

By: Rodriguez

H.B. No. 3301

A BILL TO BE ENTITLED

1 AN ACT

2 relating to hearing tests and the fitting and dispensing of hearing
3 instruments.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. The following sections of the Occupations Code
6 are repealed:

7 (1) Sections 401.2535(h) and (i); and

8 (2) Sections 402.154(h) and (i).

9 SECTION 2. Amend Occupations Code Section 401.403(b) as
10 follows:

11 (b) A person who meets the requirements of this chapter for
12 licensing as an audiologist or audiologist intern and who fits and
13 dispenses hearing instruments must:

14 (1) register with the board the person's intention to
15 fit and dispense hearing instruments;

16 (2) comply with the profession's code of ethics;

17 (3) comply with the federal Food and Drug
18 Administration guidelines for fitting and dispensing hearing
19 instruments;

20 (4) when providing services in this state, use a
21 written contract that contains the board's name, mailing address,
22 and telephone number;

23 (5) follow the guidelines adopted by board rule for:

24 (i) a 30-day trial period on every hearing

1 instrument purchased and the automatic renewal of such trial period
2 each time a person returns the hearing instrument for repair or
3 adjustment, not to exceed six months from the day the instrument was
4 first received;

5 (ii) the provision of a free copy of any hearing
6 test results to the subject of the test upon request;

7 (iii) a maximum limit on the charges retained by
8 the licensee upon return of a hearing instrument during the trial
9 period not to exceed the lesser of 10 percent of the total charges
10 or \$75 per hearing instrument.

11 SECTION 3. Amend Occupations Code Section 402.401 as
12 follows:

13 A person who meets the requirements of this chapter for
14 licensing as a hearing instrument fitter and dispenser and who fits
15 and dispenses hearing instruments must follow the guidelines
16 adopted by committee rule [~~The committee shall establish~~
17 guidelines] for:

18 (a) a 30-day trial period during which a person may cancel
19 the purchase of a hearing instrument and the automatic renewal of
20 such trial period each time a person returns the hearing instrument
21 for repair or adjustment, not to exceed six months from the day the
22 instrument was first received;

23 (b) the provision of a free copy of any hearing test results
24 to the subject of the test upon request;

25 (c) a maximum limit on the charges retained by the licensee
26 upon return of a hearing instrument during the trial period not to
27 exceed the lesser of 10 percent of the total charges or \$75 per

1 hearing instrument.

2 SECTION 3. EFFECTIVE DATE. This Act takes effect
3 immediately if it receives a vote of two-thirds of all the members
4 elected to each house, as provided by Section 39, Article III, Texas
5 Constitution. If this Act does not receive the vote necessary for
6 immediate effect, this Act takes effect September 1, 2003.