

Legislative Analysis



CONTINUING COMPETENCY REQUIREMENT FOR LICENSED HEARING AID DEALERS & SALESPERSONS

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House Bill 4129 as introduced
Sponsor: Rep. Pam Byrnes
Committee: Regulatory Reform

First Analysis (3-17-09)

BRIEF SUMMARY: The bill would require hearing aid dealers, hearing aid salespersons, and trainees to demonstrate continuing professional competency as a condition for license renewal.

FISCAL IMPACT: The bill would have no significant fiscal impact on the Department of Energy, Labor, and Economic Growth, or on local units of government.

THE APPARENT PROBLEM:

According to a representative of the Michigan Hearing Aid Society, Michigan is one of only seven states that does not require hearing aid dealers, hearing aid salespersons, and trainees to obtain continuing education credits as a condition of licensure. Industry members say the technology for hearing aids changes often, and that taking courses designed to keep their practices in step with the changing technology is necessary for licensees to keep up with the fast-paced advances.

Efforts by the Society to amend the state's laws to require continuing education courses as a condition for license renewal have been opposed by the Department of Energy, Labor, and Economic Growth. Reportedly, the administrative activities associated with verifying the credits are labor intensive and the department no longer has the funding necessary to add the appropriate number of staff positions to handle the workload that would be created if any more licensed occupations added continuing education requirements.

Instead, the department would prefer the flexibility of using what is known as "continuing professional competency" standards. Used nationally by some occupations, such as engineers and surveyors, a licensee can demonstrate continuing professional competency by participating in or completing a broader range of activities that include continuing education courses but also encompass college classes (as a student or instructor); presentations made at conventions or conferences; publications; and patents.

THE CONTENT OF THE BILL:

House Bill 4129 would amend the Occupational Code (MCL 339.1305, 339.1307, and 339.1308) to require a demonstration of continuing professional competency as a

condition for the renewal of licensure as a hearing aid dealer, hearing aid salesperson, or trainee.

Further, the act currently requires an applicant for a license as a hearing aid dealer to have served as a licensed hearing aid salesperson for a period of two years under the direction and supervision of a licensed hearing aid dealer. The bill would specify that the applicant must present evidence acceptable to the department that the requirement has been fulfilled. Lastly, the bill would make numerous revisions of an editorial nature to update and clarify provisions.

BACKGROUND INFORMATION:

The bill is identical to House Bill 6180 as passed by the House last session; the bill did not see Senate action.

ARGUMENTS:

For:

Hearing loss can significantly affect a person's life. A properly trained and licensed hearing aid dealer and salesperson are instrumental in taking measurements and matching a consumer with the proper hearing aid. An ill-fitted or ill-matched hearing aid does not benefit anyone. However, when technology changes so fast, it can be difficult for licensees to stay current as to products and safety concerns. Therefore, some believe it would benefit consumers if hearing aid dealers and salespersons, and trainees, were required to demonstrate continued professional competency.

Apparently, Michigan is one of only seven states - and the only Great Lakes state - that lacks a continuing education component to licensing requirements. Due to the prolonged economic downturn, the Department of Energy, Labor, and Economic Growth does not have the personnel to adequately administer a continuing education component for license renewals for yet another occupation. Instead, the bill would adopt an approach taken by some other occupations - requiring a demonstration of professional competency that could be met by activities that would include, but not be limited to, continuing education courses. For instance, attending or doing a presentation at a conference related to hearing aids, publishing a paper on a topic relevant to the field, or obtaining a patent for a new technology to assist those with hearing loss could be combined to meet a professional competency requirement. Though the bill would not mandate continuing education courses, it is expected that such courses would be the main component used by licensees to fulfill the competency requirement because of their relative ease to complete and document.

With many boomers expected to be in need of services offered by hearing aid dealers and salespersons in the near future, some feel the bill is essential to ensure that consumers continue to receive a high level of service and expertise.

POSITIONS:

The Department of Energy, Labor, and Economic Growth (DELEG) supports the bill. (3-11-09)

A representative of the Michigan Hearing Aid Society testified in support of the bill. (3-11-09)

A representative of the International Hearing Society testified in support of the bill. (3-11-09)

A representative of the Michigan Academy of Audiology testified in support of the bill. (3-11-09)

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.