

SB238 L.010

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Health & Human Services.

SB13-238 be amended as follows:

1 Amend printed bill, page 2, strike lines 14 through 17.

2 Renumber succeeding sections accordingly.

3 Page 3, strike lines 3 through 5 and substitute:

4 "(4) "DISPENSE", WITH REGARD TO A HEARING AID, MEANS TO SELL
5 OR TRANSFER TITLE, POSSESSION, OR THE RIGHT TO USE BY LEASE,
6 BAILMENT, OR ANY OTHER METHOD. THE TERM DOES NOT APPLY TO
7 WHOLESALE TRANSACTIONS WITH DISTRIBUTORS OR DEALERS."

8 Page 3, strike lines 8 through 11 and substitute:

9 "(6) (a) "HEARING AID" MEANS A WEARABLE DEVICE DESIGNED OR
10 OFFERED TO BE CUSTOMIZED FOR THE PURPOSE OF COMPENSATING FOR
11 IMPAIRED HUMAN HEARING AND INCLUDES:

12 (I) ANY PARTS, ATTACHMENTS, OR ACCESSORIES TO THE
13 INSTRUMENT OR DEVICE, AS DEFINED IN RULES ADOPTED BY THE
14 DIRECTOR; AND

15 (II) EAR MOLDS, EXCLUDING BATTERIES AND CORDS.

16 (b) THE TERM DOES NOT INCLUDE A SURGICALLY IMPLANTED
17 HEARING DEVICE."

18 Page 3, strike lines 16 through 19 and substitute:

19 "(9) "PRACTICE OF DISPENSING, FITTING, OR DEALING IN HEARING
20 AIDS" INCLUDES:

21 (a) SELECTING AND ADAPTING HEARING AIDS FOR SALE;

22 (b) TESTING HUMAN HEARING FOR PURPOSES OF SELECTING AND
23 ADAPTING HEARING AIDS FOR SALE; AND

24 (c) MAKING IMPRESSIONS FOR EAR MOLDS AND COUNSELING AND
25 INSTRUCTING PROSPECTIVE USERS FOR PURPOSES OF SELECTING, FITTING,
26 ADAPTING, OR SELLING HEARING AIDS.

27 (10) "SURGICALLY IMPLANTED HEARING DEVICE" MEANS A DEVICE
28 THAT IS DESIGNED TO PRODUCE USEFUL HEARING SENSATIONS TO A
29 PERSON WITH A HEARING IMPAIRMENT AND THAT HAS, AS ONE OR MORE
30 COMPONENTS, A UNIT THAT IS SURGICALLY IMPLANTED INTO THE EAR,
31 SKULL, OR OTHER INTERIOR PART OF THE BODY. THE TERM INCLUDES ANY

- 1 ASSOCIATED UNIT THAT MAY BE WORN ON THE BODY."
- 2 Renumber succeeding subsection accordingly.
- 3 Page 5, line 12, strike "COCHLEAR".
- 4 Page 5, line 13, strike "IMPLANT" and substitute "SURGICALLY IMPLANTED
5 HEARING DEVICE".
- 6 Page 7, line 15, strike "NUMBER;" and substitute "NUMBER AND OTHER
7 CONTACT INFORMATION AS DETERMINED BY THE DIRECTOR;"
- 8 Page 8, strike lines 22 through 24 and substitute "ARTICLE."
- 9 Page 8, line 25, strike "THIRTY" and substitute "SIXTY".
- 10 Page 10, line 8, strike "THE" and substitute "ON AND AFTER JUNE 1, 2014,
11 THE".
- 12 Page 10, line 27, strike "EXPIRES".
- 13 Page 11, strike line 1 and substitute "IS RENEWABLE AND IS SUBJECT TO
14 SECTION 12-5.5-202 (2), C.R.S."
- 15 Page 11, after line 5, insert:
- 16 "(7) ON AND AFTER JUNE 1, 2014, A PERSON IN THIS STATE
17 TRAINING TO BE A LICENSED HEARING AID PROVIDER MUST POSSESS A
18 VALID APPRENTICE LICENSE ISSUED BY THE DIRECTOR PURSUANT TO THIS
19 ARTICLE AND RULES PROMULGATED PURSUANT TO THIS ARTICLE."
- 20 Page 11, after line 12 insert:
- 21 "**12-5.5-206. Retention of records - licensee's obligation.** EACH
22 LICENSEE WHO SELLS A HEARING AID OR PROVIDES GOODS OR SERVICES TO
23 A CUSTOMER SHALL DEVELOP A WRITTEN PLAN TO ENSURE THE
24 MAINTENANCE OF CUSTOMER RECORDS. THE RECORDS MUST BE RETAINED
25 FOR AT LEAST SEVEN YEARS AND IDENTIFY THE CUSTOMER BY NAME; THE
26 GOODS OR SERVICES, EXCEPT BATTERIES, MINOR PARTS, AND ACCESSORIES,
27 PROVIDED TO EACH CUSTOMER; AND THE DATE AND PRICE OF EACH
28 TRANSACTION."



1 Page 17, strike lines 1 through 18 and substitute "ENFORCEMENT OR
2 ADMINISTRATION OF THIS ARTICLE.

3 **12-5.5-402. Disciplinary actions.** (1) IF THE DIRECTOR
4 DETERMINES THAT AN APPLICANT".

5 Page 17, line 23, before "FIVE" insert "TWO THOUSAND".

6 Page 26, line 15, strike "COCHLEAR IMPLANTS" and substitute
7 "SURGICALLY IMPLANTED HEARING DEVICES".

8 Page 26, line 24, strike "any provision of part 3 of" and substitute "any
9 provision of part 3 of".

10 Page 27, strike lines 11 through 17 and substitute:

11 **"SECTION 4. Effective date.** This act takes effect July 1, 2013."

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