# Chapter 694

## 1961 REPLACEMENT PART

(1963 reprint)

# Hearing Aid Fitters and Dealers


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## CROSS REFERENCES

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**694.010** [Repealed by 1959 c 406 §34]

**694.015 Definitions.** As used in this chapter, unless the context requires otherwise:

(1) "Board" means the State Board of Health.

(2) "Certificate of registration" includes a temporary certificate of registration.

(3) "Council" means the Advisory Council to the State Board of Health on Hearing Aids.

(4) "Hearing aid" means any instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device.

(5) "Practice of fitting and dealing in hearing aids" means the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by any other means devised and the consequent selection or adaptation or sale of hearing aids intended to compensate for hearing loss.
[1959 c 634 §1]

**694.020** [Amended by 1955 c 689 §2, repealed by 1959 c 406 §34]

**694.025 Certificate of registration required to sell or fit hearing aids.** No person shall engage in the sale of or practice of fitting hearing aids or display a sign or in any other way advertise or hold himself out as a person who practices the fitting of hearing aids unless he holds an unsuspended, unrevoked certificate of registration issued by the board as provided in this chapter.
[1959 c 634 §2]

**694.030** [Amended by 1955 c 689 §3, repealed by 1959 c 406 §34]

**694.035 Receipt required to be furnished to person supplied with hearing aid.** Any person who practices the fitting of or dealing in hearing aids shall deliver to each person there supplied with a hearing aid a receipt which shall contain his signature and show the address of his regular place of practice and the number of his certificate, together with a specification of the hearing aid furnished and amount charged therefor.
[1959 c 634 §12]

**694.040** [Repealed by 1959 c 406 §34]

**694.045 Persons and practices not affected.** (1) This chapter does not apply to a person while he is engaged in the practice of fitting hearing aids if his practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization, which is primarily supported by voluntary contribution.

(2) This chapter is not intended to prevent any person who is an otolaryngologist licensed to practice by the Board of Medical Examiners for the State of Oregon from treating or fitting hearing aids to the human ear.
[1959 c 634 §3]

**694.050** [Repealed by 1959 c 406 §34]

**694.055 Qualifications of applicants for registration; fee.** An applicant for registration shall pay a fee of $50 and shall show to the satisfaction of the board that he:

(1) Is a resident of this state.

(2) Is a person of good moral character.

(3) Is 21 years of age or older.

(4) Has an education equivalent to a four-year course in a standard high school or has continuously engaged in the practice of fitting hearing aids in this state during the three years preceding January 15, 1960.
[1959 c 634 §4]

**694.060** [Repealed by 1959 c 406 §34]

**694.065 Examination of applicants.** (1) An applicant for registration who is notified by the board that he has fulfilled the requirements of ORS 694 055, shall appear at a time, place and before such persons as the board may designate, to be examined by written and practical tests in order to demonstrate that he is qualified to practice the fitting of hearing aids.

(2) The board shall give one qualifying examination provided in subsection (1) of this section before January 15, 1960, and beginning in July of 1960 shall give a qualifying examination during the second full week in January and during the third full week in July in each year.
[1959 c 634 §§5, 5a]

**694.070** [Repealed by 1959 c 406 §34]

**694.075 Scope of examination.** The qualifying examination provided in subsection (1) of ORS 694.065 shall consist of:

(1) Tests of knowledge in the following areas as they pertain to the fitting of hearing aids:

(a) Basic physics of sound.

(b) The human hearing mechanism, including the science of hearing and the causes

and rehabilitation of abnormal hearing and hearing disorders.

(c) Structure and function of hearing aids.

(2) Tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:

(a) Pure tone audiometry, including air conduction testing and bone conduction testing.

(b) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing.

(c) Effective masking.

(d) Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy.

(e) Selection and adaptation of hearing aids and testing of hearing aids.

(f) Taking earmold impressions.
[1959 c 634 §6]

**694.080** [Repealed by 1959 c 406 §34]

**694.085 Registration and issuance of certificates; fees.** The board shall register each applicant, without discrimination, who satisfactorily passes the examination and, upon payment of $40 after a January examination or $20 after a July examination to the board, shall issue to the applicant a certificate of registration signed by the State Health Officer. The certificate of registration shall be effective until January 15 of the year following the year in which it is issued.
[1959 c 634 §7]

**694.090** [Amended by 1955 c 689 §4, repealed by 1959 c 406 §34]

**694.095 Temporary certificate of registration.** (1) After January 15, 1960, an applicant who fulfills the requirements of ORS 694.055 and who has not previously applied to take the qualifying examination provided under subsection (1) of ORS 694.065 may apply to the board for a temporary certificate of registration.

(2) Upon receiving an application provided under subsection (1) of this section accompanied by a fee of $5, the board shall issue a temporary certificate of registration which shall entitle the applicant to practice the fitting of hearing aids for a period ending 10 days after the conclusion of the next qualifying examination given after the date of issue.

(3) No temporary certificate of registration shall be issued by the board under this section unless the applicant shows to the satisfaction of the board that he is or will be employed, supervised and trained by a person who holds a valid certificate of registration issued under this chapter.

(4) If a person who holds a temporary certificate of registration issued under this section does not take the next qualifying examination given after the date of issue, the temporary certificate shall not be renewed.

(5) If a person who holds a temporary certificate of registration issued under this section takes and fails to pass the next qualifying examination given after the date of issue, the board may renew the temporary certificate of registration for a period ending 10 days after the conclusion of the next qualifying examination given after the date of the renewal. Two renewals may be allowed; but in any event the time for which an individual may hold a temporary certificate of registration shall not exceed 16 months The fee for renewal shall be $20.
[1959 c 634 §9]

**694.100** [Amended by 1955 c 689 §5, repealed by 1959 c 406 §34]

**694.105 Recording certificates; penalties for failure to record.** (1) Within 30 days after issuance, a person who holds a certificate of registration shall present it for recording to the clerk of the county in which he resides. The clerk shall record the certificate in a book provided by him for that purpose.

(2) If a person who holds a certificate of registration does not record his certificate as required by subsection (1) of this section, the board may suspend the certificate and the suspension shall not be lifted except upon the payment of $50 to the board.
[1959 c 634 §10]

**694.110** [Amended by 1955 c 689 §6, repealed by 1959 c 406 §34]

**694.115 Notice to board of place of practice; notice to holders of certificates, how given by board.** (1) A person who holds a certificate of registration shall notify the board in writing of the regular address of the place or places where he engages or intends to engage in the practice of fitting or sale of hearing aids.

(2) The board shall keep a record of the places of practice of persons who hold certificates of registration.

(3) Any notice required to be given by the board to a person who holds a certificate of registration may be given by mailing it to him at the address of the last place of practice of which he has notified the board. [1959 c 634 §11]

**694.120** [Repealed by 1959 c 406 §34]

**694.125 Annual renewal of registration; fees; effect of failure to renew.** Each person who practices the fitting of hearing aids shall annually, on or before January 15, pay to the board a fee of $40 for a renewal of his certificate of registration and shall keep such certificate conspicuously posted in his office or place of business at all times. A 30-day grace period shall be allowed after January 15, during which certificates of registration may be renewed on payment of a fee of $45 to the board. The board may suspend the certificate of registration of any person who fails to renew his certificate before the expiration of the 30-day grace period. After the expiration of the grace period, the board may renew such a certificate upon the payment of $50 to the board. No person who applies for renewal, whose certificate of registration was suspended for failure to renew, shall be required to submit to any examination as a condition of renewal. [1959 c 634 §13]

**694.130** [Amended by 1955 c 689 §7, repealed by 1959 c 406 §34]

**694.135 Grounds for suspension or revocation of certificates.** Any person registered under this chapter may have his certificate of registration revoked or suspended for a fixed period by the board for any of the following causes:

(1) His conviction of a felony, or of a misdemeanor involving moral turpitude. The record of conviction, or a certified copy thereof certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of such conviction.

(2) When his certificate of registration has been secured by fraud or deceit practiced upon the board.

(3) For unethical conduct, or for gross ignorance or inefficiency in his profession. Unethical conduct means:

(a) The obtaining of any fee or the making of any sale by fraud or misrepresentation.

(b) Employing directly or indirectly any suspended or unregistered person to perform any work covered by this chapter.

(c) Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceiving, improbable or untruthful.

(d) Advertising a particular model, type or kind of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type or kind where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type or kind than that advertised.

(e) Representing that the services or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the word "doctor," "clinic" or other like words, abbreviations or symbols which tend to connote the medical profession when such use is not accurate.

(f) Habitual intemperance.

(g) Gross immorality.

(h) Permitting another to use his certificate.

(4) Practicing while suffering from a contagious or infectious disease.

(5) Advertising professional methods or professional superiority.

(6) Practicing the fitting of hearing aids under a false or alias name.

(7) For any violation of the provisions of this chapter. [1959 c 634 §14]

**694.140** [Repealed by 1959 c 406 §34]

**694.145 Prohibited acts and practices.** No person shall:

(1) Sell, barter or offer to sell or barter a certificate of registration.

(2) Purchase or procure by barter a certificate of registration with intent to use it as evidence of the holder's qualification to practice the fitting of hearing aids.

(3) Alter materially a certificate of registration with fraudulent intent.

(4) Use or attempt to use as a valid certificate of registration a certificate which has been purchased, fraudulently obtained, counterfeited or materially altered.

(5) Wilfully make a false, material statement in an application for registration or for renewal of a certificate of registration.
[1959 c 634 §15]

**694.150** [Repealed by 1959 c 406 §34]

**694.155 Powers and duties of State Board of Health.** The powers and duties of the board are as follows:

(1) To authorize all disbursements necessary to carry out the provisions of this chapter.

(2) To supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for registration.

(3) To register persons who apply to the board and who are qualified to practice the fitting of hearing aids.

(4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for registration.

(5) To issue and renew certificates of registration.

(6) To suspend or revoke certificates of registration in the manner provided in ORS 183.310 to 183.510.

(7) To appoint representatives to conduct or supervise the examination of applicants for registration.

(8) To designate the time and place for examining applicants for certificates of registration.

(9) To make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of this chapter.

(10) To require the periodic inspection of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who practice the fitting of hearing aids.

(11) To appoint or employ subordinate employes
[1959 c 634 §23]

**694.160** [Repealed by 1959 c 406 §34]

**694.165 Advisory Council on Hearing Aids.** (1) There hereby is created the Advisory Council to the State Board of Health on Hearing Aids. The council shall consist of five members to be appointed by the Governor.

(2) Members of the council shall be residents of this state. One member shall be a person licensed to practice medicine in this state who holds a certificate of qualification from the American Board of Otolaryngology. One member shall hold advanced certification with the American Speech and Hearing Association and shall be a member in good standing of that association. Three members shall be persons experienced in the fitting of hearing aids, who possess the qualifications provided in ORS 694 055; but all successors to the position of such members, who are appointed to the council after the date on which the board first issues a certificate of registration as provided in ORS 694 085, shall be persons who hold valid certificates of registration under this chapter. No member of the council shall be a member or employe of the board.

(3) The term of office of a member is three years beginning on July 1 of the year of appointment. A member shall continue to serve until a successor has been appointed and qualifies. Before a member's term expires, the Governor shall appoint a successor to assume his duties on July 1 at the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term.

(4) Members of the council shall receive no compensation for their services as members but, subject to any other applicable law regulating travel and other expenses for state officers, they shall receive their actual travel and other expenses incurred in the performance of their official duties.
[1959 c 634 §§16, 17, 19, 20]

**694.170 Duties of council.** (1) The council shall have the responsibility and duty of advising the board in all matters relating to this chapter, shall prepare the examinations required by this chapter subject to the approval of the board and shall assist the board in carrying out the provisions of this chapter.

(2) The board shall consider and be guided by the recommendations of the council in all matters relating to this chapter.
[1959 c 634 §21]

**694.175 Meetings of council.** The council shall meet at least once each year at a place, day and hour determined by the council. The council shall also meet at such other times and places as are specified by the board.
[1959 c 634 §22]

**694.180 Disposition of receipts.** On or before the tenth day of each month, the board shall pay into the State Treasury all moneys received by the board under this chapter during the preceding calendar month. The State

Treasurer shall credit the moneys to the State Board of Health Account of the General Fund. The moneys in the State Board of Health Account are continuously appropriated to the board for the purpose of paying the expenses of administering and enforcing the provisions of this chapter.
[1959 c 634 §24, 1961 c 593 §5]

**694.190 to 694.980** [Reserved for expansion]

**694.990** [Repealed by 1959 c 406 §34]

**694.991 Penalties; concurrent jurisdiction of offenses.** (1) Violation of any provision of this chapter is punishable, upon conviction, by a fine of not more than $500 or by imprisonment for not more than 90 days, or both.

(2) Justice courts and district courts have concurrent jurisdiction with the circuit courts of violation under this chapter.
[1959 c 634 §§25, 26]

**CERTIFICATE OF LEGISLATIVE COUNSEL**

Pursuant to ORS 173 170, I, Sam R Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law

Done at Salem, Oregon,
on December 1, 1961.

Sam R Haley
Legislative Counsel