

Colorado Audiologists & Hearing Aid Providers

Registration News 2003

*State of Colorado
Department of Regulatory Agencies
Bill Owens, Governor
Richard F. O'Donnell, Executive Director
Rosemary McCool, Division Director*

Changes Are In The Works

About a year ago, the Division of Registrations, which provides administrative and program support to your Audiology and Hearing Aid Provider Registration Office, began a major business transformation and automation replacement effort. This effort has been named "Project T: Transformation." The goal of the project is to provide you with enhanced customer service by combining several functions such as licensing, cash management and central intake. The Division is also updating its computer licensing system, so in the future, we can accept online credit card payments and to provide other online functions including license application, renewal and verification transactions, and online address changes.

We hope that for you, our customer, these changes are "transparent." Our intent is that customers of the Division will only see improvements in timeliness, automation (Internet/computer based functions), access to information and ease of interaction. At the same time, the Division is very concerned about retaining those things that are working well now, such as good customer service and individual attention to needs.

Since the last renewal, there has been another major change in the Department of Regulatory Agencies (DORA) that oversees the Division of Registrations. M. Michael Cooke, the former Executive Director of DORA, was appointed to head the Department of Revenue in January by Governor Owens. The new Executive Director of DORA is Richard F. O'Donnell, who also continues in his former capacity as Director of Policy and Research in the Governor's Office while overseeing DORA.

Renewal

This year's renewal fees are the same as last year's, with hearing aid providers paying a higher fee because of higher enforcement expenses incurred. Fees paid timely are \$145 for audiologists and \$195 for hearing aid providers. If you send in your payment after June 30, 2003, there is a \$15 late fee added, making the late renewals \$210 and \$160 respectively. If you have not paid by September 1, 2003, you must contact the office for reinstatement information.

During the 2002 renewal period, 304 renewals were mailed to hearing aid providers and audiologists. Out of that number, 268 renewed during the scheduled renewal period, or 89 percent. Thirty-seven people were lapsed, but a few stragglers did reinstate during the course of the year.

Licensing

Colorado now has 233 active audiologists and 86 active hearing aid providers. We have registered 24 new audiologists and 8 new hearing aid providers since May 1, 2002. This compares with 30 new audiologists and 7 new hearing aid providers registered between May 1, 2001 and May 1, 2002.

New Rules Adopted December 2002

A rulemaking hearing was held September 23, 2002, and a copy of the new rules was posted on our website when they became effective in December 2002. The principal change was made to Rule 4, which reads as follows:

Rule 4 – Written Disclosures to Purchasers

The purpose of this rule is specify the type of written disclosures to be provided to purchasers of hearing aids pursuant to § 12-5.5-206(4)(a), C.R.S., that will protect such purchasers.

- A. Sellers of hearing aids shall identify themselves by listing their name, registration type (i.e., audiologist or hearing aid provider), and registration number on every contract or purchase agreement.
- B. Sellers of hearing aids shall include a statement on all contracts and purchase agreements that complaints can be filed against the seller with the Audiologists and Hearing Aid Providers Registration, and shall include the Registration's address and telephone number.
- C. The following written disclosures must be made in order for a seller of hearing aids to retain any money upon a buyer's cancellation and request for a full refund:
 1. Section 6-1-701(2)(e)(II) of the Colorado Consumer Protection Act allows a seller of hearing aids to retain an itemized amount to cover the "minimum costs of materials used" by a registrant and a manufacturer's return fee, but such amount may not be greater than five percent of the total charge for the hearing aid.
 2. Professional services that are itemized in the purchaser's contract are not considered "minimum costs of materials used" subject to the five percent limit referenced in § 6-1-701(2)(e)(II), C.R.S., and include the following actual costs:
 - a) Ear molds, but not impressions;
 - b) Fitting and consultation fees; and
 - c) Rehabilitation services.
 3. All professional services listed in subsection 2 above must clearly be listed and identified as non-refundable, and the exact charge for each non-refundable item and service must be included in the contract at the time of sale. Otherwise, a seller of hearing aids may not retain any monies upon a buyer's cancellation.
 4. Minimum costs subject to the five percent ceiling must also be clearly listed as a non-refundable fee with the exact dollar amount included on the contract at the time of sale, but does not require an itemization of the items and services that constitute the minimum cost. Without such disclosure of the minimum cost at the time of the sale, a seller of hearing aids may not retain any monies upon a buyer's cancellation.

CFY and HAT "Grads"

Since the 2002 newsletter was printed, the following individuals have finished their Clinical Fellowship Year and become registered audiologists:

Jennifer F. Ivinson
Jennifer R. Schryer
Meredith H. David
Dusty A. Jessen
Elizabeth M. Zollinger
Melissa A. Wood
Rachel K. Condon

David A. Luther
Erin Renee Shavlik
Lucia Arriola-Story
Virginia K. Lupo
Amy M. Weaver
Julie A. McTavish
Gina M. Nikodym

Former hearing aid provider trainees who have become registered hearing aid providers since last year's newsletter are:

Daniel J. Wiebe
Russell E. Jones
Sandra K. Brungardt
Arthur M. Howard
Jonette C. Weaver

Ron B. Guerra
Steven K. Cram
William F. DeHaan
Andrea M. Lunney

Congratulations to all!

Complaints

The past year has seen very few complaints filed, a promising trend that we hope continues! Since May 1, 2002, there have been only 11 complaints filed, compared with 28 for the same period last year. These 11 complaints involved 15 charges, meaning some individuals were charged with more than one violation of the practice act. Broken down by license type, there were 14 new charges brought against hearing aid providers, one against a hearing aid provider trainee, and none against audiologists or CFYs.

Last year we reported that the leading causes of complaints were substandard care and failure to provide refunds within 30 days. This time, substandard care and violations of the Consumer Protection Act again led the list. The following is a breakdown of this year's complaints:

Type of Complaint	Number of Complaints
Fee Dispute	1
CPA* Violation – Contract	3
CPA* Violation - Advertising	3
False Information	2
Unlicensed Practice	2
Substandard Care	4
Stipulation/Order Violation	1

* CPA is the Colorado Consumer Protection Act, § 6-1-701, and pertains to the contractual obligations required of audiologists and hearing aid providers.

Disciplinary Sanctions

The following chart provides a breakdown of the discipline that was imposed between May 1, 2002 and mid-April, 2003. The conduct that resulted in this discipline may or may not have actually taken place during the past year; in some cases, the complaints were filed a year or more previously.

The number of disciplinary actions is similar to past years. The following chart breaks them down by type of charge and action taken:

Disciplinary Sanction	Number of Sanctions
Dismissed	5
Letter of Admonition	1
Probation	2

Disciplinary Actions Against Licensees

The following licensees were disciplined during the past year:

LETTERS OF ADMONITION: Daniel P. Flynn (February 26, 2003)

PROBATION: Eugene Carreto (August 7, 2002)
Thomas Gillespie (December 9, 2002)