

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 Regulatory Sunset Act is amended by changing
5 Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 ~~The Hearing Instrument Consumer Protection Act.~~

17 The Illinois Physical Therapy Act.

18 The Professional Geologist Licensing Act.

19 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
20 96-1246, eff. 1-1-11.)

21 (5 ILCS 80/4.36 new)

22 Sec. 4.36. Act repealed on January 1, 2026. The following

1 Act is repealed on January 1, 2026:

2 The Hearing Instrument Consumer Protection Act.

3 Section 10. The Hearing Instrument Consumer Protection Act
4 is amended by changing Sections 5, 8, 15, and 17 as follows:

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

6 (Section scheduled to be repealed on January 1, 2016)

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

1 professional for the purpose of selling hearing instruments to
2 the consumer.

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

20 (Source: P.A. 89-72, eff. 12-31-95; 90-655, eff. 7-30-98.)

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

22 (Section scheduled to be repealed on January 1, 2016)

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 instruments. The frequency of holding these examinations shall
5 be determined by the Department by rule. Those who successfully
6 pass such an examination shall be issued a license as a hearing
7 instrument dispenser, which shall be effective for a 2-year
8 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 who has the status as a legal
16 alien.

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

22 (c) Prior to engaging in the practice of fitting,
23 dispensing, or servicing hearing instruments, an applicant
24 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 instruments as defined in this Act. An
2 applicant must obtain a license within 12 months after passing
3 either the written or practical examination, whichever is
4 passed first, or must take and pass those examinations again in
5 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 his
15 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 or
19 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 12 semester hours
26 or 18 quarter hours of academic undergraduate course work in an

1 accredited institution consisting of 3 semester hours of
2 anatomy and physiology of the speech and 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. Persons
6 licensed before January 1, 2003 who have a valid license on
7 that date may have their license renewed without meeting the
8 requirements of this subsection.

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

10 (225 ILCS 50/15) (from Ch. 111, par. 7415)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 15. Fees.

13 (a) The examination and licensure fees paid to the
14 Department are not refundable and shall be set forth by
15 administrative rule. The Department may require a fee for the
16 administration of the examination in addition to examination
17 and licensure fees.

18 (b) The moneys received as fees and fines by the Department
19 under this Act shall be deposited in the Hearing Instrument
20 Dispenser Examining and Disciplinary Fund, which is hereby
21 created as a special fund in the State Treasury, and shall be
22 used only for the administration and enforcement of this Act,
23 including: (1) costs directly related to licensing of persons
24 under this Act; and (2) by the Board in the exercise of its
25 powers and performance of its duties, and such use shall be

1 made by the Department with full consideration of all
2 recommendations of the Board.

3 All moneys deposited in the Fund shall be appropriated to
4 the Department for expenses of the Department and the Board in
5 the administration and enforcement of this Act.

6 Moneys in the Fund may be invested and reinvested, with all
7 earnings deposited in the Fund and used for the purposes set
8 forth in this Act.

9 Upon the completion of any audit of the Department as
10 prescribed by the Illinois State Auditing Act, which audit
11 shall include an audit of the Fund, the Department shall make a
12 copy of the audit open to inspection by any interested person,
13 which copy shall be submitted to the Department by the Auditor
14 General, in addition to the copies of audit reports required to
15 be submitted to other State officers and agencies by Section
16 3-14 of the Illinois State Auditing Act.

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

18 (225 ILCS 50/17) (from Ch. 111, par. 7417)

19 (Section scheduled to be repealed on January 1, 2016)

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

23 The Board shall respond to issues and problems relating to
24 the improvement of services to the deaf or hard of hearing and
25 shall make such recommendations as it considers advisable. It

1 shall file an annual report with the Director and shall meet at
2 least twice a year. The Board may meet at any time at the call
3 of the chair.

4 The Board shall recommend specialized education programs
5 for persons wishing to become licensed as hearing instrument
6 dispensers and shall, by rule, establish minimum standards of
7 continuing education required for license renewal. No more than
8 5 hours of continuing education credit per year, however, can
9 be obtained through programs sponsored by hearing instrument
10 manufacturers. A minimum of 2 hours of continuing education
11 credit per licensing period must be obtained in Illinois law
12 and ethics. Continuing education offered by a college,
13 university, or bar association, the International Hearing
14 Society, the American Academy of Audiology, the Illinois
15 Speech-Language-Hearing Association, the Illinois Academy of
16 Audiology, or the Illinois Hearing Society regarding Illinois
17 law and ethics shall be accepted toward satisfaction of the
18 Illinois law and ethics continuing education requirement.

19 The Board shall hear charges brought by any person against
20 hearing instrument dispensers and shall recommend disciplinary
21 action to the Director.

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

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

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.