall issue its order establishing the
10 competitively neutral amount to be charged or assessed to
11 subscribers of telecommunications carriers and wireless
12 carriers, Interconnected VoIP service providers, and
13 purchasers of prepaid wireless telecommunications service on
14 or prior to June 1 of each year, and such amount shall take
15 effect June 1 of each year.

16 Telecommunications carriers, wireless carriers,
17 Interconnected VoIP service providers, and sellers of prepaid
18 wireless telecommunications service shall have 60 days from
19 the date the Commission files its order to implement the new
20 rate established by the order.

21 (d) The Commission shall determine and specify those
22 organizations serving the needs of those persons having a
23 hearing or speech disability that shall receive a
24 telecommunications device and in which offices the equipment
25 shall be installed in the case of an organization having more
26 than one office. For the purposes of this Section,

1 "organizations serving the needs of those persons with hearing
2 or speech disabilities" means centers for independent living
3 as described in Section 12a of the Rehabilitation of Persons
4 with Disabilities Act and not-for-profit organizations whose
5 primary purpose is serving the needs of those persons with
6 hearing or speech disabilities. The Commission shall direct
7 the telecommunications carriers subject to its jurisdiction
8 and this Section to comply with its determinations and
9 specifications in this regard.

10 (e) As used in this Section:

11 "Prepaid wireless telecommunications service" has the
12 meaning given to that term under Section 10 of the Prepaid
13 Wireless 9-1-1 Surcharge Act.

14 "Retail transaction" has the meaning given to that term
15 under Section 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

16 "Seller" has the meaning given to that term under Section
17 10 of the Prepaid Wireless 9-1-1 Surcharge Act.

18 "Telecommunications carrier providing local exchange
19 service" includes, without otherwise limiting the meaning of
20 the term, telecommunications carriers which are purely mutual
21 concerns, having no rates or charges for services, but paying
22 the operating expenses by assessment upon the members of such
23 a company and no other person.

24 "Wireless carrier" has the meaning given to that term
25 under Section 2 of the Emergency Telephone System Act.

26 (f) Interconnected VoIP service providers, sellers of

1 prepaid wireless telecommunications service, and wireless
2 carriers in Illinois shall collect and remit assessments
3 determined in accordance with this Section in a competitively
4 neutral manner in the same manner as a telecommunications
5 carrier providing local exchange service. However, the
6 assessment imposed on consumers of prepaid wireless
7 telecommunications service shall be collected by the seller
8 from the consumer and imposed per retail transaction as a
9 percentage of that retail transaction on all retail
10 transactions occurring in this State. The assessment on
11 subscribers of wireless carriers and consumers of prepaid
12 wireless telecommunications service shall not be imposed or
13 collected prior to June 1, 2016.

14 Sellers of prepaid wireless telecommunications service
15 shall remit the assessments to the Department of Revenue on
16 the same form and in the same manner which they remit the fee
17 collected under the Prepaid Wireless 9-1-1 Surcharge Act. For
18 the purposes of display on the consumers' receipts, the rates
19 of the fee collected under the Prepaid Wireless 9-1-1
20 Surcharge Act and the assessment under this Section may be
21 combined. In administration and enforcement of this Section,
22 the provisions of Sections 15 and 20 of the Prepaid Wireless
23 9-1-1 Surcharge Act (except subsections (a), (a-5), (b-5),
24 (e), and (e-5) of Section 15 and subsections (c) and (e) of
25 Section 20 of the Prepaid Wireless 9-1-1 Surcharge Act and,
26 from June 29, 2015 (the effective date of Public Act 99-6), the

1 seller shall be permitted to deduct and retain 3% of the
2 assessments that are collected by the seller from consumers
3 and that are remitted and timely filed with the Department)
4 that are not inconsistent with this Section, shall apply, as
5 far as practicable, to the subject matter of this Section to
6 the same extent as if those provisions were included in this
7 Section. Beginning on January 1, 2018, the seller is allowed
8 to deduct and retain 3% of the assessments that are collected
9 by the seller from consumers and that are remitted timely and
10 timely filed with the Department, but only if the return is
11 filed electronically as provided in Section 3 of the
12 Retailers' Occupation Tax Act. Sellers who demonstrate that
13 they do not have access to the Internet or demonstrate
14 hardship in filing electronically may petition the Department
15 to waive the electronic filing requirement. The Department
16 shall deposit all assessments and penalties collected under
17 this Section into the Illinois Telecommunications Access
18 Corporation Fund, a special fund created in the State
19 treasury. On or before the 25th day of each calendar month, the
20 Department shall prepare and certify to the Comptroller the
21 amount available to the Commission for distribution out of the
22 Illinois Telecommunications Access Corporation Fund. The
23 amount certified shall be the amount (not including credit
24 memoranda) collected during the second preceding calendar
25 month by the Department, plus an amount the Department
26 determines is necessary to offset any amounts which were

1 erroneously paid to a different taxing body or fund. The
2 amount paid to the Illinois Telecommunications Access
3 Corporation Fund shall not include any amount equal to the
4 amount of refunds made during the second preceding calendar
5 month by the Department to retailers under this Section or any
6 amount that the Department determines is necessary to offset
7 any amounts which were payable to a different taxing body or
8 fund but were erroneously paid to the Illinois
9 Telecommunications Access Corporation Fund. The Commission
10 shall distribute all the funds to the Illinois
11 Telecommunications Access Corporation and the funds may only
12 be used in accordance with the provisions of this Section. The
13 Department shall deduct 2% of all amounts deposited in the
14 Illinois Telecommunications Access Corporation Fund during
15 every year of remitted assessments. Of the 2% deducted by the
16 Department, one-half shall be transferred into the Tax
17 Compliance and Administration Fund to reimburse the Department
18 for its direct costs of administering the collection and
19 remittance of the assessment. The remaining one-half shall be
20 transferred into the Public Utility Fund to reimburse the
21 Commission for its costs of distributing to the Illinois
22 Telecommunications Access Corporation the amount certified by
23 the Department for distribution. The amount to be charged or
24 assessed under subsections (c) and (f) is not imposed on a
25 provider or the consumer for wireless Lifeline service where
26 the consumer does not pay the provider for the service. Where

1 the consumer purchases from the provider optional minutes,
2 texts, or other services in addition to the federally funded
3 Lifeline benefit, a consumer must pay the charge or
4 assessment, and it must be collected by the seller according
5 to this subsection (f).

6 Interconnected VoIP services shall not be considered an
7 intrastate telecommunications service for the purposes of this
8 Section in a manner inconsistent with federal law or Federal
9 Communications Commission regulation.

10 (g) The provisions of this Section are severable under
11 Section 1.31 of the Statute on Statutes.

12 (h) The Commission may adopt rules necessary to implement
13 this Section.

14 (Source: P.A. 99-6, eff. 6-29-15; 99-143, eff. 7-27-15;
15 99-642, eff. 7-28-16; 99-847, eff. 8-19-16; 99-933, eff.
16 1-27-17; 100-20, eff. 7-1-17; 100-201, eff. 8-18-17; 100-303,
17 eff. 8-24-17; 100-863, eff. 8-14-18.)

18 Section 10. The Hearing Instrument Consumer Protection Act
19 is amended by changing Sections 1, 3, 4, 5, 6, 7, 8, 9, 9.5,
20 14, 16, 17, 18, 19, and 20 and by adding Sections 4.5, 4.6, and
21 12 as follows:

22 (225 ILCS 50/1) (from Ch. 111, par. 7401)

23 (Section scheduled to be repealed on January 1, 2026)

24 Sec. 1. Purpose. The purpose of this Act is to protect the

1 deaf or hard of hearing public from the practice of dispensing
2 hearing aids ~~instruments~~ that could endanger the health,
3 safety and welfare of the People of this State. The Federal
4 Food and Drug Administration and Federal Trade Commission has
5 recommended that State legislation is necessary in order to
6 establish standards of competency and to impose stringent
7 penalties for those who violate the public trust in this field
8 of health care.

9 (Source: P.A. 98-827, eff. 1-1-15.)

10 (225 ILCS 50/3) (from Ch. 111, par. 7403)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 3. Definitions. As used in this Act, except as the
13 context requires otherwise:

14 "Department" means the Department of Public Health.

15 "Director" means the Director of the Department of Public
16 Health.

17 "Direct supervision" means the final approval given by the
18 licensed hearing instrument professional to all work performed
19 by the person under supervision and that the licensed hearing
20 instrument professional is physically present in the facility
21 any time the person under supervision has contact with a
22 client. "Direct supervision" does not mean that the licensed
23 hearing instrument professional is in the same room when the
24 person under supervision has contact with the client.

25 "Federal Trade Commission" means the United States federal

1 agency which regulates business practices and commerce.

2 "Food and Drug Administration" means the United States
3 federal agency which regulates hearing instruments or hearing
4 aids as medical devices.

5 "License" means a license issued by the State under this
6 Act to a hearing instrument dispenser.

7 "Licensed audiologist" means a person licensed as an
8 audiologist under the Illinois Speech-Language Pathology and
9 Audiology Practice Act and who can prescribe hearing aids in
10 accordance with this Act.

11 "National Board Certified Hearing Instrument Specialist"
12 means a person who has had at least 2 years in practice as a
13 licensed hearing instrument dispenser and has been certified
14 after qualification by examination by the National Board for
15 Certification in Hearing Instruments Sciences.

16 "Licensed physician" or "physician" means a physician
17 licensed in Illinois to practice medicine in all of its
18 branches pursuant to the Medical Practice Act of 1987.

19 "Trainee" means a person who is licensed to perform the
20 functions of a hearing instrument dispenser in accordance with
21 the Department rules and only under the direct supervision of
22 a hearing instrument dispenser or audiologist who is licensed
23 in the State.

24 "Board" means the Hearing Instrument Consumer Protection
25 Board.

26 "Hearing instrument" or "hearing aid" means any instrument

1 or device, including an instrument or device dispensed
2 pursuant to a prescription, that is designed, intended, or
3 offered for the purpose of improving a person's hearing and
4 any parts, attachments, or accessories, including earmolds.
5 "Hearing instrument" or "hearing aid" does not include
6 batteries, cords, and individual or group auditory training
7 devices and any instrument or device used by a public utility
8 in providing telephone or other communication services
9 ~~wearable instrument or device designed for or offered for the~~
10 ~~purpose of aiding or compensating for impaired human hearing~~
11 ~~and that can provide more than 15 dB full on gain via a 2cc~~
12 ~~coupler at any single frequency from 200 through 6000 cycles~~
13 ~~per second, and any parts, attachments, or accessories,~~
14 ~~including ear molds. "Hearing instrument" or "hearing aid" do~~
15 ~~not include batteries, cords, or group auditory training~~
16 ~~devices and any instrument or device used by a public utility~~
17 ~~in providing telephone or other communication services are~~
18 ~~excluded.~~

19 "Involvement of a licensed person" refers to the
20 supervisor, prescription or other order involvement or
21 interaction by a licensed hearing instrument professional.

22 Practice of prescribing, fitting, dispensing, or
23 servicing of prescription hearing aids instruments" means the
24 measurement of human hearing with an audiometer, calibrated to
25 the current American National Standard Institute standards,
26 for the purpose of prescribing hearing aids and making

1 selections, recommendations, adaptations, services, or sales of
2 hearing aids ~~instruments~~ including the making of earmolds as a
3 part of the hearing aid ~~instrument~~.

4 "Sell" or "sale" means any transfer of title or of the
5 right to use by lease, bailment, or any other contract,
6 excluding wholesale transactions with distributors or dealers.

7 "Hearing instrument dispenser" means a person who is a
8 hearing instrument ~~care~~ professional that engages in the
9 selling, practice of fitting, selecting, recommending,
10 dispensing, prescribing, or servicing of prescription hearing
11 aids ~~instruments~~ or the testing for means of hearing aid
12 ~~instrument~~ selection or who advertises or displays a sign or
13 represents himself or herself as a person who practices the
14 testing, fitting, selecting, servicing, dispensing,
15 prescribing, or selling of prescription hearing aids
16 ~~instruments~~.

17 "Fund" means the Hearing Instrument Dispenser Examining
18 and Disciplinary Fund.

19 "Hearing instrument ~~care~~ professional" means a person who
20 is a licensed audiologist, a licensed hearing instrument
21 dispenser, or a licensed physician.

22 "Over-the-counter hearing aid" means any instrument or
23 device that:

24 (1) uses the same fundamental scientific technology as
25 air conduction hearing aids, as defined in 21 CFR
26 874.3300, or wireless air conduction hearing aids, as

1 defined in 21 CFR 874.3305;

2 (2) is intended to be used by adults age 18 and older
3 to compensate for perceived mild to moderate hearing
4 impairment;

5 (3) through tools, tests, or software, allows the user
6 to control the over-the-counter hearing aid and customize
7 it to the user's hearing needs;

8 (4) may use wireless technology or include tests for
9 self-assessment of hearing loss; and

10 (5) is available over-the-counter, without the
11 supervision, prescription, or other order, involvement, or
12 intervention of a licensed person, to consumers through
13 in-person transactions, by mail, or online.

14 "Over-the-counter hearing aid" does not include batteries,
15 cords, and individual or group auditory training devices or
16 any instrument or device used by a public utility in providing
17 telephone or other communication services.

18 "Personal sound amplification product" means an
19 amplification device, as defined by the Food and Drug
20 Administration or the Federal Trade Commission, that is not
21 labeled as a hearing aid and is not intended to treat hearing
22 loss.

23 "Prescribe" means an order for a prescription hearing aid
24 issued by a licensed hearing instrument professional.

25 "Prescription hearing aid" means any wearable instrument
26 or device designed, intended, or offered for the purpose of

1 improving a person's hearing that may only be obtained with
2 the involvement of a licensed hearing instrument professional.

3 (Source: P.A. 98-362, eff. 8-16-13; 98-827, eff. 1-1-15.)

4 (225 ILCS 50/4) (from Ch. 111, par. 7404)

5 (Section scheduled to be repealed on January 1, 2026)

6 Sec. 4. Disclosure; ~~waiver;~~ complaints; insurance. The
7 hearing instrument dispenser shall give at no charge to every
8 person fitted and sold a hearing aid ~~instrument~~ the "User
9 Instructional Brochure", supplied by the hearing aid
10 ~~instrument~~ manufacturer containing information required by the
11 U.S. Food and Drug Administration.

12 All hearing instruments or hearing aids must be dispensed
13 or sold in accordance with Food and Drug Administration and
14 Federal Trade Commission regulations governing the dispensing
15 and sale of personal sound amplification products or hearing
16 aids.

17 A consumer who purchases an over-the-counter hearing aid
18 must be provided a sales receipt at the time of the
19 transaction.

20 Whenever a sale ~~or service~~ of one or more prescription
21 hearing aids ~~instrument~~ involving \$50 or more is made or
22 contracted to be made, whether under a single contract or
23 under multiple contracts, at the time of the transaction, the
24 hearing instrument professional ~~dispenser~~ shall furnish the
25 consumer with a fully completed receipt or contract pertaining

1 to that transaction, in substantially the same language as
2 that used in the oral presentation to the consumer. The
3 receipt or contract provided to the consumer shall contain (i)
4 the hearing instrument professional's ~~dispenser's~~ name,
5 license number, business address, business phone number, and
6 signature; (ii) the name, address, and signature of the
7 hearing instrument consumer; (iii) ~~and~~ the name and signature
8 of the purchaser if the consumer and the purchaser are not the
9 same person; (iv) the hearing aid instrument manufacturer's
10 name, and the model and serial numbers; (v) the date of
11 purchase; and (vi) the charges required to complete the terms
12 of the sale, which must be fully and clearly stated. When the
13 hearing aid instrument is delivered to the consumer or
14 purchaser, the serial number shall be written on the original
15 receipt or contract and a copy shall be given to the consumer
16 or purchaser. If a used hearing instrument is sold, the
17 receipt and the container thereof shall be clearly marked as
18 "used" or "reconditioned", whichever is applicable, with terms
19 of guarantee, if any.

20 ~~All hearing instruments offered for sale must be~~
21 ~~accompanied by a 30-business day return privilege. The receipt~~
22 ~~or contract provided to the consumer shall state that the~~
23 ~~consumer has a right to return the hearing instrument for a~~
24 ~~refund within 30 business days of the date of delivery. If a~~
25 ~~nonrefundable dispensing fee or restocking fee, or both, will~~
26 ~~be withheld from the consumer in event of return, the terms~~

1 ~~must be clearly stated on the receipt or contract provided to~~
2 ~~the consumer.~~

3 ~~A hearing instrument dispenser shall not sell a hearing~~
4 ~~instrument unless the prospective user has presented to the~~
5 ~~hearing instrument dispenser a written statement, signed by a~~
6 ~~licensed physician, which states that the patient's hearing~~
7 ~~loss has been medically evaluated and the patient is~~
8 ~~considered a candidate for a hearing instrument. The medical~~
9 ~~evaluation must have taken place within the 6 months~~
10 ~~immediately preceding the date of the sale of the hearing~~
11 ~~instrument to the prospective hearing instrument user. If the~~
12 ~~prospective hearing instrument user is 18 years of age or~~
13 ~~older, the hearing instrument dispenser may afford the~~
14 ~~prospective user an opportunity to waive the medical~~
15 ~~evaluation required by this Section, provided that the hearing~~
16 ~~instrument dispenser:~~

17 ~~(i) Informs the prospective user that the exercise of~~
18 ~~a waiver is not in the user's best health interest;~~

19 ~~(ii) Does not in any way actively encourage the~~
20 ~~prospective user to waive the medical evaluation; and~~

21 ~~(iii) Affords the prospective user the option to sign~~
22 ~~the following statement:~~

23 ~~"I have been advised by (hearing~~
24 ~~instrument dispenser's name) that the Food and Drug~~
25 ~~Administration has determined that my best interest~~
26 ~~would be served if I had a medical evaluation by a~~

1 ~~licensed physician (preferably a physician who~~
2 ~~specializes in diseases of the ear) before purchasing~~
3 ~~a hearing instrument. I do not wish a medical~~
4 ~~evaluation before purchasing a hearing instrument."~~

5 The hearing instrument dispenser or the dispenser's ~~his or~~
6 ~~her~~ employer shall retain proof of the medical examination ~~or~~
7 ~~the waiver~~ for at least 3 years from the date of the sale.

8 If the parent or guardian of any individual under the age
9 of 18 years is a member of any church or religious
10 denomination, whose tenets and practices include reliance upon
11 spiritual means through prayer alone and objects to medical
12 treatment and so states in writing to the hearing instrument
13 dispenser, such individual shall undergo a hearing examination
14 as provided by this Section but no proof, ruling out any
15 medically treatable problem causing hearing loss, shall be
16 required.

17 All persons licensed under this Act shall have
18 conspicuously displayed in their business establishment a sign
19 indicating that formal complaints regarding hearing aid
20 ~~instrument~~ goods or services may be made to the Department.
21 Such sign shall give the address and telephone number of the
22 Department. All persons purchasing hearing aids ~~instruments~~
23 shall be provided with a written statement indicating that
24 formal complaints regarding hearing aid ~~instrument~~ goods or
25 services may be made to the Department and disclosing the
26 address and telephone number of the Department.

1 Any person wishing to make a complaint, against a hearing
2 instrument dispenser under this Act, shall file it with the
3 Department within 3 years from the date of the action upon
4 which the complaint is based. The Department shall investigate
5 all such complaints.

6 All persons licensed under this Act shall maintain
7 liability insurance as set forth by rule and shall be
8 responsible for the annual calibration of all audiometers in
9 use by such persons. Such annual calibrations shall be in
10 conformance with the current standards set by American
11 National Standard Institute.

12 (Source: P.A. 91-932, eff. 1-1-01.)

13 (225 ILCS 50/4.5 new)

14 Sec. 4.5. Hearing aids dispensed by prescription to
15 persons age 17 or younger.

16 (a) A hearing instrument professional shall not sell a
17 prescription hearing aid to anyone under 18 years of age
18 unless the prospective user has presented to the hearing
19 instrument professional a written statement, signed by a
20 licensed physician, that states that the patient's hearing
21 loss has been medically evaluated and the patient is
22 considered a candidate for a hearing aid. The medical
23 evaluation must have been performed within the 6 months
24 immediately preceding the date of the sale of the hearing aid
25 to the prospective hearing aid user.

1 (b) A person age 17 or younger must be medically evaluated
2 in person by a physician before receiving a prescription for a
3 hearing aid. The evaluation must have been performed within
4 the 6 months immediately preceding the date that the hearing
5 aid is dispensed.

6 (c) Following a medical evaluation by a licensed
7 physician, a hearing instrument professional other than the
8 evaluating physician may prescribe a prescription hearing aid
9 for an individual age 17 or younger. A person age 17 or younger
10 may not waive the medical evaluation or receipt of a
11 prescription from a hearing instrument professional unless the
12 person is replacing a lost or stolen hearing aid that is
13 subject to warranty replacement.

14 (d) A hearing aid prescription for individuals age 17 or
15 younger issued by a hearing instrument professional other than
16 the evaluating physician must include, at a minimum, the
17 following information:

18 (1) name of the patient;

19 (2) documentation of medical evaluation by a
20 physician;

21 (3) date the prescription is issued;

22 (4) expiration date of the prescription, which may not
23 exceed 6 months from the date of issuance;

24 (5) name and license number of the prescribing hearing
25 instrument professional;

26 (6) results of the following assessments: (i)

1 age-appropriate pure-tone air conduction audiometry or
2 results of auditory evoked potential testing, including,
3 but not limited to, auditory brainstem response or
4 otoacoustic emissions testing; (ii) bone conduction
5 testing, as age appropriate; and (iii) recorded or live
6 voice speech in quiet, as age appropriate;

7 (7) documentation of type and style of hearing aid;
8 and

9 (8) documentation of medical necessity of the
10 recommended features of a hearing aid.

11 (225 ILCS 50/4.6 new)

12 Sec. 4.6. Prescription hearing aids for persons age 18 or
13 older.

14 (a) A person age 18 or older must be evaluated by a hearing
15 instrument professional in person or via telehealth before
16 receiving a prescription for a hearing aid. A person age 18 or
17 older may not waive evaluation by a hearing instrument
18 professional unless he or she is replacing a lost or stolen
19 hearing aid that is subject to warranty replacement.

20 (b) A hearing instrument professional shall not sell
21 prescription hearing aid to anyone age 18 or older if the
22 prospective user had a negative finding on the Consumer Ear
23 Disease Risk Assessment or a similar standardized assessment.
24 The prospective user shall present to the hearing instrument
25 professional a written statement, signed by a licensed

1 physician, which states that the patient's hearing loss has
2 been medically evaluated and the patient is considered a
3 candidate for a prescription hearing aid. The medical
4 evaluation must have been performed within the 12 months
5 immediately preceding the date of the sale of the hearing aid
6 to the prospective hearing aid user.

7 (c) A hearing aid prescription for individuals age 18 or
8 older must include, at a minimum, the following information:

9 (1) name of the patient;

10 (2) date the prescription is issued;

11 (3) expiration date of the prescription, which may not
12 exceed one year from the date of issuance;

13 (4) name and license number of the prescribing hearing
14 instrument professional;

15 (5) results of the following assessments:

16 (A) hearing handicap inventory or similar
17 standardized, evidence-based tool;

18 (B) pure-tone air conduction audiometry;

19 (C) bone conduction testing or consumer ear
20 disease risk assessment or a similar standardized
21 evidence-based tool;

22 (D) recorded speech in quiet, as medically
23 appropriate;

24 (E) recorded speech or digits in noise, as medical
25 appropriate;

26 (6) documentation of type and style of hearing aid;

1 and
2 (7) documentation of medical necessity of the
3 recommended features of a hearing aid.

4 (225 ILCS 50/5) (from Ch. 111, par. 7405)

5 (Section scheduled to be repealed on January 1, 2026)

6 Sec. 5. License required. No person shall engage in the
7 selling, practice of testing, fitting, selecting,
8 recommending, adapting, dispensing, or servicing hearing aids
9 ~~instruments~~ or display a sign, advertise, or represent oneself
10 as a person who practices the fitting or selling of hearing
11 aids ~~instruments~~ unless such person holds a current license
12 issued by the Department as provided in this Act. Such person
13 shall be known as a licensed hearing instrument dispenser.
14 Individuals licensed pursuant to the provisions of Section 8
15 of this Act shall be deemed qualified to provide tests of human
16 hearing and hearing aid ~~instrument~~ evaluations for the purpose
17 of dispensing a hearing aid ~~instrument~~ for which any State
18 agency may contract. The license shall be conspicuously
19 displayed in the place of business. Duplicate licenses shall
20 be issued by the Department to licensees operating more than
21 one office upon the additional payment set forth in this Act.
22 No hearing aids ~~instrument~~ manufacturer may distribute, sell,
23 or otherwise provide hearing aids ~~instruments~~ to any
24 unlicensed hearing instrument ~~care~~ professional for the
25 purpose of selling hearing aids ~~instruments~~ to the consumer.

1 Except for violations of the provisions of this Act, or
2 the rules promulgated under it, nothing in this Act shall
3 prohibit a corporation, partnership, trust, association, or
4 other entity from engaging in the business of testing,
5 fitting, servicing, selecting, dispensing, selling, or
6 offering for sale hearing aid ~~instruments~~ at retail without a
7 license, provided it employs only licensed individuals in the
8 direct testing, fitting, servicing, selecting, offering for
9 sale, or dispensing of such products. Each such corporation,
10 partnership, trust, association, or other entity shall file
11 with the Department, prior to doing business in this State and
12 by July 1 of each calendar year thereafter, on forms
13 prescribed by the Department, a list of all licensed hearing
14 instrument dispensers employed by it and a statement attesting
15 that it complies with this Act and the rules promulgated under
16 it and the regulations of the Federal Food and Drug
17 Administration and the Federal Trade Commission insofar as
18 they are applicable.

19 (Source: P.A. 99-204, eff. 7-30-15.)

20 (225 ILCS 50/6) (from Ch. 111, par. 7406)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 6. Mail order and Internet sales. Nothing in this Act
23 shall prohibit a corporation, partnership, trust, association,
24 or other organization, maintaining an established business
25 address, from engaging in the business of selling or offering

1 for sale hearing aids ~~instruments~~ at retail by mail or by
2 Internet to persons 18 years of age or older who have not been
3 examined by a licensed physician or tested by a licensed
4 hearing instrument dispenser provided that:

5 (a) The organization is registered by the Department prior
6 to engaging in business in this State and has paid the fee set
7 forth in this Act.

8 (b) The organization files with the Department, prior to
9 registration and annually thereafter, a Disclosure Statement
10 containing the following:

11 (1) the name under which the organization is doing or
12 intends to do business and the name of any affiliated
13 company which the organization recommends or will
14 recommend to persons as a supplier of goods or services or
15 in connection with other business transactions of the
16 organization;

17 (2) the organization's principal business address and
18 the name and address of its agent in this State authorized
19 to receive service of process;

20 (3) the business form of the organization, whether
21 corporate, partnership, or otherwise and the state or
22 other sovereign power under which the organization is
23 organized;

24 (4) the names of the directors or persons performing
25 similar functions and names and addresses of the chief
26 executive officer, and the financial, accounting, sales,

1 and other principal executive officers, if the
2 organization is a corporation, association, or other
3 similar entity; of all general partners, if the
4 organization is a partnership; and of the owner, if the
5 organization is a sole proprietorship, together with a
6 statement of the business background during the past 5
7 years for each such person;

8 (5) a statement as to whether the organization or any
9 person identified in the disclosure statement:

10 (i) has during the 5 year period immediately
11 preceding the date of the disclosure statement been
12 convicted of a felony, pleaded nolo contendere to a
13 felony charge, or been held liable in a civil action by
14 final judgment, if such felony or civil action
15 involved fraud, embezzlement, or misappropriation of
16 property, and a description thereof; or

17 (ii) is subject to any currently effective
18 injunctive or restrictive order as a result of a
19 proceeding or pending action brought by any government
20 agency or department, and a description thereof; or

21 (iii) is a defendant in any pending criminal or
22 material civil action relating to fraud, embezzlement,
23 misappropriation of property or violations of the
24 antitrust or trade regulation laws of the United
25 States or any state, and a description thereof; or

26 (iv) has during the 5-year ~~5-year~~ period

1 immediately preceding the date of the disclosure
2 statement had entered against such person or
3 organization a final judgment in any material civil
4 proceeding, and a description thereof; or

5 (v) has during the 5-year ~~5-year~~ period
6 immediately preceding the date of the disclosure
7 statement been adjudicated a bankrupt or reorganized
8 due to insolvency or was a principal executive officer
9 or general partner of any company that has been
10 adjudicated a bankrupt or reorganized due to
11 insolvency during such 5-year ~~5-year~~ period, and a
12 description thereof;

13 (6) the length of time the organization and any
14 predecessor of the organization has conducted a business
15 dealing with hearing aid ~~instrument~~ goods or services;

16 (7) a financial statement of the organization as of
17 the close of the most recent fiscal year of the
18 organization. If the financial statement is filed later
19 than 120 days following the close of the fiscal year of the
20 organization it must be accompanied by a statement of the
21 organization of any material changes in the financial
22 condition of the organization;

23 (8) a general description of the business, including
24 without limitation a description of the goods, training
25 programs, supervision, advertising, promotion and other
26 services provided by the organization;

1 (9) a statement of any compensation or other benefit
2 given or promised to a public figure arising, in whole or
3 in part, from (i) the use of the public figure in the name
4 or symbol of the organization or (ii) the endorsement or
5 recommendation of the organization by the public figure in
6 advertisements;

7 (10) a statement setting forth such additional
8 information and such comments and explanations relative to
9 the information contained in the disclosure statement as
10 the organization may desire to present.

11 (b-5) If a device being sold does not meet the definition
12 of an over-the-counter hearing aid or a prescription hearing
13 aid, instrument or hearing device as stated in this Act, the
14 organization shall include a disclaimer in all written or
15 electronic promotions. The disclaimer shall include the
16 following language:

17 "This is not a hearing instrument or hearing aid as
18 defined in the Hearing Instrument Consumer Protection Act,
19 but a personal sound amplification product ~~amplifier~~ and
20 not intended to replace a properly fitted and calibrated
21 hearing aid or treat hearing loss instrument."

22 (c) The organization files with the Department prior to
23 registration and annually thereafter a statement that it
24 complies with the Act, the rules issued pursuant to it, and the
25 regulations of the Federal Food and Drug Administration and
26 the Federal Trade Commission insofar as they are applicable.

1 (d) The organization files with the Department at the time
2 of registration an irrevocable consent to service of process
3 authorizing the Department and any of its successors to be
4 served any notice, process, or pleading in any action or
5 proceeding against the organization arising out of or in
6 connection with any violation of this Act. Such service shall
7 have the effect of conferring personal jurisdiction over such
8 organization in any court of competent jurisdiction.

9 (e) Before dispensing a hearing aid by mail or over the
10 Internet instrument to a resident of this State, the
11 organization informs the prospective users that they need to
12 obtain a prescription issued by a hearing instrument
13 professional that meets the requirements of Section 4.5 of
14 this Act. the following for proper fitting of a hearing
15 instrument:

16 ~~(1) the results of an audiogram performed within the~~
17 ~~past 6 months by a licensed audiologist or a licensed~~
18 ~~hearing instrument dispenser; and~~

19 ~~(2) an earmold impression obtained from the~~
20 ~~prospective user and taken by a licensed hearing~~
21 ~~instrument dispenser or licensed audiologist.~~

22 (f) (Blank). ~~The prospective user receives a medical~~
23 ~~evaluation or the organization affords the prospective user an~~
24 ~~opportunity to waive the medical evaluation requirement of~~
25 ~~Section 4 of this Act and the testing requirement of~~
26 ~~subsection (z) of Section 18, provided that the organization:~~

1 ~~(1) informs the prospective user that the exercise of~~
2 ~~the waiver is not in the user's best health interest;~~

3 ~~(2) does not in any way actively encourage the~~
4 ~~prospective user to waive the medical evaluation or test;~~
5 and

6 ~~(3) affords the prospective user the option to sign~~
7 ~~the following statement:~~

8 ~~"I have been advised by (hearing~~
9 ~~instrument dispenser's name) that the Food and Drug~~
10 ~~Administration and the State of Illinois have~~
11 ~~determined that my best interest would be served if I~~
12 ~~had a medical evaluation by a licensed physician,~~
13 ~~preferably a physician who specialized in diseases of~~
14 ~~the ear, before purchasing a hearing instrument; or a~~
15 ~~test by a licensed audiologist or licensed hearing~~
16 ~~instrument dispenser utilizing established procedures~~
17 ~~and instrumentation in the fitting of hearing~~
18 ~~instruments. I do not wish either a medical evaluation~~
19 ~~or test before purchasing a hearing instrument."~~

20 (g) Where a sale, lease, or rental of prescription hearing
21 aids are ~~instruments~~ is sold or contracted to be sold to a
22 consumer by mail order or via the Internet, the consumer may
23 void the contract or sale by notifying the seller within 45
24 business days following that day on which the hearing aids
25 ~~instruments~~ were mailed by the seller to the consumer and by
26 returning to the seller in its original condition any hearing

1 YOU MAY CANCEL THIS TRANSACTION, WITHOUT ANY PENALTY OR
2 OBLIGATION, WITHIN 45 BUSINESS DAYS FROM THE ABOVE DATE.

3 IF YOU CANCEL, ANY PROPERTY TRADED IN, ANY PAYMENTS MADE
4 BY YOU UNDER THE CONTRACT OR SALE LESS ANY NONREFUNDABLE
5 RESTOCKING FEE, AND ANY NEGOTIABLE INSTRUMENT EXECUTED BY YOU
6 WILL BE RETURNED WITHIN 10 BUSINESS DAYS FOLLOWING RECEIPT BY
7 THE SELLER OF YOUR CANCELLATION NOTICE AND ALL MERCHANDISE
8 PERTAINING TO THIS TRANSACTION, AND ANY SECURITY INTEREST
9 ARISING OUT OF THE TRANSACTION WILL BE CANCELLED.

10 IF YOU CANCEL, YOU MUST RETURN TO THE SELLER, IN
11 SUBSTANTIALLY AS GOOD CONDITION AS WHEN RECEIVED, ANY GOODS
12 DELIVERED TO YOU UNDER THIS CONTRACT OR SALE.

13 TO CANCEL THIS TRANSACTION, MAIL OR DELIVER A SIGNED
14 AND DATED COPY OF THIS CANCELLATION NOTICE OR ANY OTHER
15 WRITTEN NOTICE, OR SEND A TELEGRAM, TO (name of seller),
16 AT (address of seller's place of business) AND (seller's
17 telephone number) NO LATER THAN MIDNIGHT OF
18(date).

19 I HEREBY CANCEL THIS TRANSACTION.

20 (Date).....

21

22 (Buyers Signature) "

23 The written "Notice of Cancellation" may be sent by the
24 consumer to the seller to cancel the contract. The 45-day
25 period does not commence until the consumer is furnished the
26 Notice of Cancellation and the address and phone number at

1 which such notice to the seller can be given.

2 If the conditions of this Section are met, the seller must
3 return to the consumer the amount of any payment made or
4 consideration given under the contract or for the merchandise
5 less a nonrefundable restocking fee.

6 It is an unlawful practice for a seller to: (1) hold a
7 consumer responsible for any liability or obligation under any
8 mail order transaction if the consumer claims not to have
9 received the merchandise unless the merchandise was sent by
10 certified mail or other delivery method by which the seller is
11 provided with proof of delivery; (2) fail, before furnishing
12 copies of the "Notice of Cancellation" to the consumer, to
13 complete both copies by entering the name of the seller, the
14 address of the seller's place of business, the seller's
15 telephone number, the date of the mailing, and the date, not
16 earlier than the 45th business day following the date of the
17 mailing, by which the consumer may give notice of
18 cancellation; (3) include in any contract or receipt any
19 confession of judgment or any waiver of any of the rights to
20 which the consumer is entitled under this Section including
21 specifically his right to cancel the sale in accordance with
22 the provisions of this Section; (4) misrepresent in any manner
23 the consumer's right to cancel; (5) use any undue influence,
24 coercion, or any other wilful act or representation to
25 interfere with the consumer's exercise of his rights under
26 this Section; (6) fail or refuse to honor any valid notice of

1 cancellation and return of merchandise by a consumer and,
2 within 10 business days after the receipt of such notice and
3 merchandise pertaining to such transaction, to (i) refund
4 payments made under the contract or sale, (ii) return any
5 goods or property traded in, in substantially as good
6 condition as when received by the person, (iii) cancel and
7 return any negotiable instrument executed by the consumer in
8 connection with the contract or sale and take any action
9 necessary or appropriate to terminate promptly any security
10 interest created in the transaction; (7) negotiate, transfer,
11 sell, or assign any note or other evidence of indebtedness to a
12 finance company or other third party prior to the 50th
13 business day following the day of the mailing; or (8) fail to
14 provide the consumer of a hearing aid instrument with written
15 information stating the name, address, and telephone number of
16 the Department and informing the consumer that complaints
17 regarding hearing aid instrument goods or services may be made
18 to the Department.

19 (h) The organization employs only licensed audiologists
20 and licensed hearing instrument dispensers in the dispensing
21 of hearing aids instruments and files with the Department, by
22 January 1 of each year, a list of all licensed audiologists and
23 licensed hearing instrument dispensers employed by it.

24 (Source: P.A. 98-362, eff. 8-16-13; 98-827, eff. 1-1-15.)

25 (225 ILCS 50/7) (from Ch. 111, par. 7407)

1 (Section scheduled to be repealed on January 1, 2026)

2 Sec. 7. Exemptions.

3 (a) The following are exempt from this Act:

4 (1) Licensed physicians. This exemption, however, does
5 not apply to a physician's employee or subcontractor who
6 is not a physician.

7 (2) Persons who only repair or manufacture hearing
8 instruments and their accessories for wholesale.

9 (b) Audiometers used by persons exempt from this Act to
10 dispense hearing instruments must meet the annual calibration
11 requirements and current standards set by the American
12 National Standards Institute.

13 (c) Audiologists licensed under the Illinois
14 Speech-Language Pathology and Audiology Practice Act are
15 exempt from licensure under this Act, but are otherwise
16 subject to the practices and provisions of this Act.

17 (d) Hearing aid dispensing technicians are exempt from
18 licensure under this Act but are otherwise subject to the
19 practices and provisions of this Act.

20 (Source: P.A. 91-932, eff. 1-1-01.)

21 (225 ILCS 50/8) (from Ch. 111, par. 7408)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 8. Applicant qualifications; examination.

24 (a) In order to protect persons who are deaf or hard of
25 hearing, the Department shall authorize or shall conduct an

1 appropriate examination, which may be the International
2 Hearing Society's licensure examination, for persons who
3 dispense, test, select, recommend, fit, or service hearing
4 aids instruments. The frequency of holding these examinations
5 shall be determined by the Department by rule. Those who
6 successfully pass such an examination shall be issued a
7 license as a hearing instrument dispenser, which shall be
8 effective for a 2-year period.

9 (b) Applicants shall be:

10 (1) at least 18 years of age;

11 (2) of good moral character;

12 (3) the holder of an associate's degree or the
13 equivalent;

14 (4) free of contagious or infectious disease; and

15 (5) a citizen or person lawfully present in the United
16 States.

17 Felony convictions of the applicant and findings against
18 the applicant involving matters set forth in Sections 17 and
19 18 shall be considered in determining moral character, but
20 such a conviction or finding shall not make an applicant
21 ineligible to register for examination.

22 (c) Prior to engaging in the practice of fitting,
23 dispensing, or servicing hearing aids instruments, an
24 applicant shall demonstrate, by means of written and practical
25 examinations, that such person is qualified to practice the
26 testing, selecting, recommending, fitting, selling, or

1 servicing of hearing aids ~~instruments~~ as defined in this Act.
2 An applicant must obtain a license within 12 months after
3 passing either the written or practical examination, whichever
4 is passed first, or must take and pass those examinations
5 again in order to be eligible to receive a license.

6 The Department shall, by rule, determine the conditions
7 under which an individual is examined.

8 (d) Proof of having met the minimum requirements of
9 continuing education as determined by the Board shall be
10 required of all license renewals. Pursuant to rule, the
11 continuing education requirements may, upon petition to the
12 Board, be waived in whole or in part if the hearing instrument
13 dispenser can demonstrate that he or she served in the Coast
14 Guard or Armed Forces, had an extreme hardship, or obtained
15 his or her license by examination or endorsement within the
16 preceding renewal period.

17 (e) Persons applying for an initial license must
18 demonstrate having earned, at a minimum, an associate degree
19 or its equivalent from an accredited institution of higher
20 education that is recognized by the U.S. Department of
21 Education or that meets the U.S. Department of Education
22 equivalency as determined through a National Association of
23 Credential Evaluation Services (NACES) member, and meet the
24 other requirements of this Section. In addition, the applicant
25 must demonstrate the successful completion of (1) 12 semester
26 hours or 18 quarter hours of academic undergraduate course

1 work in an accredited institution consisting of 3 semester
2 hours of anatomy and physiology of the hearing mechanism, 3
3 semester hours of hearing science, 3 semester hours of
4 introduction to audiology, and 3 semester hours of aural
5 rehabilitation, or the quarter hour equivalent or (2) an
6 equivalent program as determined by the Department that is
7 consistent with the scope of practice of a hearing instrument
8 dispenser as defined in Section 3 of this Act. Persons
9 licensed before January 1, 2003 who have a valid license on
10 that date may have their license renewed without meeting the
11 requirements of this subsection.

12 (Source: P.A. 102-1030, eff. 5-27-22.)

13 (225 ILCS 50/9) (from Ch. 111, par. 7409)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 9. Areas of examination. The examination required by
16 Section 8 shall be set forth by rule and demonstrate the
17 applicant's technical qualifications by:

18 (a) Tests of knowledge in the following areas as they
19 pertain to the testing, selecting, recommending, fitting,
20 and selling of hearing aids ~~instruments~~:

21 (1) characteristics of sound;

22 (2) the nature of the ear; and

23 (3) the function and maintenance of hearing aids
24 ~~instruments~~.

25 (b) Practical tests of proficiency in techniques as

1 they pertain to the fitting of hearing aids ~~instruments~~
2 shall be prescribed by the Department, set forth by rule,
3 and include candidate qualifications in the following
4 areas:

5 (1) pure tone audiometry including air conduction
6 testing and bone conduction testing;

7 (2) live voice or recorded voice speech
8 audiometry, including speech reception, threshold
9 testing and speech discrimination testing;

10 (3) masking;

11 (4) proper selection and adaptation of a hearing
12 instrument;

13 (5) taking earmold impressions;

14 (6) proper maintenance procedures; and

15 (7) a general knowledge of the medical and
16 physical contra-indications to the use and fitting of
17 a hearing aids ~~instrument~~.

18 (c) Knowledge of the general medical and hearing
19 rehabilitation facilities in the area being served.

20 (d) Knowledge of the provisions of this Act and the
21 rules promulgated hereunder.

22 (Source: P.A. 96-683, eff. 1-1-10.)

23 (225 ILCS 50/9.5)

24 (Section scheduled to be repealed on January 1, 2026)

25 Sec. 9.5. Trainees.

1 (a) In order to receive a trainee license, a person must
2 apply to the Department and provide acceptable evidence of his
3 or her completion of the required courses pursuant to
4 subsection (e) of Section 8 of this Act, or its equivalent as
5 determined by the Department. A trainee license expires 12
6 months from the date of issue and is non-renewable.

7 (b) A trainee shall perform the functions of a hearing
8 instrument dispenser in accordance with the Department rules
9 and only under the direct supervision of a hearing instrument
10 dispenser or audiologist who is licensed in the State. ~~For the~~
11 ~~purposes of this Section, "direct supervision" means that the~~
12 ~~licensed hearing instrument dispenser or audiologist shall~~
13 ~~give final approval to all work performed by the trainee and~~
14 ~~shall be physically present anytime the trainee has contact~~
15 ~~with the client.~~ The licensed hearing instrument dispenser or
16 audiologist is responsible for all of the work that is
17 performed by the trainee.

18 (c) The Department may limit the number of trainees that
19 may be under the direct supervision of the same licensed
20 hearing instrument dispenser or licensed audiologist.

21 (d) The Department may establish a trainee licensing fee
22 by rule.

23 (e) A trainee may be supervised by more than one licensed
24 hearing instrument professional. The trainee must complete a
25 hearing instrument consumer protection program license
26 verification form for each supervising licensed hearing

1 instrument professional.

2 (Source: P.A. 98-827, eff. 1-1-15.)

3 (225 ILCS 50/12 new)

4 Sec. 12. Hearing aid technicians.

5 (a) Hearing aid technicians may be employed by a hearing
6 instrument professional to assist in the dispensing and
7 servicing of hearing instruments without a license. A hearing
8 aid technician must work under the direct supervision of a
9 licensed hearing instrument professional.

10 (b) The duties of a hearing aid technician are limited to
11 the following:

12 (1) packaging and mailing earmold orders, repaired
13 devices, and manufacturer or lab returns;

14 (2) maintaining an inventory of supplies;

15 (3) performing checks on hearing aids and other
16 amplification devices and equipment;

17 (4) troubleshooting and performing minor repairs to
18 hearing aids, earmolds, and other amplification devices
19 which do not alter the shape, sound characteristics, or
20 performance of the device;

21 (5) cleaning of hearing aids and other amplification
22 devices;

23 (6) performing electroacoustic analysis of hearing
24 aids and other amplification devices;

25 (7) instructing patients in proper use and care of

1 hearing aids and other amplification devices;

2 (8) demonstration of alerting and assistive listening
3 devices;

4 (9) performing infection control duties within the
5 clinic or service; and

6 (10) contacting hearing instrument manufacturers and
7 suppliers regarding status of orders and repairs.

8 (c) The licensed hearing instrument professional is
9 responsible for all services performed by the hearing aid
10 technician under the professional's direct supervision.

11 (225 ILCS 50/14) (from Ch. 111, par. 7414)

12 (Section scheduled to be repealed on January 1, 2026)

13 Sec. 14. Powers and duties of the Department. The powers
14 and duties of the Department are:

15 (a) To issue licenses and to administer examinations to
16 applicants, which must be offered at least on a quarterly
17 basis;

18 (b) To license persons who are qualified to engage in the
19 testing, recommending, fitting, selling, and dispensing of
20 hearing instruments;

21 (c) To provide the equipment and facilities necessary for
22 the examination;

23 (d) To issue and to renew licenses;

24 (e) To suspend or revoke licenses or to take such other
25 disciplinary action as provided in this Act;

1 (f) To consider all recommendations and requests of the
2 Board and to inform it of all actions of the Department insofar
3 as hearing instrument dispensers are concerned, including any
4 instances where the actions of the Department are contrary to
5 the recommendations of the Board;

6 (g) To promulgate rules necessary to implement this Act;

7 (h) (Blank); and

8 (i) To conduct such consumer education programs and
9 awareness programs for persons with a hearing impairment as
10 may be recommended by the Board.

11 (Source: P.A. 91-932, eff. 1-1-01.)

12 (225 ILCS 50/16) (from Ch. 111, par. 7416)

13 (Section scheduled to be repealed on January 1, 2026)

14 Sec. 16. Hearing Instrument Consumer Protection Board.
15 There shall be established a Hearing Instrument Consumer
16 Protection Board which shall assist, advise and make
17 recommendations to the Department.

18 The Board shall consist of 7 ~~6~~ members who shall be
19 residents of Illinois. One shall be a licensed physician who
20 specializes in otology or otolaryngology; one shall be a
21 member of a consumer-oriented organization concerned with the
22 deaf or hard of hearing; one shall be from the general public,
23 preferably a senior citizen; 2 shall be licensed hearing
24 instrument dispensers who are National Board Certified Hearing
25 Instrument Specialists; and 2 ~~one~~ shall be a licensed

1 audiologist. If a vote of the Board results in a tie, the
2 Director shall cast the deciding vote.

3 Members of the Board shall be appointed by the Director
4 after consultation with appropriate professional organizations
5 and consumer groups. As soon as practical after the effective
6 date of this amendatory Act of the 103rd General Assembly, the
7 Director shall appoint the members of the Board. The term of
8 office of each shall be 4 years. Before a member's term
9 expires, the Director shall appoint a successor to assume
10 member's duties at the expiration of his or her predecessor's
11 term. A vacancy shall be filled by appointment for the
12 unexpired term. The members shall annually designate one
13 member as chairman. No member of the Board who has served 2
14 successive, full terms may be reappointed. The Director may
15 remove members for good cause.

16 Members of the Board shall receive reimbursement for
17 actual and necessary travel and for other expenses, not to
18 exceed the limit established by the Department.

19 (Source: P.A. 98-827, eff. 1-1-15.)

20 (225 ILCS 50/17) (from Ch. 111, par. 7417)

21 (Section scheduled to be repealed on January 1, 2026)

22 Sec. 17. Duties of the Board. The Board shall advise the
23 Department in all matters relating to this Act and shall
24 assist as requested by the Director.

25 The Board shall respond to issues and problems relating to

1 the improvement of services to the deaf or hard of hearing and
2 shall make such recommendations as it considers advisable. It
3 shall file an annual report with the Director and shall meet at
4 least twice a year. The Board may meet at any time at the call
5 of the chair.

6 The Board shall recommend specialized education programs
7 for persons wishing to become licensed as hearing instrument
8 dispensers and shall, by rule, establish minimum standards of
9 continuing education required for license renewal. No more
10 than 5 hours of continuing education credit per year, however,
11 can be obtained through programs sponsored by hearing
12 instrument manufacturers. Continuing education credit ~~A~~
13 ~~minimum of 2 hours of continuing education credit~~ per
14 licensing period must include a minimum of (i) 2 hours ~~be~~
15 ~~obtained~~ in Illinois law and ethics, (ii) one hour in sexual
16 harassment prevention training, and (iii) one hour in implicit
17 bias awareness. Continuing education offered by a college,
18 university, or bar association, the International Hearing
19 Society, the American Academy of Audiology, the American
20 Speech-Language-Hearing Association, the Illinois
21 Speech-Language-Hearing Association, the Illinois Academy of
22 Audiology, or the Illinois Hearing Society regarding Illinois
23 law and ethics shall be accepted toward satisfaction of the
24 Illinois law and ethics continuing education requirement.

25 The Board shall hear charges brought by any person against
26 hearing instrument dispensers and shall recommend disciplinary

1 action to the Director.

2 Members of the Board are immune from liability in any
3 action based upon a licensing proceeding or other act
4 performed in good faith as a member of the Board.

5 (Source: P.A. 98-827, eff. 1-1-15; 99-204, eff. 7-30-15.)

6 (225 ILCS 50/18) (from Ch. 111, par. 7418)

7 (Section scheduled to be repealed on January 1, 2026)

8 Sec. 18. Discipline by the Department. The Department may
9 refuse to issue or renew a license or it may revoke, suspend,
10 place on probation, censure, fine, or reprimand a licensee for
11 any of the following:

12 (a) Material misstatement in furnishing information to
13 the Department or to any other State or federal agency.

14 (b) Violations of this Act, or the rules promulgated
15 hereunder.

16 (c) Conviction of any crime under the laws of the
17 United States or any state or territory thereof which is a
18 felony or misdemeanor, an essential element of dishonesty,
19 or of any crime which is directly related to the practice
20 of the profession.

21 (d) Making any misrepresentation for the purpose of
22 obtaining a license or renewing a license, including
23 falsification of the continuing education requirement.

24 (e) Professional incompetence.

25 (f) Malpractice.

1 (g) Aiding or assisting another person in violating
2 any provision of this Act or the rules promulgated
3 hereunder.

4 (h) Failing, within 30 days, to provide in writing
5 information in response to a written request made by the
6 Department.

7 (i) Engaging in dishonorable, unethical, or
8 unprofessional conduct which is likely to deceive,
9 defraud, or harm the public.

10 (j) Knowingly employing, directly or indirectly, any
11 suspended or unlicensed person to perform any services
12 covered by this Act.

13 (k) Habitual intoxication or addiction to the use of
14 drugs.

15 (l) Discipline by another state, the District of
16 Columbia, territory, or a foreign nation, if at least one
17 of the grounds for the discipline is the same or
18 substantially equivalent to those set forth herein.

19 (m) Directly or indirectly giving to or receiving from
20 any person, firm, corporation, partnership, or association
21 any fee, commission, rebate, or other form of compensation
22 for any service not actually rendered. Nothing in this
23 paragraph (m) affects any bona fide independent contractor
24 or employment arrangements among health care
25 professionals, health facilities, health care providers,
26 or other entities, except as otherwise prohibited by law.

1 Any employment arrangements may include provisions for
2 compensation, health insurance, pension, or other
3 employment benefits for the provision of services within
4 the scope of the licensee's practice under this Act.
5 Nothing in this paragraph (m) shall be construed to
6 require an employment arrangement to receive professional
7 fees for services rendered.

8 (n) A finding by the Board that the licensee, after
9 having his or her license placed on probationary status,
10 has violated the terms of probation.

11 (o) Willfully making or filing false records or
12 reports.

13 (p) Willfully failing to report an instance of
14 suspected child abuse or neglect as required by the Abused
15 and Neglected Child Reporting Act.

16 (q) Physical illness, including, but not limited to,
17 deterioration through the aging process, or loss of motor
18 skill which results in the inability to practice the
19 profession with reasonable judgement, skill or safety.

20 (r) Solicitation of services or products by
21 advertising that is false or misleading. An advertisement
22 is false or misleading if it:

23 (1) contains an intentional misrepresentation of
24 fact;

25 (2) contains a false statement as to the
26 licensee's professional achievements, education,

1 skills, or qualifications in the hearing instrument
2 dispensing profession;

3 (3) makes a partial disclosure of a relevant fact,
4 including:

5 (i) the advertisement of a discounted price of
6 an item without identifying in the advertisement
7 or at the location of the item either the specific
8 product being offered at the discounted price or
9 the usual price of the item; and

10 (ii) the advertisement of the price of a
11 specifically identified hearing instrument if more
12 than one hearing instrument appears in the same
13 advertisement without an accompanying price;

14 (4) contains a representation that a product
15 innovation is new when, in fact, the product was first
16 offered by the manufacturer to the general public in
17 this State not less than 12 months before the date of
18 the advertisement;

19 (5) contains any other representation, statement,
20 or claim that is inherently misleading or deceptive;
21 or

22 (6) contains information that the licensee
23 manufactures hearing instruments at the licensee's
24 office location unless the following statement
25 includes a statement disclosing that the instruments
26 are manufactured by a specified manufacturer and

1 assembled by the licensee.

2 (s) Participating in subterfuge or misrepresentation
3 in the fitting or servicing of a hearing instrument.

4 (t) (Blank).

5 (u) Representing that the service of a licensed
6 physician or other health professional will be used or
7 made available in the fitting, adjustment, maintenance, or
8 repair of hearing instruments or hearing aids when that is
9 not true, or using the words "doctor", "audiologist",
10 "clinic", "Clinical Audiologist", "Certified Hearing Aid
11 Audiologist", "State Licensed", "State Certified",
12 "Hearing Instrument Care Professional", "Licensed Hearing
13 Instrument Dispenser", "Licensed Hearing Aid Dispenser",
14 "Board Certified Hearing Instrument Specialist", "Hearing
15 Instrument Specialist", "Licensed Audiologist", or any
16 other term, abbreviation, or symbol which would give the
17 impression that service is being provided by persons who
18 are licensed or awarded a degree or title, or that an
19 entity utilizes the services of an individual who is
20 licensed or has been awarded a degree or title, or that the
21 person's service who is holding the license has been
22 recommended by a governmental agency or health provider,
23 when such is not the case.

24 (v) Advertising a manufacturer's product or using a
25 manufacturer's name or trademark implying a relationship
26 which does not exist.

1 (w) Directly or indirectly giving or offering anything
2 of value to any person who advises another in a
3 professional capacity, as an inducement to influence the
4 purchase of a product sold or offered for sale by a hearing
5 instrument dispenser or influencing persons to refrain
6 from dealing in the products of competitors.

7 (x) Conducting business while suffering from a
8 contagious disease.

9 (y) Engaging in the fitting or sale of hearing
10 instruments under a name with fraudulent intent.

11 (z) Dispensing a hearing instrument to a person who
12 has not been given tests utilizing appropriate established
13 procedures and instrumentation in the fitting of
14 prescription hearing aids instruments, ~~except where there~~
15 ~~is the replacement of a hearing instrument, of the same~~
16 ~~make and model within one year of the dispensing of the~~
17 ~~original hearing instrument.~~

18 (aa) Unavailability or unwillingness to adequately
19 provide for service or repair of hearing instruments or
20 hearing aids fitted and sold by the dispenser.

21 (bb) Violating the regulations of the Federal Food and
22 Drug Administration or the Federal Trade Commission as
23 they affect hearing aids or instruments.

24 (cc) Violating any provision of the Consumer Fraud and
25 Deceptive Business Practices Act.

26 (dd) Violating the Health Care Worker Self-Referral

1 Act.

2 (ee) Failing to adequately supervise a hearing aid
3 technician or allowing a hearing aid technician to
4 practice beyond the hearing aid technician's training or
5 the duties set forth in Section 12.

6 (ff) Filing a false claim with a third-party payer.

7 The Department, with the approval of the Board, may impose
8 a fine not to exceed \$1,000 plus costs for the first violation
9 and not to exceed \$5,000 plus costs for each subsequent
10 violation of this Act, and the rules promulgated hereunder, on
11 any person or entity described in this Act. Such fine may be
12 imposed as an alternative to any other disciplinary measure,
13 except for probation. The imposition by the Department of a
14 fine for any violation does not bar the violation from being
15 alleged in subsequent disciplinary proceedings. Such fines
16 shall be deposited in the Fund.

17 (Source: P.A. 100-201, eff. 8-18-17.)

18 (225 ILCS 50/19) (from Ch. 111, par. 7419)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 19. Injunctions; civil penalties.

21 (a) The practice of fitting, dispensing, and servicing
22 hearing instruments or hearing aids by any person not at that
23 time in possession of a valid and current license under this
24 Act is hereby declared to be a Class A misdemeanor. The
25 Director of the Department, through the Attorney General or

1 the State's Attorney of any county, may maintain an action in
2 the name of the people of the State of Illinois and may apply
3 for an injunction in the circuit court to enjoin such person
4 from engaging in such practice. Any person may apply for an
5 injunction in the circuit court to enjoin a person from
6 engaging without a license in practices for which a license is
7 required under this Act. Upon the filing of a verified
8 petition in such court, the court, if satisfied by affidavit
9 or otherwise, that such person has been engaged in such
10 practice without a current license to do so, may enter a
11 temporary restraining order without notice or bond, enjoining
12 the defendant from such further practice. A copy of the
13 verified complaint shall be served upon the defendant and the
14 proceedings shall thereafter be conducted as other civil
15 cases. If it is established that the defendant has been, or is
16 engaged in any unlawful practice, the court may enter an order
17 or judgment perpetually enjoining the defendant from further
18 such practice. In all proceedings hereunder, the court, in its
19 discretion, may apportion the costs among the parties
20 interested in the action, including cost of filing the
21 complaint, service of process, witness fees and expenses,
22 court reporter charges and reasonable attorneys fees. In case
23 of violation of any injunctive order entered pursuant to this
24 Section, the court⁷ may try and punish the offender for
25 contempt of court. Such injunctive proceedings shall be in
26 addition to all penalties and other remedies in this Act. Any

1 such costs that may accrue to the Department shall be placed in
2 the Fund.

3 (b) A person who engages in the selling of hearing
4 instruments or hearing aids or the practice of fitting,
5 dispensing, or servicing hearing instruments or hearing aids
6 or displays a sign, advertises, or represents himself or
7 herself as a person who practices the fitting and selling of
8 hearing instruments or hearing aids without being licensed or
9 exempt under this Act shall, in addition to any other penalty
10 provided by law, pay a civil penalty to the Department in an
11 amount not to exceed \$5,000 for each offense, as determined by
12 the Department. The civil penalty shall be assessed by the
13 Department after a hearing is held in accordance with the
14 provisions set forth in this Act regarding the provision of a
15 hearing for the discipline of a licensee.

16 (c) The Department may investigate any actual, alleged, or
17 suspected unlicensed activity.

18 (d) The civil penalty shall be paid within 60 days after
19 the effective date of the order imposing the civil penalty.
20 The order shall constitute a judgment and may be filed and
21 execution had thereon in the same manner as any judgment from
22 any court of record.

23 (Source: P.A. 89-72, eff. 12-31-95.)

24 (225 ILCS 50/20) (from Ch. 111, par. 7420)

25 (Section scheduled to be repealed on January 1, 2026)

1 Sec. 20. Inactive status. A hearing instrument dispenser
2 who notifies the Department, on the prescribed forms, may
3 place his or her license on inactive status and shall be exempt
4 from payment of renewal fees until he or she notifies the
5 Department in writing, of the intention to resume the practice
6 of testing, fitting, dispensing, selecting, recommending, and
7 servicing hearing aids ~~instruments~~ and pays the current
8 renewal fee and demonstrates compliance with any continuing
9 education that may be required. However, if such period of
10 inactive status is more than 2 years, the hearing instrument
11 dispenser shall also provide the Department with sworn
12 evidence certifying to active practice in another jurisdiction
13 that is satisfactory to the Department. If such person has not
14 practiced in any jurisdiction for 2 years or more, he or she
15 shall be required to restore his or her license by retaking and
16 passing the examinations required in Section 8. Any hearing
17 instrument dispenser whose license is on inactive status shall
18 not practice in Illinois.

19 (Source: P.A. 89-72, eff. 12-31-95.)

20 Section 99. Effective date. This Act takes effect January
21 1, 2024.