

Second Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 20-0520.01 Yelana Love x2295

HOUSE BILL 20-1218

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HOUSE SPONSORSHIP

**Buckner**, Lontine

SENATE SPONSORSHIP

(None),

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**House Committees**  
Health & Insurance

**Senate Committees**

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A BILL FOR AN ACT

101 CONCERNING THE CONTINUATION OF THE LICENSING OF HEARING AID  
102 PROVIDERS, AND, IN CONNECTION THEREWITH, IMPLEMENTING  
103 THE RECOMMENDATIONS CONTAINED IN THE 2019 SUNSET  
104 REPORT BY THE DEPARTMENT OF REGULATORY AGENCIES.

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Sunset Process - House Health and Insurance Committee.** The bill implements the recommendations of the department of regulatory agencies' sunset review and report on the licensing of hearing aid

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

providers by combining the audiologist practice act with the hearing aid provider practice act and:

- ! Continuing the licensing of hearing aid providers for 11 years, to 2031 (**sections 4 and 5** of the bill);
- ! Requiring final agency actions to be appealed directly to the court of appeals (**section 1**);
- ! Requiring a hearing aid provider to be licensed before directly or indirectly selling or negotiating to sell any hearing aid for the hearing impaired (**section 2**);
- ! Prohibiting a person who is not licensed as a hearing aid provider from using any titles that imply the person is qualified as a hearing aid provider (**section 2**);
- ! Removing language specifying that the hearing aid provider practice act does not prohibit an individual from performing tasks that would be permissible if the licensee was not licensed (**section 2**);
- ! Requiring hearing aid providers to maintain a surety bond (**section 2**);
- ! Adding failure to practice according to commonly accepted professional standards to the grounds for discipline (**section 2**);
- ! Authorizing the director of the division of professions and occupations to accept disciplinary action taken by another state, a local jurisdiction, or the federal government as prima facie evidence of misconduct if the basis for the action would be grounds for discipline in Colorado (**section 2**);
- ! Repealing references to the national competency examination and the National Board for Certification in Hearing Instrument Sciences (**section 2**);
- ! Restoring the deceptive trade practice provisions related to the sale of hearing aids (**section 3**); and
- ! Making conforming amendments necessary to combine the audiologist practice act with the hearing aid provider practice act and make the additional recommended changes (**sections 6 through 32**).

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 12-20-408, **amend**  
3 (2)(e) and (2)(f); and **repeal** (2)(g) as follows:

4           **12-20-408. Judicial review.** (2) A district court of competent

1 jurisdiction has initial jurisdiction to review all final actions and orders  
2 of a regulator that are subject to judicial review and shall conduct the  
3 judicial review proceedings in accordance with section 24-4-106 (3) for  
4 the following:

- 5 (e) Article 200 of this title 12 concerning acupuncturists; AND
- 6 (f) PART 1 OF article 210 of this title 12 concerning audiologists.

7 **and**

- 8 (g) ~~Article 230 of this title 12 concerning hearing aid providers.~~

9 **SECTION 2.** In Colorado Revised Statutes, **add with amended**  
10 **and relocated provisions** part 2 to article 210 of title 12 as follows:

11 PART 2

12 HEARING AID PROVIDERS

13 **12-210-201. [Formerly 12-230-101] Applicability of common**  
14 **provisions.** Articles 1, 20, and 30 of this title 12 apply, according to their  
15 terms, to this ~~article 230~~ PART 2.

16 **12-210-202. [Formerly 12-230-102] Definitions - rules.** As used  
17 in this ~~article 230~~ PART 2, unless the context otherwise requires:

18 (1) "Apprentice" means a person who holds a current license as  
19 an apprentice pursuant to this ~~article 230~~ PART 2.

20 (2) "Dispense", with regard to a hearing aid, means to sell or  
21 transfer title, possession, or the right to use by lease, bailment, or any  
22 other method. The term does not apply to wholesale transactions with  
23 distributors or dealers.

24 (3)(a) ~~"Hearing aid" means a wearable device designed or offered~~  
25 ~~to be customized for the purpose of compensating for impaired human~~  
26 ~~hearing and includes:~~

27 (1) ~~Any parts, attachments, or accessories to the instrument or~~

1 device, as defined in rules adopted by the director; and

2 (H) ~~Ear molds, excluding batteries and cords.~~

3 (b) ~~The term does not include a surgically implanted hearing~~  
4 ~~device.~~

5 (4) (3) "Hearing aid provider" means a person engaged in the  
6 practice of dispensing, fitting, or dealing in hearing aids.

7 (5) (4) "Practice of dispensing, fitting, or dealing in hearing aids"  
8 includes:

9 (a) Selecting and adapting hearing aids for sale;

10 (b) Testing human hearing for purposes of selecting and adapting  
11 hearing aids for sale; and

12 (c) Making impressions for ear molds and counseling and  
13 instructing prospective users for purposes of selecting, fitting, adapting,  
14 or selling hearing aids.

15 (6) ~~"Surgically implanted hearing device" means a device that is~~  
16 ~~designed to produce useful hearing sensations to a person with a hearing~~  
17 ~~impairment and that has, as one or more components, a unit that is~~  
18 ~~surgically implanted into the ear, skull, or other interior part of the body.~~  
19 ~~The term includes any associated unit that may be worn on the body.~~

20 **12-210-203. [Formerly 12-230-103] Scope of article -**  
21 **exemption.** (1) This ~~article 230~~ PART 2 does not apply to persons A  
22 PERSON who ~~are~~ IS:

23 (a) NOT LICENSED UNDER THIS PART 2 BUT IS licensed pursuant to  
24 section 22-60.5-210 and who ~~are not licensed under this article 230~~ for  
25 work undertaken as part of ~~their~~ THE PERSON'S employment by, or  
26 contractual agreement with, the public schools; or

27 (b) Engaged in the practice of audiology or the practice of

1 dispensing, fitting, or dealing in hearing aids in the discharge of ~~their~~ THE  
2 PERSON'S official duties in the service of the United States armed forces,  
3 public health service, Coast Guard, or veterans administration.

4 (2) This ~~article 230~~ PART 2 does not apply to the wholesale sales  
5 of hearing aids.

6 (3) Nothing in this ~~article 230~~ PART 2:

7 (a) Authorizes a hearing aid provider to engage in the practice of  
8 medicine as defined in section 12-240-107; OR

9 ~~(4) (b) Nothing in this article 230~~ Prohibits a business or licensee  
10 from

11 ~~(a)~~ hiring and employing unlicensed staff to assist with conducting  
12 business practices and to assist in dispensing hearing aids if the  
13 unlicensed staff are properly supervised by a licensee; except that the  
14 ~~employees~~ UNLICENSED STAFF may not conduct hearing tests or perform  
15 the initial fitting of hearing aids. ~~or~~

16 ~~(b) Performing tasks that would be permissible if the licensee was~~  
17 ~~not licensed.~~

18 ~~(5) (4)~~ This ~~article 230~~ PART 2 does not apply to the dispensing of  
19 hearing aids outside of this state.

20 ~~(6) (5)~~ An audiologist licensed pursuant to PART 1 OF THIS article  
21 210 ~~of this title 12~~ is not required to obtain a license pursuant to this  
22 ~~article 230~~ PART 2.

23 **12-210-204. [Formerly 12-230-104] Scope of practice.** (1) The  
24 scope of practice for a hearing aid provider includes:

25 (a) Eliciting patient case histories, including medical, otological,  
26 pharmacological, occupational, and previous amplification history and  
27 patient attitudes and expectations;

1 (b) Administering otoscopy for the purpose of identifying possible  
2 otological conditions, including conditions described in section 6-1-701  
3 (2)(d), that may indicate the need for medical referral or that may have a  
4 bearing on needed rehabilitative measures, outcomes, or  
5 recommendations;

6 (c) Administering and interpreting tests of human hearing,  
7 including appropriate objective and subjective methodology and  
8 measures;

9 (d) Determining a person's candidacy for hearing aids or hearing  
10 assistive devices, referring the person for surgically implanted hearing  
11 device evaluation, or recommending other clinical, rehabilitative, or  
12 medical interventions;

13 (e) Prescribing, selecting, and fitting appropriate hearing  
14 instruments and assistive devices, including appropriate technology,  
15 electroacoustic targets, programming parameters, and special  
16 applications, as indicated;

17 (f) Assessing hearing instrument efficacy using appropriate fitting  
18 verification methodology, including available fitting validation methods;

19 (g) Taking ear impressions and preparing ear molds for hearing  
20 instruments, assistive devices, telecommunications applications, ear  
21 protection, and other related applications;

22 (h) Designing and modifying ear molds and auditory equipment  
23 to meet individual patient needs;

24 (i) Providing counseling and aural rehabilitative services in the  
25 use and care of hearing instruments and assistive devices and for  
26 effectively using communication coping strategies and other approaches  
27 to foster optimal patient rehabilitation; and

1 (j) Providing supervision and training of those entering the  
2 dispensing profession.

3 **12-210-205. [Formerly 12-230-105] Title protection - use of**  
4 **title.** It is unlawful for any person to use the title "hearing aid provider"  
5 or "hearing aid dispenser" OR ANY OTHER TITLE THAT IMPLIES THE PERSON  
6 IS QUALIFIED AS A HEARING AID PROVIDER unless ~~he or she~~ THE PERSON is  
7 licensed as a hearing aid provider pursuant to this ~~article 230~~ PART 2.

8 **12-210-206. [Formerly 12-230-201] License required -**  
9 **application - qualifications - rules.** (1) A hearing aid provider shall  
10 obtain a license pursuant to this section before:

11 (a) Engaging in the practice of dispensing, fitting, or dealing in  
12 hearing aids; OR

13 (b) DIRECTLY OR INDIRECTLY SELLING OR NEGOTIATING TO SELL  
14 ANY HEARING AID FOR THE HEARING IMPAIRED.

15 (2) (a) An applicant shall submit an application to the director  
16 containing the information described in this subsection (2) and shall pay  
17 a fee determined and collected pursuant to section 12-20-105. The  
18 director may deny an application for licensure if the required information  
19 is not submitted or if an applicant's apprentice license, issued pursuant to  
20 section ~~12-230-204~~ 12-210-209, has been revoked. If an applicant or  
21 licensee fails to notify the director of a change in the submitted  
22 information within thirty days after the change, the failure is ~~cause~~  
23 GROUNDS for disciplinary action.

24 (b) An applicant shall include the following information in every  
25 application for licensure pursuant to this section:

26 (I) The applicant's name, business address, ~~and~~ business telephone  
27 number, and other contact information as determined by the director;

- 1 (II) A statement indicating whether:
- 2 (A) A hearing aid provider license, certificate, or registration was
- 3 issued to the applicant by a local, state, or national health care agency;
- 4 (B) The license, certificate, or registration was suspended or
- 5 revoked;
- 6 (C) Charges or complaints are pending against the applicant; and
- 7 (D) Disciplinary action was taken.
- 8 (3) In order to qualify for licensure pursuant to this section, an
- 9 applicant must either:
- 10 (a) Have passed ~~the national~~ A competency examination of the
- 11 ~~National Board for Certification in Hearing Instrument Sciences~~
- 12 ~~(NBC-HIS), unless the director determines, by rule, that this examination~~
- 13 ~~no longer meets the minimum standards necessary for licensure, in which~~
- 14 ~~case, only an examination that the applicant passed prior to the date of the~~
- 15 ~~ruling will be acceptable~~ AS DETERMINED BY THE DIRECTOR BY RULE; or
- 16 (b) Have passed an appropriate entry-level examination, as
- 17 determined by the director, and:
- 18 (I) Completed at least six months of training with an audiologist
- 19 or licensed hearing aid provider pursuant to section ~~12-230-204~~
- 20 12-210-209; or
- 21 (II) Have an associate's degree in hearing aid fitting and
- 22 dispensing that, at the time the applicant was enrolled and graduated, was
- 23 offered by an institution of higher education or a postsecondary education
- 24 program accredited by a national, regional, or state agency recognized by
- 25 the United States department of education, or a program approved by the
- 26 director.

27 **12-210-207. [Formerly 12-230-202] Licensure - expiration -**

1 **renewal - reinstatement - fees.** (1) (a) The director shall license all  
2 applicants who meet the requirements for licensure in this ~~article 230~~  
3 PART 2.

4 (b) The director shall issue or deny a license within sixty days  
5 after the date the application is received.

6 (c) The director shall give each licensee a license bearing a unique  
7 license number. The licensee shall include the license number on all  
8 written contracts and receipts.

9 (2) Licenses issued pursuant to this ~~article 230~~ PART 2 are subject  
10 to the renewal, expiration, reinstatement, and delinquency fee provisions  
11 specified in section 12-20-202 (1) and (2). A person whose license has  
12 expired is subject to the penalties set forth in this ~~article 230~~ PART 2 or in  
13 section 12-20-202 (1).

14 **12-210-208. [Formerly 12-230-203] Licensure by endorsement**

15 **- rules.** (1) The director shall issue a license by endorsement to practice  
16 as a hearing aid provider in this state to an individual who possesses an  
17 active license in good standing to practice in that profession in another  
18 state or territory of the United States or in a foreign country if the  
19 applicant:

20 (a) Presents proof satisfactory to the director that the individual  
21 possesses a valid license from another state or jurisdiction that requires  
22 qualifications substantially equivalent to the qualifications for licensure  
23 in this state and meets all other requirements for licensure pursuant to this  
24 ~~article 230~~ PART 2; and

25 (b) Pays the licensure fee established under section 12-20-105.

26 (2) The director may specify by rule what constitutes substantially  
27 equivalent qualifications for the purposes of this section.

1           **12-210-209. [Formerly 12-230-204] Apprentice license -**  
2 **expiration - rules.** (1) A person training to be a licensed hearing aid  
3 provider shall submit to the director an application containing the  
4 information described in subsection (2) of this section and shall pay an  
5 apprentice license fee determined and collected pursuant to section  
6 12-20-105.

7           (2) ~~On and after June 1, 2014,~~ The director shall issue an  
8 apprentice license to a person who provides, to the director's satisfaction,  
9 verification of training to become a licensed hearing aid provider, which  
10 training is under the direct supervision of a licensed hearing aid provider  
11 whose license is in good standing.

12           (3) During the training period:

13           (a) An apprentice is not permitted to sell hearing aids  
14 independently of the supervising licensed hearing aid provider; AND

15           (b) A supervising licensed hearing aid provider retains ultimate  
16 responsibility for the care provided by the apprentice and is subject to  
17 disciplinary action by the director for failure to provide adequate  
18 supervision.

19           (4) Any person issued an apprentice license under this section is  
20 subject to:

21           (a) Discipline under section ~~12-230-302~~ 12-210-213 for engaging  
22 in an act that constitutes grounds for discipline under section ~~12-230-401~~  
23 12-210-215; and

24           (b) A cease-and-desist order under sections 12-20-405 and  
25 ~~12-230-303~~ 12-210-214 for engaging in behavior set forth in section  
26 ~~12-20-405~~ 12-210-214.

27           (5) An apprentice license issued under this section is renewable

1 and is subject to section ~~12-230-202~~(2) 12-210-207 (2).

2 (6) A person in this state training to be a licensed hearing aid  
3 provider must possess a valid apprentice license issued by the director  
4 pursuant to this ~~article 230~~ PART 2 and rules promulgated pursuant to this  
5 ~~article 230~~ PART 2.

6 **12-210-210. [Formerly 12-230-205] Retention of records -**  
7 **licensee's obligation.** Each licensee who sells a hearing aid or provides  
8 goods or services to a customer shall develop a written plan to ensure the  
9 maintenance of customer records. The records must be retained for at  
10 least seven years and identify the customer by name; the goods or  
11 services, except batteries, minor parts, and accessories, provided to each  
12 customer; and the date and price of each transaction.

13 **12-210-211. Bond required - rules.** (1) BEFORE THE DIRECTOR  
14 ISSUES A LICENSE TO AN APPLICANT FOR A HEARING AID PROVIDER  
15 LICENSE, THE APPLICANT SHALL POST A SURETY BOND, OR AN  
16 ALTERNATIVE TO THE SURETY BOND AS DETERMINED BY THE DIRECTOR, IN  
17 THE AMOUNT OF TEN THOUSAND DOLLARS. A LICENSED HEARING AID  
18 PROVIDER SHALL MAINTAIN THE REQUIRED BOND AT ALL TIMES.

19 (2) THE DIRECTOR MAY FILE A CLAIM ON THE BOND OR ASSIST A  
20 CONSUMER IN FILING A CLAIM ON THE BOND.

21 (3) THE DIRECTOR, BY RULE, SHALL DETERMINE THE  
22 REQUIREMENTS FOR THE SURETY BOND.

23 **12-210-212. [Formerly 12-230-301] Director - powers - duties**  
24 **- rules.** (1) The director, in accordance with section 12-20-403, may  
25 make investigations and inspections as necessary to determine whether an  
26 applicant or licensee has violated this ~~article 230~~ PART 2 or any rule  
27 adopted by the director.

1 (2) The director may apply for injunctive relief in accordance with  
2 section 12-20-406 to enjoin any act or practice that constitutes a violation  
3 of this ~~article 230~~ PART 2. Upon a showing that a person is engaging in or  
4 intends to engage in the act or practice, the court shall grant an injunction,  
5 restraining order, or other appropriate order, regardless of the existence  
6 of another remedy.

7 (3) ~~No later than December 31, 2013, and thereafter as necessary,~~  
8 The director shall adopt rules pursuant to section 12-20-204.

9 **12-210-213. [Formerly 12-230-302] Disciplinary actions.** (1) If  
10 the director determines that an applicant or licensee has committed any  
11 of the acts specified in section ~~12-230-401~~ 12-210-215, the director may:

12 (a) Issue a letter of admonition under the circumstances specified  
13 in and in accordance with section 12-20-404 (4);

14 (b) Place a licensee on probation pursuant to section 12-20-404  
15 (1)(b);

16 (c) Impose an administrative fine not to exceed two thousand five  
17 hundred dollars for each separate offense; or

18 (d) Take disciplinary action as authorized in section 12-20-404  
19 (1)(d).

20 (2) The director may send a licensee a confidential letter of  
21 concern under the circumstances specified in section 12-20-404 (5).

22 (3) The director shall not enforce any provisions of this ~~article 230~~  
23 PART 2 or rules promulgated pursuant to this ~~article 230~~ PART 2 that are  
24 held unconstitutional, invalid, or inconsistent with federal laws or  
25 regulations, including regulations promulgated by the United States food  
26 and drug administration.

27 **12-210-214. [Formerly 12-230-303] Cease-and-desist orders -**

1     **unauthorized practice - penalties.** (1) If it appears to the director, based  
2     upon credible evidence as presented in a written complaint by any person,  
3     that a licensee is acting in a manner that is a threat to the health and safety  
4     of the public, or a person is acting or has acted without the required  
5     license, the director, in accordance with the procedures specified in  
6     section 12-20-405, may issue an order to cease and desist the activity. The  
7     order must set forth the statutes and rules alleged to have been violated,  
8     the facts alleged to have constituted the violation, the specific harm that  
9     threatens the health and safety of the public, and the requirement that all  
10    unlawful acts or unlicensed practices immediately cease.

11           (2) A person who practices or offers or attempts to practice as a  
12    hearing aid provider or who engages in the practice of dispensing, fitting,  
13    or dealing in hearing aids without an active hearing aid provider license  
14    issued under this ~~article 230~~ PART 2 is subject to penalties pursuant to  
15    section 12-20-407 (1)(a).

16           **12-210-215. [Formerly 12-230-401] Grounds for discipline.**

17    (1) The following acts constitute grounds for discipline:

18           (a) Making a false or misleading statement or omission in an  
19    application for licensure;

20           (b) Violating any provision of this ~~article 230~~ PART 2, an  
21    applicable provision of article 20 or 30 of this title 12, a rule promulgated  
22    by the director under this ~~article 230~~ PART 2, or an order issued by the  
23    director under this ~~article 230~~ PART 2;

24           (c) Using false or misleading advertising;

25           (d) Representing that the service or advice of a person licensed to  
26    practice medicine will be used or made available in the selection, fitting,  
27    adjustment, maintenance, or repair of hearing aids when that is not true

1 or using the terms "doctor", "clinic", "state-licensed clinic",  
2 "state-registered", "state-certified", "state-approved", or any other term,  
3 abbreviation, or symbol when it would give the false impression that  
4 service is being provided by persons trained in medicine or that the  
5 licensee's service has been recommended by the state when that is not the  
6 case, or when it would be false or misleading;

7 (e) Directly or indirectly giving or offering to give money or  
8 anything of value to any person who advises another in a professional  
9 capacity as an inducement to influence the person or have the person  
10 influence others to purchase or contract to purchase products sold or  
11 offered for sale by a licensee, or influencing persons to refrain from  
12 dealing in the products of competitors;

13 (f) Employing a device, a scheme, or AN artifice with the intent to  
14 defraud a purchaser of a hearing aid;

15 (g) Selling a hearing aid to a child under eighteen years of age  
16 without receiving documentation that the child has been examined by a  
17 licensed physician and an audiologist within six months prior to the  
18 fitting;

19 (h) Intentionally disposing of, concealing, diverting, converting,  
20 or otherwise failing to account for any funds or assets of a purchaser of  
21 a hearing aid that is under the applicant's, licensee's, or apprentice's  
22 control;

23 (i) Making a false or misleading statement of fact concerning  
24 goods or services or the buyer's right to cancel with the intention or effect  
25 of deterring or preventing the buyer from exercising the buyer's right to  
26 cancel, or refusing to honor a buyer's request to cancel a contract for the  
27 purchase of a hearing aid, if the request was made during the rescission

- 1 period set forth in section 6-1-701 (2)(e);
- 2 (j) Charging, collecting, or recovering any cost or fee for any good  
3 or service that has been represented by the licensee as free;
- 4 (k) Failing to adequately supervise a licensed hearing aid provider  
5 apprentice or any employee pursuant to section ~~12-230-103 (4)(a)~~ or  
6 ~~12-230-204 (2)~~ 12-210-203 (3)(b) OR 12-210-209 (2);
- 7 (l) Employing a sales agent or employee who violates any  
8 provision of this ~~article 230~~ PART 2, a rule promulgated by the director  
9 under this ~~article 230~~ PART 2, or an order issued by the director under this  
10 ~~article 230~~ PART 2;
- 11 (m) Failing to comply with a stipulation or agreement made with  
12 the director or with a final agency order;
- 13 (n) Failing to respond in an honest, materially responsive, and  
14 timely manner to a complaint issued pursuant to this ~~article 230~~ PART 2;
- 15 (o) Being convicted of, accepting a plea of guilty or nolo  
16 contendere to, or receipt of a deferred sentence in any court for a felony  
17 or for any crime involving fraud, deception, false pretense, theft,  
18 misrepresentation, false advertising, or dishonest dealing;
- 19 (p) Selling, dispensing, adjusting, providing training or teaching  
20 in regard to, or otherwise servicing surgically implanted hearing devices  
21 unless the hearing aid provider is an audiologist or a physician; ~~and~~
- 22 (q) Violating the "Colorado Consumer Protection Act", article 1  
23 of title 6; AND
- 24 (r) FAILING TO PRACTICE ACCORDING TO COMMONLY ACCEPTED  
25 PROFESSIONAL STANDARDS.
- 26 (2) ANY DISCIPLINARY ACTION TAKEN BY ANOTHER STATE, A  
27 LOCAL JURISDICTION, OR THE FEDERAL GOVERNMENT AGAINST AN

1 APPLICANT OR LICENSEE CONSTITUTES PRIMA FACIE EVIDENCE OF  
2 GROUNDS FOR DISCIPLINARY ACTION, INCLUDING DENIAL OF A LICENSE  
3 UNDER THIS PART 2; EXCEPT THAT THIS SUBSECTION (2) APPLIES ONLY TO  
4 DISCIPLINE FOR ACTS OR OMISSIONS THAT ARE SUBSTANTIALLY SIMILAR TO  
5 THOSE SET OUT AS GROUNDS FOR DISCIPLINARY ACTION UNDER THIS  
6 SECTION.

7 **SECTION 3.** In Colorado Revised Statutes, **add** part 3 to article  
8 210 of title 12 as follows:

9 **PART 3**

10 **DECEPTIVE TRADE PRACTICES**

11 **12-210-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "DISPENSER" MEANS A PERSON LICENSED AS A HEARING AID  
14 PROVIDER PURSUANT TO PART 2 OF THIS ARTICLE 210 WHO DISPENSES  
15 HEARING AIDS.

16 **12-210-302. Dispensing hearing aids - deceptive trade**  
17 **practices.** (1) IN ADDITION TO ANY OTHER DECEPTIVE TRADE PRACTICES  
18 UNDER SECTION 6-1-105, A DISPENSER ENGAGES IN A DECEPTIVE TRADE  
19 PRACTICE WHEN THE DISPENSER:

20 (a) FAILS TO DELIVER TO EACH PERSON TO WHOM THE DISPENSER  
21 DISPENSES A HEARING AID A RECEIPT THAT:

22 (I) BEARS THE BUSINESS ADDRESS OF THE DISPENSER, TOGETHER  
23 WITH SPECIFICATIONS AS TO THE MAKE AND SERIAL NUMBER OF THE  
24 HEARING AID FURNISHED AND THE FULL TERMS OF THE SALE CLEARLY  
25 STATED. IF THE DISPENSER DISPENSES A HEARING AID THAT IS NOT NEW,  
26 THE DISPENSER SHALL CLEARLY MARK ON THE HEARING AID CONTAINER  
27 AND THE RECEIPT THE TERM "USED" OR "RECONDITIONED", WHICHEVER IS

1       APPLICABLE, WITHIN THE TERMS OF THE GUARANTEE, IF ANY.

2               (II) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE  
3       BODY OF THE RECEIPT, IN SUBSTANCE, A PROVISION THAT THE BUYER HAS  
4       BEEN ADVISED AT THE OUTSET OF THE BUYER'S RELATIONSHIP WITH THE  
5       DISPENSER THAT ANY EXAMINATION OR REPRESENTATION MADE BY A  
6       DISPENSER IN CONNECTION WITH THE PRACTICE OF DISPENSING, FITTING,  
7       OR DEALING IN HEARING AIDS IS NOT AN EXAMINATION, DIAGNOSIS, OR  
8       PRESCRIPTION BY A PERSON LICENSED TO PRACTICE MEDICINE IN THIS  
9       STATE AND, THEREFORE, MUST NOT BE REGARDED AS MEDICAL OPINION OR  
10      ADVICE;

11              (III) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE  
12      BODY OF THE RECEIPT, A PROVISION INDICATING THAT DISPENSERS WHO  
13      ARE LICENSED BY THE DEPARTMENT ARE REGULATED BY THE DIVISION;  
14      AND

15              (IV) BEARS A PROVISION LABELED "WARRANTY" IN WHICH THE  
16      EXACT WARRANTY TERMS AND PERIODS AVAILABLE FROM THE  
17      MANUFACTURER ARE DOCUMENTED, OR INCLUDES AN ORIGINAL OR  
18      PHOTOCOPY OF THE ORIGINAL MANUFACTURER'S WARRANTY WITH THE  
19      RECEIPT;

20              (b) DISPENSES A HEARING AID TO A CHILD UNDER EIGHTEEN YEARS  
21      OF AGE WITHOUT RECEIVING DOCUMENTATION THAT THE CHILD HAS BEEN  
22      EXAMINED BY A LICENSED PHYSICIAN AND AN AUDIOLOGIST WITHIN SIX  
23      MONTHS PRIOR TO THE FITTING;

24              (c) (I) FAILS TO RECEIVE FROM A LICENSED PHYSICIAN, BEFORE  
25      DISPENSING, FITTING, OR SELLING A HEARING AID TO ANY PERSON, A  
26      WRITTEN PRESCRIPTION OR RECOMMENDATION, ISSUED WITHIN THE  
27      PREVIOUS SIX MONTHS, THAT SPECIFIES THAT THE PERSON IS A CANDIDATE

1 FOR A HEARING AID; EXCEPT THAT ANY PERSON EIGHTEEN YEARS OF AGE  
2 OR OLDER WHO OBJECTS TO MEDICAL EVALUATION ON THE BASIS OF  
3 RELIGIOUS OR PERSONAL BELIEFS MAY WAIVE THE REQUIREMENT BY  
4 DELIVERING TO THE DISPENSER A WRITTEN WAIVER;

5 (II) DISPENSES, ADJUSTS, PROVIDES TRAINING OR TEACHING IN  
6 REGARD TO, OR OTHERWISE SERVICES SURGICALLY IMPLANTED HEARING  
7 DEVICES UNLESS THE DISPENSER IS AN AUDIOLOGIST OR PHYSICIAN;

8 (d) FAILS TO RECOMMEND IN WRITING, PRIOR TO FITTING OR  
9 DISPENSING A HEARING AID, THAT THE BEST INTERESTS OF THE  
10 PROSPECTIVE USER WOULD BE SERVED BY CONSULTING A LICENSED  
11 PHYSICIAN SPECIALIZING IN DISEASES OF THE EAR, OR ANY LICENSED  
12 PHYSICIAN, IF ANY OF THE FOLLOWING CONDITIONS EXIST:

13 (I) VISIBLE CONGENITAL OR TRAUMATIC DEFORMITY OF THE EAR;

14 (II) ACTIVE DRAINAGE OF THE EAR, OR A HISTORY OF DRAINAGE OF  
15 THE EAR WITHIN THE PREVIOUS NINETY DAYS;

16 (III) HISTORY OF SUDDEN OR RAPIDLY PROGRESSIVE HEARING  
17 LOSS;

18 (IV) ACUTE OR CHRONIC DIZZINESS;

19 (V) UNILATERAL HEARING LOSS OF SUDDEN ONSET WITHIN THE  
20 PREVIOUS NINETY DAYS;

21 (VI) AUDIOMETRIC AIR-BONE GAP EQUAL TO OR GREATER THAN  
22 FIFTEEN DECIBELS AT 500 HERTZ (Hz), 1,000 Hz, AND 2,000 Hz;

23 (VII) VISIBLE EVIDENCE OF SIGNIFICANT CERUMEN  
24 ACCUMULATION ON, OR A FOREIGN BODY IN, THE EAR CANAL; OR

25 (VIII) PAIN OR DISCOMFORT IN THE EAR;

26 (e) FAILS TO PROVIDE A MINIMUM THIRTY-DAY RESCISSION PERIOD  
27 WITH THE FOLLOWING TERMS:

1 (I) THE BUYER HAS THE RIGHT TO CANCEL THE PURCHASE FOR ANY  
2 REASON BEFORE THE EXPIRATION OF THE RESCISSION PERIOD BY GIVING OR  
3 MAILING WRITTEN NOTICE OF CANCELLATION TO THE DISPENSER AND  
4 PRESENTING THE HEARING AID TO THE DISPENSER, UNLESS THE HEARING  
5 AID HAS BEEN LOST OR SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE  
6 IN THE BUYER'S POSSESSION AND CONTROL. THE RESCISSION PERIOD IS  
7 TOLLED FOR ANY PERIOD DURING WHICH A DISPENSER TAKES POSSESSION  
8 OR CONTROL OF A HEARING AID AFTER ITS ORIGINAL DELIVERY.

9 (II) THE BUYER, UPON CANCELLATION, IS ENTITLED TO RECEIVE A  
10 FULL REFUND OF ANY PAYMENT MADE FOR THE HEARING AID WITHIN  
11 THIRTY DAYS AFTER RETURNING THE HEARING AID TO THE DISPENSER,  
12 UNLESS THE HEARING AID WAS SIGNIFICANTLY DAMAGED BEYOND REPAIR  
13 WHILE IN THE BUYER'S POSSESSION AND CONTROL.

14 (III) (A) THE DISPENSER SHALL PROVIDE A WRITTEN RECEIPT OR  
15 CONTRACT TO THE BUYER THAT INCLUDES, IN IMMEDIATE PROXIMITY TO  
16 THE SPACE RESERVED FOR THE SIGNATURE OF THE BUYER, THE FOLLOWING  
17 SPECIFIC STATEMENT IN ALL CAPITAL LETTERS OF NO LESS THAN  
18 TEN-POINT, BOLD-FACED TYPE:

19 **THE BUYER HAS THE RIGHT TO CANCEL**  
20 **THIS PURCHASE FOR ANY REASON AT ANY**  
21 **TIME PRIOR TO 12 MIDNIGHT ON THE [INSERT**  
22 **APPLICABLE RESCISSION PERIOD, WHICH MUST BE NO**  
23 **SHORTER THAN THIRTY DAYS AFTER RECEIPT OF THE**  
24 **HEARING AID] CALENDAR DAY AFTER RECEIPT OF**  
25 **THE HEARING AID BY GIVING OR MAILING THE**  
26 **DISPENSER WRITTEN NOTICE OF**  
27 **CANCELLATION AND BY RETURNING THE**

1           **HEARING AID, UNLESS THE HEARING AID HAS**  
2           **BEEN SIGNIFICANTLY DAMAGED BEYOND**  
3           **REPAIR WHILE THE HEARING AID WAS IN THE**  
4           **BUYER'S CONTROL.**

5           (B) THE WRITTEN CONTRACT OR RECEIPT PROVIDED TO THE BUYER  
6           MUST ALSO CONTAIN A STATEMENT, IN PRINT SIZE NO SMALLER THAN  
7           TEN-POINT TYPE, THAT THE SALE IS VOID AND UNENFORCEABLE IF THE  
8           HEARING AID BEING PURCHASED IS NOT DELIVERED TO THE CONSUMER  
9           WITHIN THIRTY DAYS AFTER THE DATE THE WRITTEN CONTRACT IS SIGNED  
10          OR THE RECEIPT IS ISSUED, WHICHEVER OCCURS LATER. THE WRITTEN  
11          CONTRACT OR RECEIPT MUST ALSO INCLUDE THE DISPENSER'S LICENSE  
12          NUMBER, IF THE DISPENSER IS REQUIRED TO BE LICENSED BY THE STATE,  
13          AND A STATEMENT THAT THE DISPENSER WILL PROMPTLY REFUND ALL  
14          MONEY PAID FOR THE PURCHASE OF THE HEARING AID IF IT IS NOT  
15          DELIVERED TO THE CONSUMER WITHIN THE THIRTY-DAY PERIOD. THE  
16          BUYER CANNOT WAIVE THIS REQUIREMENT, AND ANY ATTEMPT TO WAIVE  
17          IT IS VOID.

18          (IV) A REFUND REQUEST FORM MUST BE ATTACHED TO EACH  
19          RECEIPT AND MUST CONTAIN THE INFORMATION IN SUBSECTION (1)(a)(I)  
20          OF THIS SECTION AND THE STATEMENT, IN ALL CAPITAL LETTERS OF NO  
21          LESS THAN TEN-POINT, BOLD-FACED TYPE:

22                   **REFUND REQUEST - THIS FORM MUST BE**  
23                   **POSTMARKED BY \_\_\_\_\_ [DATE TO BE FILLED IN].**  
24                   **NO REFUND WILL BE GIVEN UNTIL THE**  
25                   **HEARING AID OR HEARING AIDS ARE**  
26                   **RETURNED TO THE DISPENSER.**

27          A SPACE FOR THE BUYER'S ADDRESS, TELEPHONE NUMBER, AND

1 SIGNATURE MUST BE PROVIDED. THE BUYER IS REQUIRED ONLY TO SIGN,  
2 LIST THE BUYER'S CURRENT ADDRESS AND TELEPHONE NUMBER, AND MAIL  
3 THE REFUND REQUEST FORM TO THE DISPENSER. IF THE HEARING AID IS  
4 SOLD IN THE BUYER'S HOME, THE BUYER MAY REQUIRE THE DISPENSER TO  
5 ARRANGE THE RETURN OF THE HEARING AID.

6 (f) REPRESENTS THAT THE SERVICE OR ADVICE OF A PERSON  
7 LICENSED TO PRACTICE MEDICINE WILL BE USED OR MADE AVAILABLE IN  
8 THE SELECTION, FITTING, ADJUSTMENT, MAINTENANCE, OR REPAIR OF  
9 HEARING AIDS WHEN THAT IS NOT TRUE OR USING THE TERMS "DOCTOR",  
10 "CLINIC", "STATE-LICENSED CLINIC", "STATE-REGISTERED",  
11 "STATE-CERTIFIED", OR "STATE-APPROVED", OR ANY OTHER TERM,  
12 ABBREVIATION, OR SYMBOL WHEN IT WOULD:

13 (I) FALSELY GIVE THE IMPRESSION THAT SERVICE IS BEING  
14 PROVIDED BY PERSONS TRAINED IN MEDICINE OR THAT THE DISPENSER'S  
15 SERVICE HAS BEEN RECOMMENDED BY THE STATE WHEN THAT IS NOT THE  
16 CASE; OR

17 (II) BE FALSE OR MISLEADING;

18 (g) DIRECTLY OR INDIRECTLY:

19 (I) GIVES OR OFFERS TO GIVE, OR PERMITS OR CAUSES TO BE GIVEN,  
20 MONEY OR ANYTHING OF VALUE TO ANY PERSON WHO ADVISES ANOTHER  
21 IN A PROFESSIONAL CAPACITY AS AN INDUCEMENT TO INFLUENCE THE  
22 PERSON OR HAVE THE PERSON INFLUENCE OTHERS TO PURCHASE OR  
23 CONTRACT TO PURCHASE PRODUCTS SOLD OR OFFERED FOR SALE BY THE  
24 DISPENSER; EXCEPT THAT A DISPENSER DOES NOT VIOLATE THIS  
25 SUBSECTION (1)(g)(I) IF THE DISPENSER PAYS AN INDEPENDENT  
26 ADVERTISING OR MARKETING AGENT COMPENSATION FOR ADVERTISING OR  
27 MARKETING SERVICES THE AGENT RENDERED ON THE DISPENSER'S BEHALF,

1 INCLUDING COMPENSATION THAT IS PAID FOR THE RESULTS OR  
2 PERFORMANCE OF THE SERVICES ON A PER-PATIENT BASIS; OR

3 (II) INFLUENCES OR ATTEMPTS TO INFLUENCE ANY PERSON TO  
4 REFRAIN FROM DEALING IN THE PRODUCTS OF COMPETITORS;

5 (h) DISPENSES A HEARING AID TO A PERSON WHO HAS NOT BEEN  
6 GIVEN TESTS UTILIZING APPROPRIATE ESTABLISHED PROCEDURES AND  
7 INSTRUMENTATION IN THE FITTING OF HEARING AIDS, EXCEPT WHEN  
8 SELLING A REPLACEMENT HEARING AID WITHIN ONE YEAR AFTER THE DATE  
9 OF THE ORIGINAL PURCHASE;

10 (i) MAKES A FALSE OR MISLEADING STATEMENT OF FACT  
11 CONCERNING GOODS OR SERVICES OR THE BUYER'S RIGHT TO CANCEL WITH  
12 THE INTENTION OR EFFECT OF DETERRING OR PREVENTING THE BUYER  
13 FROM EXERCISING THE BUYER'S RIGHT TO CANCEL, OR REFUSES TO HONOR  
14 A BUYER'S REQUEST TO CANCEL A CONTRACT FOR THE PURCHASE OF A  
15 HEARING AID, IF THE REQUEST WAS MADE DURING THE RESCISSION PERIOD  
16 SET FORTH IN SUBSECTION (1)(e) OF THIS SECTION;

17 (j) EMPLOYS A DEVICE, A SCHEME, OR AN ARTIFICE WITH THE  
18 INTENT TO DEFRAUD A BUYER OF A HEARING AID;

19 (k) INTENTIONALLY DISPOSES OF, CONCEALS, DIVERTS, CONVERTS,  
20 OR OTHERWISE FAILS TO ACCOUNT FOR ANY FUNDS OR ASSETS OF A BUYER  
21 OF A HEARING AID THAT IS UNDER THE DISPENSER'S CONTROL; OR

22 (l) CHARGES, COLLECTS, OR RECOVERS ANY COST OR FEE FOR ANY  
23 GOOD OR SERVICE THAT HAS BEEN REPRESENTED BY THE DISPENSER AS  
24 FREE.

25 (2) (a) THIS SECTION APPLIES TO A DISPENSER WHO DISPENSES  
26 HEARING AIDS IN THIS STATE.

27 (b) THIS SECTION DOES NOT APPLY TO THE DISPENSING OF HEARING

1 AIDS OUTSIDE OF THIS STATE SO LONG AS THE TRANSACTION EITHER  
2 CONFORMS TO THIS SECTION OR TO THE APPLICABLE LAWS AND RULES OF  
3 THE JURISDICTION IN WHICH THE TRANSACTION TAKES PLACE.

4 **SECTION 4.** In Colorado Revised Statutes, **add** part 4 to article  
5 210 of title 12 as follows:

6 PART 4

7 REPEAL OF ARTICLE

8 **12-210-401. Repeal of article.** THIS ARTICLE 210 IS REPEALED,  
9 EFFECTIVE SEPTEMBER 1, 2031. BEFORE THE REPEAL, THIS ARTICLE 210 IS  
10 SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

11 **SECTION 5.** In Colorado Revised Statutes, 24-34-104, **repeal**  
12 (19)(a)(VI); and **add** (32) as follows:

13 **24-34-104. General assembly review of regulatory agencies**  
14 **and functions for repeal, continuation, or reestablishment - legislative**  
15 **declaration - repeal.** (19) (a) The following agencies, functions, or both,  
16 are scheduled for repeal on September 1, 2020:

17 (VI) ~~The licensing of hearing aid providers by the division of~~  
18 ~~professions and occupations in accordance with article 230 of title 12;~~

19 (32) (a) THE FOLLOWING AGENCIES, FUNCTIONS, OR BOTH, ARE  
20 SCHEDULED FOR REPEAL ON SEPTEMBER 1, 2031:

21 (I) NOTWITHSTANDING SUBSECTION (7) OF THIS SECTION, THE  
22 LICENSING OF AUDIOLOGISTS AND HEARING AID PROVIDERS BY THE  
23 DIVISION OF PROFESSIONS AND OCCUPATIONS IN ACCORDANCE WITH  
24 ARTICLE 210 OF TITLE 12.

25 (b) THIS SUBSECTION (32) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
26 2033.

27 **SECTION 6.** In Colorado Revised Statutes, **amend** 6-1-114 as

1 follows:

2 **6-1-114. Criminal penalties.** Upon a first conviction, any person  
3 who promotes a pyramid promotional scheme in this state or who violates  
4 ~~article 230~~ PART 2 OF ARTICLE 210 of title 12 or section 6-1-701 or  
5 6-1-717 is guilty of a class 1 misdemeanor, as defined in section  
6 18-1.3-501, and, upon a second or subsequent conviction for a violation  
7 of ~~article 230~~ PART 2 OF ARTICLE 210 of title 12 or section 6-1-701, is  
8 guilty of a class 6 felony, as defined in section 18-1.3-401.

9 **SECTION 7.** In Colorado Revised Statutes, 6-1-701, **amend**  
10 (2)(a)(III) and (2)(e)(III)(B) as follows:

11 **6-1-701. Dispensing hearing aids - deceptive trade practices -**  
12 **definitions.** (2) In addition to any other deceptive trade practices under  
13 section 6-1-105, a dispenser engages in a deceptive trade practice when  
14 the dispenser:

15 (a) Fails to deliver to each person to whom the dispenser  
16 dispenses a hearing aid a receipt that:

17 (III) Bears, in no smaller type than the largest used in the body of  
18 the receipt, a provision indicating that dispensers who are licensed  
19 ~~certified, or registered~~ by the department of regulatory agencies are  
20 regulated by the division of professions and occupations in the  
21 department of regulatory agencies; AND

22 (e) Fails to provide a minimum thirty-day rescission period with  
23 the following terms:

24 (III) (B) The written contract or receipt provided to the buyer must  
25 also contain a statement, in print size no smaller than ten-point type, that  
26 the sale is void and unenforceable if the hearing aid being purchased is  
27 not delivered to the consumer within thirty days after the date the written

1 contract is signed or the receipt is issued, whichever occurs later. The  
2 written contract or receipt must also include the dispenser's license  
3 ~~certification, or registration~~ number, if the dispenser is required to be  
4 licensed ~~certified or registered~~ by the state, and a statement that the  
5 dispenser will promptly refund all ~~moneys~~ MONEY paid for the purchase  
6 of a hearing aid if it is not delivered to the consumer within the thirty-day  
7 period. The buyer cannot waive this requirement, and any attempt to  
8 waive it is void.

9 **SECTION 8.** In Colorado Revised Statutes, 8-2-111.6, **amend** (5)  
10 as follows:

11 **8-2-111.6. Health care employers - immunity from civil**  
12 **liability - requirements - exception to blacklisting prohibition -**  
13 **legislative declaration - definition.** (5) For the purposes of this section,  
14 "health care worker" means any person registered, certified, or licensed  
15 pursuant to ~~articles 200 to 225, 235 to 300~~ ARTICLES 200 AND 205, PART  
16 1 OF ARTICLE 210, ARTICLES 215 TO 300, and ARTICLE 310 of title 12 or  
17 article 3.5 of title 25, or any person who interacts directly with a patient  
18 or assists with the patient care process, who is currently employed by, or  
19 WHO is a prospective employee of, the employer making the inquiry.

20 **SECTION 9.** In Colorado Revised Statutes, 10-16-104, **amend**  
21 (19)(b) introductory portion as follows:

22 **10-16-104. Mandatory coverage provisions - definitions -**  
23 **rules.** (19) **Hearing aids for children - legislative declaration.** (b) Any  
24 health benefit plan that provides hospital, surgical, or medical expense  
25 insurance, except supplemental policies covering a specified disease or  
26 other limited benefit, must provide coverage for hearing aids for minor  
27 children who have a hearing loss that has been verified by a physician

1 licensed pursuant to article 240 of title 12 and by an audiologist licensed  
2 pursuant to PART 1 OF article 210 of title 12. The hearing aids must be  
3 medically appropriate to meet the needs of the child according to accepted  
4 professional standards. Coverage must include the purchase of the  
5 following:

6 **SECTION 10.** In Colorado Revised Statutes, 12-20-402, **amend**  
7 (3)(b)(II) as follows:

8 **12-20-402. Immunity.** (3) (b) The immunity granted by  
9 subsection (1) of this section to a person who lodges a complaint does not  
10 apply to proceedings under:

11 (II) ~~Article 230~~ PART 2 OF ARTICLE 210 of this title 12 concerning  
12 hearing aid providers.

13 **SECTION 11.** In Colorado Revised Statutes, 12-20-404, **amend**  
14 (3)(a)(II)(E) and (3)(a)(II)(F) as follows:

15 **12-20-404. Disciplinary actions - regulator powers -**  
16 **disposition of fines. (3) Waiting period after revocation or surrender.**

17 (a) (II) In addition, the waiting period specified in subsection (3)(a)(I) of  
18 this section applies when a person regulated under any of the following  
19 articles surrenders a license, certification, or registration to avoid  
20 discipline:

21 (E) PART 1 OF article 210 of this title 12 concerning audiologists;

22 (F) ~~Article 230~~ PART 2 OF ARTICLE 210 of this title 12 concerning  
23 hearing aid providers;

24 **SECTION 12.** In Colorado Revised Statutes, 12-20-406, **amend**  
25 (2)(b)(V) and (2)(b)(VII) as follows:

26 **12-20-406. Injunctive relief.** (2) (b) Subsection (2)(a) of this  
27 section does not apply to the following:

1 (V) PART 1 OF article 210 of this title 12 concerning audiologists;  
2 (VII) ~~Article 230~~ PART 2 OF ARTICLE 210 of this title 12  
3 concerning hearing aid providers;

4 **SECTION 13.** In Colorado Revised Statutes, 12-20-407, **amend**  
5 (1)(a)(V)(H) and (1)(a)(V)(L) as follows:

6 **12-20-407. Unauthorized practice of profession or occupation**  
7 **- penalties - exclusions.** (1) (a) A person commits a class 2 misdemeanor  
8 and shall be punished as provided in section 18-1.3-501 for the first  
9 offense and, for the second or any subsequent offense, commits a class 6  
10 felony and shall be punished as provided in section 18-1.3-401, if the  
11 person:

12 (V) Practices or offers or attempts to practice any of the following  
13 professions or occupations without an active license, certification, or  
14 registration issued under the part or article of this title 12 governing the  
15 particular profession or occupation:

16 (H) Audiology, as regulated under PART 1 OF article 210 of this  
17 title 12;

18 (L) Practice as a hearing aid provider or engages in the practice  
19 of dispensing, fitting, or dealing in hearing aids, as regulated under ~~article~~  
20 ~~230~~ PART 2 OF ARTICLE 210 of this title 12;

21 **SECTION 14.** In Colorado Revised Statutes, 12-30-102, **amend**  
22 (3)(a)(I) and (3)(a)(II) as follows:

23 **12-30-102. Medical transparency act of 2010 - disclosure of**  
24 **information about health care licensees - fines - rules - short title -**  
25 **legislative declaration - definition - review of functions - repeal.**

26 (3) (a) As used in this section, "applicant" means a person applying for  
27 a new, active license, certification, or registration or to renew, reinstate,

1 or reactivate an active license, certification, or registration to practice:

2 (I) Audiology pursuant to PART 1 OF article 210 of this title 12;

3 (II) As a licensed hearing aid provider pursuant to part 2 of ~~article~~

4 ~~230~~ ARTICLE 210 of this title 12;

5 **SECTION 15.** In Colorado Revised Statutes, 12-30-103, **amend**

6 (4)(a)(II) as follows:

7 **12-30-103. Solicitation of accident victims - waiting period -**

8 **definitions.** (4) As used in this section:

9 (a) "Health care practitioner" means:

10 (II) An audiologist licensed under PART 1 OF article 210 of this

11 title 12;

12 **SECTION 16.** In Colorado Revised Statutes, 12-30-108, **amend**

13 (4)(a)(I)(B) as follows:

14 **12-30-108. Confidential agreement to limit practice - violation**

15 **grounds for discipline.** (4) (a) This section does not apply to:

16 (I) The following health care professionals:

17 (B) Hearing aid providers regulated pursuant to ~~article 230~~ PART

18 2 OF ARTICLE 210 of this title 12;

19 **SECTION 17.** In Colorado Revised Statutes, **amend** 12-210-101

20 as follows:

21 **12-210-101. Applicability of common provisions.** Articles 1, 20,

22 and 30 of this title 12 apply, according to their terms, to this ~~article 210~~

23 PART 1.

24 **SECTION 18.** In Colorado Revised Statutes, 12-210-103, **amend**

25 (1) introductory portion, (1)(a), and (2) as follows:

26 **12-210-103. Scope of article - exemption.** (1) This ~~article 210~~

27 PART 1 does not apply to a person who is:

1 (a) NOT LICENSED UNDER THIS PART 1 BUT IS licensed pursuant to  
2 section 22-60.5-210 ~~and not licensed under this article 210~~ for work  
3 undertaken as part of ~~his or her~~ THE PERSON'S employment by, or  
4 contractual agreement with, the public schools;

5 (2) Nothing in this ~~article 210~~ PART 1 authorizes an audiologist to  
6 engage in the practice of medicine as defined in section 12-240-107.

7 **SECTION 19.** In Colorado Revised Statutes, 12-210-104, **amend**  
8 (1) as follows:

9 **12-210-104. Title protection - use of title.** (1) It is unlawful for  
10 any person to use the following titles unless ~~he or she~~ THE PERSON is  
11 licensed pursuant to this ~~article 210~~ PART 1: "Audiologist", "hearing and  
12 balance audiologist", "vestibular audiologist", or any other title or  
13 abbreviation that implies that the person is an audiologist.

14 **SECTION 20.** In Colorado Revised Statutes, 12-210-105, **amend**  
15 (2) introductory portion, (3), and (4) introductory portion as follows:

16 **12-210-105. License required - application - fee - liability**  
17 **insurance - disclosure - exemption.** (2) To qualify for licensure as an  
18 audiologist under this ~~article 210~~ PART 1, a person must have:

19 (3) An audiologist desiring to be licensed pursuant to this ~~article~~  
20 ~~210~~ PART 1 must submit to the director an application containing the  
21 information described in subsection (4) of this section and must pay to the  
22 director all required fees in the amounts determined and collected by the  
23 director pursuant to section 12-20-105. The director may deny an  
24 application for a license if the required information and fees are not  
25 submitted. If an applicant or licensee fails to notify the director of a  
26 change in the submitted information within thirty days after the change,  
27 the failure is grounds for disciplinary action pursuant to section

1 12-210-108.

2 (4) An applicant must include the following information in an  
3 application for a license as an audiologist under this ~~article 210~~ PART 1:

4 **SECTION 21.** In Colorado Revised Statutes, **amend** 12-210-106  
5 as follows:

6 **12-210-106. Licensure - expiration - renewal - reinstatement**  
7 **- fees.** (1) The director shall issue a license to an applicant who satisfies  
8 the requirements of this ~~article 210~~ PART 1.

9 (2) Licenses issued under this ~~article 210~~ PART 1 are subject to the  
10 renewal, expiration, reinstatement, and delinquency fee provisions  
11 specified in section 12-20-202 (1) and (2). A person whose license has  
12 expired is subject to the penalties set forth in this ~~article 210~~ PART 1 or in  
13 section 12-20-202 (1).

14 **SECTION 22.** In Colorado Revised Statutes, 12-210-107, **amend**  
15 (1)(a) as follows:

16 **12-210-107. Licensure by endorsement - rules.** (1) The director  
17 shall issue a license by endorsement to engage in the practice of  
18 audiology in this state to an individual who possesses an active license in  
19 good standing to practice audiology in another state or territory of the  
20 United States or in a foreign country if the applicant:

21 (a) Presents satisfactory proof to the director that the individual  
22 possesses a valid license from another state or jurisdiction that requires  
23 qualifications substantially equivalent to the qualifications for licensure  
24 in this state and meets all other requirements for licensure pursuant to this  
25 ~~article 210~~ PART 1; and

26 **SECTION 23.** In Colorado Revised Statutes, 12-210-108, **amend**  
27 (2)(c), (2)(d), (2)(e), (2)(m), and (4) as follows:

1           **12-210-108. Disciplinary actions - grounds for discipline.**

2           (2) The following acts constitute grounds for discipline:

3           (c) Violating any provision of this ~~article 210~~ PART 1, including  
4 failure to comply with the license requirements of section 12-210-105 or  
5 failure to report information as required under section 12-30-102 or  
6 12-210-105 (5), or violating an applicable provision of article 20 or 30 of  
7 this title 12;

8           (d) Violating any rule promulgated by the director under this  
9 ~~article 210~~ PART 1;

10          (e) Aiding or abetting a violation, or conspiring to violate, any  
11 provision of this ~~article 210~~ PART 1, an applicable provision of article 20  
12 or 30 of this title 12, OR any rule promulgated or ~~any~~ order issued under  
13 this ~~article 210~~ PART 1 by the director;

14          (m) Employing a sales agent or employee who violates any  
15 provision of this ~~article 210~~ PART 1;

16          (4) Any disciplinary action taken by another state, A local  
17 jurisdiction, or the federal government against an applicant or licensee  
18 constitutes prima facie evidence of grounds for disciplinary action,  
19 including denial of a license under this ~~article 210~~ PART 1; except that this  
20 subsection (4) applies only to discipline for acts or omissions that are  
21 substantially similar to those set out as grounds for disciplinary action  
22 under this ~~article 210~~ PART 1.

23           **SECTION 24.** In Colorado Revised Statutes, 12-210-109, **amend**  
24 (1) and (2) as follows:

25           **12-210-109. Director - powers - duties - rules.** (1) The director  
26 may conduct investigations and inspections in accordance with section  
27 12-20-403 as necessary to determine whether an applicant or licensee has

1 violated this ~~article 210~~ PART 1 or any rule adopted by the director under  
2 this ~~article 210~~ PART 1.

3 (2) The director may seek an injunction in accordance with section  
4 12-20-406 to enjoin any act or practice that constitutes a violation of this  
5 ~~article 210~~ PART 1.

6 **SECTION 25.** In Colorado Revised Statutes, 12-210-110, **amend**  
7 (2) as follows:

8 **12-210-110. Cease-and-desist orders - unauthorized practice**  
9 **- penalties.** (2) A person who practices or offers or attempts to practice  
10 audiology services without an active audiologist license issued under this  
11 ~~article 210~~ PART 1 is subject to penalties pursuant to section 12-20-407  
12 (1)(a).

13 **SECTION 26.** In Colorado Revised Statutes, 12-210-111, **amend**  
14 (2) as follows:

15 **12-210-111. Professional liability insurance required - rules.**  
16 (2) The professional liability insurance required by this section must  
17 cover all acts ~~with~~ WITHIN the scope of practice of an audiologist as  
18 defined in this ~~article 210~~ PART 1.

19 **SECTION 27.** In Colorado Revised Statutes, 12-210-112, **amend**  
20 (1) as follows:

21 **12-210-112. Confidential agreements to limit practice -**  
22 **violation grounds for discipline.** (1) Except as specified in subsection  
23 (2) of this section, section 12-30-108 concerning confidential agreements  
24 to limit practice applies to this ~~article 210~~ PART 1.

25 **SECTION 28.** In Colorado Revised Statutes, 12-210-113, **amend**  
26 (2) as follows:

27 **12-210-113. Mental and physical examination of licensees.**

1 (2) The director shall include in an order issued to a licensee under  
2 subsection (1) of this section the basis of the director's reasonable cause  
3 to believe that the licensee is unable to practice with reasonable skill and  
4 safety. For the purposes of a disciplinary proceeding authorized by this  
5 ~~article 210~~ PART 1, the licensee is deemed to have waived all objections  
6 to the admissibility of the examining health care provider's testimony or  
7 examination reports on the ground that they are privileged  
8 communications.

9 **SECTION 29.** In Colorado Revised Statutes, 12-210-114, **amend**  
10 (2) as follows:

11 **12-210-114. Protection of medical records - licensee's**  
12 **obligations - verification of compliance - noncompliance grounds for**  
13 **discipline - rules.** (2) Upon initial licensure under this ~~article 210~~ PART  
14 1, the licensee shall attest to the director that the licensee has developed  
15 a plan in compliance with this section.

16 **SECTION 30.** In Colorado Revised Statutes, 25-1.5-604, **amend**  
17 (c)(2) as follows:

18 **25-1.5-604. Regulation of services during emergency.** (c) A  
19 host entity that uses volunteer health practitioners to provide health or  
20 veterinary services in this state shall:

21 (2) Comply with any laws other than this part 6 relating to the  
22 management of emergency health or veterinary services, including section  
23 12-30-103, part 2 of article 30 of title 12, and ~~articles 200 to 225~~  
24 ARTICLES 200 AND 205, PART 1 OF ARTICLE 210, and ~~235~~ ARTICLES 215 to  
25 300 of title 12.

26 **SECTION 31. Repeal of relocated and nonrelocated**  
27 **provisions in this act.** In Colorado Revised Statutes, **repeal** article 230

1 of title 12; except that 12-230-106 is not relocated.

2 **SECTION 32.** In Colorado Revised Statutes, **repeal** 12-210-115.

3 **SECTION 33. Act subject to petition - effective date.** This act  
4 takes effect at 12:01 a.m. on the day following the expiration of the  
5 ninety-day period after final adjournment of the general assembly (August  
6 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a  
7 referendum petition is filed pursuant to section 1 (3) of article V of the  
8 state constitution against this act or an item, section, or part of this act  
9 within such period, then the act, item, section, or part will not take effect  
10 unless approved by the people at the general election to be held in  
11 November 2020 and, in such case, will take effect on the date of the  
12 official declaration of the vote thereon by the governor.