

ACT 173

S.B. NO. 2258

A Bill for an Act Relating to Licensing.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that under existing law, audiologists must be licensed as an audiologist under chapter 468E, Hawaii Revised Statutes, and as a hearing aid dealer and fitter, pursuant to chapter 451A, Hawaii Revised Statutes.

However, the legislature notes that an applicant for an audiologist license must meet education, examination, and training requirements that far surpass the licensing requirements for a hearing aid dealer and fitter. The legislature further finds that requiring audiologists to hold dual licensure as an audiologist

and a hearing aid dealer and fitter is redundant and burdensome, as audiologist licensing requirements are more stringent than hearing aid dealer and fitter licensing requirements.

Accordingly, the purpose of this Act is to:

- (1) Clarify that the licensing requirements for hearing aid dealers and fitters shall not apply to audiologists licensed pursuant to chapter 468E, Hawaii Revised Statutes; and
- (2) Clarify that to be eligible for licensure as an audiologist, a person shall not be required to also be licensed as a hearing aid dealer and fitter under chapter 451A, Hawaii Revised Statutes.

SECTION 2. Section 451A-2, Hawaii Revised Statutes, is amended to read as follows:

“§451A-2 License required. [It] (a) Except as otherwise provided in this chapter, it shall be unlawful for any person not licensed under this chapter to engage in the sale or practice of dealing and fitting of hearing aids or to use any sign, card, or device to indicate that the person is licensed.

(b) Any person wishing to obtain a license or a license by endorsement shall apply on a form prescribed by the director and shall furnish to the director:

- (1) Satisfactory proof that the person is a high school graduate; and
- (2) Satisfactory proof that the person has fulfilled all of the requirements for a license.

(c) An applicant shall be required to pass a licensing examination.”

SECTION 3. Section 451A-18, Hawaii Revised Statutes, is amended to read as follows:

“§451A-18 Persons and practices not affected. This chapter is not intended to:

- (1) Prohibit any person from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids; provided that the person or the organization employing the person does not sell hearing aids or accessories;
- (2) Prohibit a person in maintaining an established business address from engaging in the business of selling or offering for sale hearing aids at retail without a license; provided that it employs persons licensed under this chapter responsible for the fitting and direct sale of such products; ~~and~~
- (3) Apply to a person who is a physician licensed to practice in Hawaii[-]; or
- (4) Apply to a person who is licensed as an audiologist pursuant to chapter 468E.”

SECTION 4. Section 468E-5, Hawaii Revised Statutes, is amended to read as follows:

“§468E-5 Eligibility for licensure. (a) To be eligible for licensure by the board as a speech pathologist or audiologist, a person shall:

- (1) Possess at least a master’s degree or its equivalent in the area of speech pathology or audiology, as the case may be, from an educational institution recognized by the board;
- (2) Submit to the board evidence of eligibility for meeting the requirements of the American Speech-Language-Hearing Association for

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the certificate of clinical competence in speech pathology or audiology, or both; and

(3) Pass a written examination approved by the board.

(b) To be eligible for licensure by the board as an audiologist, a person shall not be required to also be licensed as a hearing aid dealer and fitter under chapter 451A.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved July 10, 2018.)