

**First Regular Session  
Sixty-ninth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 13-0298.01 Christy Chase x2008

**SENATE BILL 13-039**

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**SENATE SPONSORSHIP**

**Aguilar,**

**HOUSE SPONSORSHIP**

**McCann,**

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**Senate Committees**  
Health & Human Services

**House Committees**

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**A BILL FOR AN ACT**

101     **CONCERNING THE REGULATION OF AUDIOLOGISTS.**

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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://www.leg.state.co.us/billsummaries>.)*

Since 1996, Colorado has regulated audiologists practicing in the state, first requiring audiologists to register with the division of registrations (division) in the department of regulatory agencies (department), and later requiring audiologists to obtain a license from the division. The regulation of audiologists has been subject to numerous sunset reviews by the department, all of which have recommended

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

continuing the regulation of audiologists in the state. Notwithstanding the recommendation in the 2011 sunset report to continue regulating audiologists, in the 2012 regular session, the general assembly did not enact legislation to continue regulating audiologists. As a result, the regulatory statutes expired on July 1, 2012.

The bill reauthorizes the division, now known as the division of professions and occupations, to regulate audiologists. Audiologists will be required to obtain a license to practice audiology in this state, and the bill sets forth the requirements for obtaining a license. The bill establishes grounds and procedures for disciplining audiologists. The director of the division is authorized to implement and administer the bill and adopt rules as necessary to accomplish those purposes. The bill establishes conduct relating to the sale and delivery of hearing aids by hearing aid sellers that constitutes a deceptive trade practice.

The regulation of audiologists is subject to sunset review and repeal on September 1, 2020.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 29.9 to  
3 title 12 as follows:

4 **ARTICLE 29.9**

5 **Audiologists**

6 **PART 1**

7 **AUDIOLOGISTS**

8 **12-29.9-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "APPLICANT" MEANS A PERSON APPLYING FOR A LICENSE TO  
11 PRACTICE AUDIOLOGY.

12 (2) "AUDIOLOGIST" MEANS A PERSON ENGAGED IN THE PRACTICE  
13 OF AUDIOLOGY.

14 (3) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION OR THE  
15 DIRECTOR'S DESIGNEE.

16 (4) "DIVISION" MEANS THE DIVISION OF PROFESSIONS AND

1 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES.

2 (5) (a) "HEARING AID" MEANS ANY WEARABLE INSTRUMENT OR  
3 DEVICE DESIGNED OR OFFERED TO AID OR COMPENSATE FOR IMPAIRED  
4 HUMAN HEARING AND ANY PARTS, ATTACHMENTS, OR ACCESSORIES TO  
5 THE INSTRUMENT OR DEVICE, INCLUDING EAR MOLDS BUT EXCLUDING  
6 BATTERIES AND CORDS.

7 (b) "HEARING AID" DOES NOT INCLUDE A SURGICALLY IMPLANTED  
8 HEARING DEVICE.

9 (6) "LICENSEE" MEANS AN AUDIOLOGIST WHO HOLDS A CURRENT  
10 LICENSE ISSUED BY THE DIVISION PURSUANT TO THIS PART 1.

11 (7) "PRACTICE OF AUDIOLOGY" MEANS:

12 (a) (I) THE APPLICATION OF PRINCIPLES, METHODS, AND  
13 PROCEDURES RELATED TO THE DEVELOPMENT, DISORDERS, AND  
14 CONDITIONS OF THE HUMAN AUDITORY-VESTIBULAR SYSTEM, WHETHER  
15 THOSE DISORDERS OR CONDITIONS ARE OF ORGANIC OR FUNCTIONAL  
16 ORIGIN, INCLUDING DISORDERS OF HEARING, BALANCE, TINNITUS,  
17 AUDITORY PROCESSING, AND OTHER NEURAL FUNCTIONS, AS THOSE  
18 PRINCIPLES, METHODS, AND PROCEDURES ARE TAUGHT IN ACCREDITED  
19 PROGRAMS IN AUDIOLOGY.

20 (II) THE PRINCIPLES, METHODS, OR PROCEDURES INCLUDE  
21 DIAGNOSIS, ASSESSMENT, MEASUREMENT, TESTING, APPRAISAL,  
22 EVALUATION, REHABILITATION, TREATMENT, PREVENTION,  
23 CONSERVATION, IDENTIFICATION, CONSULTATION, COUNSELING,  
24 INTERVENTION, MANAGEMENT, INTERPRETATION, INSTRUCTION, AND  
25 RESEARCH RELATED TO HEARING, VESTIBULAR FUNCTION, BALANCE AND  
26 FALL PREVENTION, AND ASSOCIATED NEURAL SYSTEMS, AND ANY  
27 ABNORMAL CONDITION RELATED TO TINNITUS, AUDITORY SENSITIVITY,

1 ACUITY, FUNCTION OR PROCESSING, SPEECH, LANGUAGE, OR OTHER  
2 ABERRANT BEHAVIOR RESULTING FROM HEARING LOSS, FOR THE PURPOSE  
3 OF DIAGNOSING, DESIGNING, AND IMPLEMENTING AUDIOLOGICAL  
4 MANAGEMENT AND TREATMENT OR OTHER PROGRAMS FOR THE  
5 AMELIORATION OF HUMAN AUDITORY-VESTIBULAR SYSTEM DISORDERS  
6 AND CONDITIONS.

7 (b) SUBJECT TO PART 2 OF THIS ARTICLE, PRESCRIBING, SELECTING,  
8 SPECIFYING, EVALUATING, ASSISTING IN THE ADJUSTMENT TO, AND  
9 DISPENSING OF PROSTHETIC DEVICES FOR HEARING LOSS, INCLUDING  
10 HEARING AIDS AND HEARING ASSISTIVE DEVICES BY MEANS OF  
11 SPECIALIZED AUDIOMETRIC EQUIPMENT OR BY ANY OTHER MEANS  
12 ACCEPTED BY THE DIRECTOR;

13 (c) DETERMINING WORK-RELATED HEARING LOSS OR IMPAIRMENT,  
14 AS DEFINED BY FEDERAL REGULATIONS;

15 (d) PREVENTION OF HEARING LOSS; AND

16 (e) CONSULTING WITH, AND MAKING REFERRALS TO, A PHYSICIAN  
17 WHEN APPROPRIATE.

18 (8) "SURGICALLY IMPLANTED HEARING DEVICE" MEANS A DEVICE  
19 THAT IS DESIGNED TO PRODUCE USEFUL HEARING SENSATIONS TO A  
20 PERSON WITH A HEARING IMPAIRMENT AND THAT HAS, AS ONE OR MORE  
21 COMPONENTS, A UNIT THAT IS SURGICALLY IMPLANTED INTO THE EAR,  
22 SKULL, OR OTHER INTERIOR PART OF THE BODY. THE TERM INCLUDES ANY  
23 ASSOCIATED UNIT THAT MAY BE WORN ON THE BODY.

24 **12-29.9-102. Scope of article - exemption.** (1) THIS ARTICLE  
25 DOES NOT APPLY TO A PERSON WHO IS:

26 (a) LICENSED PURSUANT TO SECTION 22-60.5-210, C.R.S., AND  
27 NOT LICENSED UNDER THIS ARTICLE FOR WORK UNDERTAKEN AS PART OF

1 HIS OR HER EMPLOYMENT BY, OR CONTRACTUAL AGREEMENT WITH, THE  
2 PUBLIC SCHOOLS;

3 (b) ENGAGED IN THE PRACTICE OF AUDIOLOGY IN THE DISCHARGE  
4 OF HIS OR HER OFFICIAL DUTIES IN THE SERVICE OF THE UNITED STATES  
5 ARMED FORCES, PUBLIC HEALTH SERVICE, COAST GUARD, OR VETERANS  
6 ADMINISTRATION;

7 (c) A STUDENT ENROLLED IN A COURSE OF STUDY AT AN  
8 ACCREDITED INSTITUTION AND PRACTICING AUDIOLOGY UNDER THE  
9 SUPERVISION OF A LICENSED AUDIOLOGIST; OR

10 (d) OTHERWISE LICENSED AS A HEALTH PROFESSIONAL UNDER THIS  
11 TITLE.

12 (2) NOTHING IN THIS ARTICLE AUTHORIZES AN AUDIOLOGIST TO  
13 ENGAGE IN THE PRACTICE OF MEDICINE AS DEFINED IN SECTION 12-36-106.

14 **12-29.9-103. Title protection - use of title.** (1) IT IS UNLAWFUL  
15 FOR ANY PERSON TO USE THE FOLLOWING TITLES UNLESS HE OR SHE IS  
16 LICENSED PURSUANT TO THIS PART 1: "AUDIOLOGIST", "HEARING AND  
17 BALANCE AUDIOLOGIST", "VESTIBULAR AUDIOLOGIST", OR ANY OTHER  
18 TITLE OR ABBREVIATION THAT IMPLIES THAT THE PERSON IS AN  
19 AUDIOLOGIST.

20 (2) A LICENSEE WHO HAS A DOCTORATE DEGREE IN AUDIOLOGY IS  
21 ENTITLED TO USE THE TITLE "DOCTOR" OR "DR." WHEN ACCOMPANIED BY  
22 THE WORDS "AUDIOLOGIST" OR "AUDIOLOGY" OR THE LETTERS "AU.D.",  
23 "ED.D.", "PH.D.", "SC.D.", OR ANY OTHER APPROPRIATE DEGREE  
24 DESIGNATION, AND TO USE THE TITLE "DOCTOR OF AUDIOLOGY".

25 **12-29.9-104. License required - application - fee - bond -**  
26 **disclosure - exemption.** (1) (a) AN AUDIOLOGIST MUST OBTAIN A  
27 LICENSE FROM THE DIVISION BEFORE ENGAGING IN THE PRACTICE OF

1       AUDIOLOGY IN THIS STATE.

2               (b) THE DIRECTOR SHALL GIVE EACH LICENSEE A LICENSE BEARING  
3       A UNIQUE LICENSE NUMBER. THE LICENSEE SHALL INCLUDE THE LICENSE  
4       NUMBER ON ALL WRITTEN CONTRACTS AND RECEIPTS, AS REQUIRED  
5       PURSUANT TO SECTION 12-29.9-202 (1) (e) (III) (B).

6               (2) TO QUALIFY FOR LICENSURE AS AN AUDIOLOGIST UNDER THIS  
7       PART 1, A PERSON MUST HAVE:

8               (a)    EARNED A DOCTORAL DEGREE IN AUDIOLOGY FROM A  
9       PROGRAM THAT IS OR, AT THE TIME THE APPLICANT WAS ENROLLED AND  
10      GRADUATED, WAS OFFERED BY AN INSTITUTION OF HIGHER EDUCATION OR  
11      POSTSECONDARY EDUCATION ACCREDITED BY A NATIONAL, REGIONAL, OR  
12      STATE AGENCY RECOGNIZED BY THE UNITED STATES DEPARTMENT OF  
13      EDUCATION, OR ANOTHER PROGRAM APPROVED BY THE DIRECTOR; OR

14              (b) (I) EARNED A MASTER'S DEGREE FROM A PROGRAM WITH A  
15      CONCENTRATION IN AUDIOLOGY THAT WAS CONFERRED BEFORE JULY 1,  
16      2007, FROM A PROGRAM OF HIGHER LEARNING THAT IS OR, AT THE TIME  
17      THE APPLICANT WAS ENROLLED AND GRADUATED, WAS OFFERED BY AN  
18      INSTITUTION OF HIGHER EDUCATION OR POSTSECONDARY EDUCATION  
19      ACCREDITED BY A NATIONAL, REGIONAL, OR STATE AGENCY RECOGNIZED  
20      BY THE UNITED STATES DEPARTMENT OF EDUCATION, OR ANOTHER  
21      PROGRAM APPROVED BY THE DIRECTOR; AND

22              (II) OBTAINED A CERTIFICATE OF COMPETENCY IN AUDIOLOGY  
23      FROM A NATIONALLY RECOGNIZED CERTIFICATION AGENCY.

24              (3) AN AUDIOLOGIST DESIRING TO BE LICENSED PURSUANT TO THIS  
25      PART 1 MUST SUBMIT TO THE DIRECTOR AN APPLICATION CONTAINING THE  
26      INFORMATION DESCRIBED IN SUBSECTION (4) OF THIS SECTION AND MUST  
27      PAY TO THE DIRECTOR ALL REQUIRED FEES IN THE AMOUNTS DETERMINED

1 AND COLLECTED BY THE DIRECTOR PURSUANT TO SECTION 24-34-105,  
2 C.R.S. THE DIRECTOR MAY DENY AN APPLICATION FOR A LICENSE IF THE  
3 REQUIRED INFORMATION AND FEES ARE NOT SUBMITTED. IF AN APPLICANT  
4 OR LICENSEE FAILS TO NOTIFY THE DIRECTOR OF A CHANGE IN THE  
5 SUBMITTED INFORMATION WITHIN THIRTY DAYS AFTER THE CHANGE, THE  
6 FAILURE IS GROUNDS FOR DISCIPLINARY ACTION PURSUANT TO SECTION  
7 12-29.9-108.

8 (4) AN APPLICANT MUST INCLUDE THE FOLLOWING INFORMATION  
9 IN AN APPLICATION FOR A LICENSE AS AN AUDIOLOGIST UNDER THIS PART  
10 1:

11 (a) THE AUDIOLOGIST'S NAME, BUSINESS ADDRESS, AND BUSINESS  
12 TELEPHONE NUMBER;

13 (b) A LISTING OF THE AUDIOLOGIST'S EDUCATION, EXPERIENCE,  
14 AND DEGREES OR CREDENTIALS, INCLUDING ALL DEGREES OR  
15 CREDENTIALS AWARDED TO THE AUDIOLOGIST THAT ARE RELATED TO THE  
16 PRACTICE OF AUDIOLOGY;

17 (c) A STATEMENT INDICATING WHETHER A LOCAL, STATE, OR  
18 NATIONAL HEALTH CARE AGENCY HAS:

19 (I) ISSUED A LICENSE, CERTIFICATE, OR REGISTRATION IN  
20 AUDIOLOGY TO THE APPLICANT;

21 (II) SUSPENDED OR REVOKED A LICENSE, CERTIFICATE, OR  
22 REGISTRATION ISSUED TO THE APPLICANT;

23 (III) CHARGES OR COMPLAINTS PENDING AGAINST THE APPLICANT;

24 OR

25 (IV) TAKEN DISCIPLINARY ACTION AGAINST THE APPLICANT;

26 (d) THE LENGTH OF TIME AND THE LOCATIONS WHERE THE  
27 APPLICANT HAS ENGAGED IN THE PRACTICE OF AUDIOLOGY; AND

1 (e) IF THE AUDIOLOGIST INTENDS TO PROVIDE SERVICES TO  
2 PATIENTS, PROOF OF MALPRACTICE COVERAGE IN AN AMOUNT  
3 DETERMINED APPROPRIATE BY THE DIRECTOR.

4 (5) AN APPLICANT OR LICENSEE SHALL REPORT AND UPDATE  
5 INFORMATION AS REQUIRED BY SECTION 24-34-110, C.R.S. WHEN  
6 REPORTING AND UPDATING INFORMATION REGARDING MALPRACTICE  
7 JUDGMENTS AND SETTLEMENTS, AS REQUIRED BY SECTION 24-34-110 (4)  
8 (h) AND (8) (a), C.R.S., THE APPLICANT OR LICENSEE SHALL INCLUDE THE  
9 CASE NUMBER AND NAMES OF ALL PARTIES TO THE ACTION.

10 **12-29.9-105. Licensure - certificate - expiration - renewal -**  
11 **reinstatement - fees.** (1) THE DIRECTOR SHALL ISSUE A LICENSE TO AN  
12 APPLICANT WHO SATISFIES THE REQUIREMENTS OF THIS PART 1 AND SHALL  
13 PROVIDE EACH LICENSEE WITH A CERTIFICATE INDICATING THAT THE  
14 PERSON NAMED IN THE CERTIFICATE IS LICENSED IN THE STATE OF  
15 COLORADO AS AN AUDIOLOGIST.

16 (2) ALL LICENSES ISSUED UNDER THIS PART 1 EXPIRE PURSUANT TO  
17 A SCHEDULE ESTABLISHED BY THE DIRECTOR AND MUST BE RENEWED OR  
18 REINSTATED PURSUANT TO SECTION 24-34-102 (8), C.R.S. THE DIRECTOR  
19 SHALL ESTABLISH RENEWAL FEES AND DELINQUENCY FEES FOR  
20 REINSTATEMENT PURSUANT TO SECTION 24-34-105, C.R.S. IF A PERSON  
21 FAILS TO RENEW HIS OR HER LICENSE PURSUANT TO THE SCHEDULE  
22 ESTABLISHED BY THE DIRECTOR, THE LICENSE EXPIRES. A PERSON WHOSE  
23 LICENSE HAS EXPIRED IS SUBJECT TO THE PENALTIES SET FORTH IN THIS  
24 PART 1 OR IN SECTION 24-34-102 (8), C.R.S.

25 **12-29.9-106. Licensure by endorsement - rules.** (1) THE  
26 DIRECTOR SHALL ISSUE A LICENSE BY ENDORSEMENT TO ENGAGE IN THE  
27 PRACTICE OF AUDIOLOGY IN THIS STATE TO AN INDIVIDUAL WHO



1 POSSESSES AN ACTIVE LICENSE IN GOOD STANDING TO PRACTICE  
2 AUDIOLOGY IN ANOTHER STATE OR TERRITORY OF THE UNITED STATES OR  
3 IN A FOREIGN COUNTRY IF THE APPLICANT:

4 (a) PRESENTS SATISFACTORY PROOF TO THE DIRECTOR THAT THE  
5 INDIVIDUAL POSSESSES A VALID LICENSE FROM ANOTHER STATE OR  
6 JURISDICTION THAT REQUIRES QUALIFICATIONS SUBSTANTIALLY  
7 EQUIVALENT TO THE QUALIFICATIONS FOR LICENSURE IN THIS STATE AND  
8 MEETS ALL OTHER REQUIREMENTS FOR LICENSURE PURSUANT TO THIS  
9 PART 1; AND

10 (b) PAYS THE LICENSE FEE ESTABLISHED UNDER SECTION  
11 24-34-105, C.R.S.

12 (2) THE DIRECTOR SHALL SPECIFY BY RULE WHAT CONSTITUTES  
13 SUBSTANTIALLY EQUIVALENT QUALIFICATIONS FOR THE PURPOSES OF THIS  
14 SECTION.

15 **12-29.9-107. Disposition of fees - legislative intent.** IT IS THE  
16 INTENT OF THE GENERAL ASSEMBLY TO FUND ALL DIRECT AND INDIRECT  
17 COSTS INCURRED IN THE IMPLEMENTATION OF THIS PART 1 WITH ANNUAL  
18 LICENSE AND RENEWAL FEES. THE DIRECTOR SHALL TRANSMIT ALL FEES  
19 COLLECTED UNDER THIS PART 1 TO THE STATE TREASURER, WHO SHALL  
20 CREDIT THE SAME TO THE DIVISION OF PROFESSIONS AND OCCUPATIONS  
21 CASH FUND CREATED BY SECTION 24-34-105, C.R.S.

22 **12-29.9-108. Disciplinary actions - grounds for discipline.**

23 (1) IF, AFTER INVESTIGATION, NOTICE, AND THE OPPORTUNITY FOR A  
24 HEARING IN ACCORDANCE WITH ARTICLE 4 OF TITLE 24, C.R.S., THE  
25 DIRECTOR DETERMINES THAT AN APPLICANT OR LICENSEE HAS COMMITTED  
26 ANY OF THE ACTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION, THE  
27 DIRECTOR MAY:

- 1 (a) IMPOSE AN ADMINISTRATIVE FINE NOT TO EXCEED TWO  
2 THOUSAND FIVE HUNDRED DOLLARS FOR EACH SEPARATE OFFENSE;
- 3 (b) ISSUE A LETTER OF ADMONITION;
- 4 (c) PLACE A LICENSEE ON PROBATION, WHICH ENTAILS CLOSE  
5 SUPERVISION ON THE TERMS AND FOR THE PERIOD OF TIME THAT THE  
6 DIRECTOR DEEMS APPROPRIATE;
- 7 (d) DENY, REFUSE TO RENEW, REVOKE, OR SUSPEND THE LICENSE  
8 OF AN APPLICANT OR LICENSEE; OR
- 9 (e) ISSUE A CONFIDENTIAL LETTER OF CONCERN.
- 10 (2) THE FOLLOWING ACTS CONSTITUTE GROUNDS FOR DISCIPLINE:
- 11 (a) MAKING A FALSE OR MISLEADING STATEMENT OR OMISSION IN  
12 AN APPLICATION FOR LICENSURE;
- 13 (b) FAILING TO NOTIFY THE DIRECTOR OF A CHANGE IN THE  
14 INFORMATION FILED PURSUANT TO SECTION 12-29.9-104;
- 15 (c) VIOLATING ANY PROVISION OF THIS PART 1, INCLUDING  
16 FAILURE TO COMPLY WITH THE LICENSE REQUIREMENTS OF SECTION  
17 12-29.9-104 OR FAILURE TO REPORT INFORMATION AS REQUIRED UNDER  
18 SECTION 12-29.9-104 (5) OR 24-34-110, C.R.S.;
- 19 (d) VIOLATING ANY RULE PROMULGATED BY THE DIRECTOR UNDER  
20 THIS PART 1;
- 21 (e) AIDING OR ABETTING A VIOLATION, OR CONSPIRING TO  
22 VIOLATE, ANY PROVISION OF THIS PART 1 OR ANY RULE PROMULGATED OR  
23 ORDER ISSUED UNDER THIS PART 1 BY THE DIRECTOR;
- 24 (f) ENGAGING IN A DECEPTIVE TRADE PRACTICE AS DESCRIBED IN  
25 PART 2 OF THIS ARTICLE;
- 26 (g) USING FALSE OR MISLEADING ADVERTISING;
- 27 (h) VIOLATING THE "COLORADO CONSUMER PROTECTION ACT",

1 ARTICLE 1 OF TITLE 6, C.R.S.;

2 (i) CAUSING PHYSICAL HARM TO A CUSTOMER;

3 (j) FAILING TO PRACTICE AUDIOLOGY ACCORDING TO COMMONLY

4 ACCEPTED PROFESSIONAL STANDARDS;

5 (k) PROVIDING SERVICES BEYOND THE LICENSEE'S SCOPE OF

6 EDUCATIONAL PREPARATION, EXPERIENCE, SKILLS, OR COMPETENCE;

7 (l) FAILING TO ADEQUATELY SUPERVISE A TRAINEE FOR ANY OF

8 THE HEALING ARTS;

9 (m) EMPLOYING A SALES AGENT OR EMPLOYEE WHO VIOLATES ANY

10 PROVISION OF THIS ARTICLE;

11 (n) COMMITTING ABUSE OF HEALTH INSURANCE AS DESCRIBED IN

12 SECTION 18-13-119, C.R.S.;

13 (o) FAILING TO COMPLY WITH A FINAL AGENCY ORDER OR WITH A

14 STIPULATION OR AGREEMENT MADE WITH THE DIRECTOR;

15 (p) FAILING TO RESPOND IN AN HONEST, MATERIALLY RESPONSIVE,

16 AND TIMELY MANNER TO A COMPLAINT LODGED AGAINST THE LICENSEE;

17 AND

18 (q) IN ANY COURT OF COMPETENT JURISDICTION, BEING CONVICTED

19 OF, PLEADING GUILTY OR NOLO CONTENDERE TO, OR RECEIVING A

20 DEFERRED JUDGMENT OR DEFERRED SENTENCE FOR A FELONY OR A CRIME

21 INVOLVING FRAUD, DECEPTION, FALSE PRETENSE, THEFT,

22 MISREPRESENTATION, FALSE ADVERTISING, OR DISHONEST DEALING.

23 (3) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN

24 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR,

25 WARRANTS FORMAL ACTION, THE DIRECTOR SHALL NOT RESOLVE THE

26 COMPLAINT BY A DEFERRED SETTLEMENT, ACTION, JUDGMENT, OR

27 PROSECUTION.

1           (4) A PERSON WHOSE LICENSE TO PRACTICE UNDER THIS PART 1 IS  
2 REVOKED, OR WHO SURRENDERS HIS OR HER LICENSE TO AVOID DISCIPLINE,  
3 IS INELIGIBLE TO APPLY FOR A NEW LICENSE UNDER THIS PART 1 FOR TWO  
4 YEARS AFTER THE DATE OF REVOCATION OR SURRENDER.

5           (5) ANY DISCIPLINARY ACTION TAKEN BY ANOTHER STATE, LOCAL  
6 JURISDICTION, OR THE FEDERAL GOVERNMENT AGAINST AN APPLICANT OR  
7 LICENSEE CONSTITUTES PRIMA FACIE EVIDENCE OF GROUNDS FOR  
8 DISCIPLINARY ACTION, INCLUDING DENIAL OF A LICENSE UNDER THIS PART  
9 1; EXCEPT THAT THIS SUBSECTION (5) APPLIES ONLY TO DISCIPLINE FOR  
10 ACTS OR OMISSIONS THAT ARE SUBSTANTIALLY SIMILAR TO THOSE SET OUT  
11 AS GROUNDS FOR DISCIPLINARY ACTION UNDER THIS PART 1.

12           (6) (a) WHEN A COMPLAINT OR INVESTIGATION DISCLOSES AN  
13 INSTANCE OF MISCONDUCT THAT, IN THE OPINION OF THE DIRECTOR, DOES  
14 NOT WARRANT FORMAL ACTION BY THE DIRECTOR BUT SHOULD NOT BE  
15 DISMISSED AS BEING WITHOUT MERIT, THE DIRECTOR MAY ISSUE AND SEND  
16 TO THE LICENSEE, BY CERTIFIED MAIL, A LETTER OF ADMONITION.

17           (b) (I) WHEN THE DIRECTOR SENDS A LETTER OF ADMONITION TO  
18 A LICENSEE PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (6), THE  
19 DIRECTOR SHALL ALSO ADVISE THE LICENSEE THAT HE OR SHE HAS THE  
20 RIGHT TO REQUEST IN WRITING, WITHIN TWENTY DAYS AFTER RECEIPT OF  
21 THE LETTER, THAT THE DIRECTOR INITIATE FORMAL DISCIPLINARY  
22 PROCEEDINGS TO ADJUDICATE THE PROPRIETY OF THE CONDUCT UPON  
23 WHICH THE LETTER OF ADMONITION IS BASED.

24           (II) IF THE LICENSEE MAKES THE REQUEST FOR ADJUDICATION IN  
25 A TIMELY MANNER, THE DIRECTOR SHALL VACATE THE LETTER OF  
26 ADMONITION AND SHALL PROCESS THE MATTER BY MEANS OF FORMAL  
27 DISCIPLINARY PROCEEDINGS.

1           (7) THE DIRECTOR SHALL TRANSMIT ALL FINES COLLECTED  
2 PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL  
3 CREDIT THEM TO THE GENERAL FUND.

4           **12-29.9-109. Director - powers - duties - rules.** (1) THE  
5 DIRECTOR MAY CONDUCT INVESTIGATIONS AND INSPECTIONS AS  
6 NECESSARY TO DETERMINE WHETHER AN APPLICANT OR LICENSEE HAS  
7 VIOLATED THIS PART 1 OR ANY RULE ADOPTED BY THE DIRECTOR UNDER  
8 THIS PART 1.

9           (2) THE DIRECTOR MAY APPLY TO A COURT OF COMPETENT  
10 JURISDICTION FOR AN ORDER ENJOINING ANY ACT OR PRACTICE THAT  
11 CONSTITUTES A VIOLATION OF THIS PART 1. UPON A SHOWING THAT A  
12 PERSON IS ENGAGING IN OR INTENDS TO ENGAGE IN THE ACT OR PRACTICE,  
13 THE COURT SHALL GRANT AN INJUNCTION, RESTRAINING ORDER, OR OTHER  
14 APPROPRIATE ORDER, REGARDLESS OF THE EXISTENCE OF ANOTHER  
15 REMEDY. THE COLORADO RULES OF CIVIL PROCEDURE GOVERN ALL  
16 PROCEEDINGS RELATED TO SUCH COURT ORDERS.

17           (3) (a) THE DIRECTOR OR AN ADMINISTRATIVE LAW JUDGE MAY  
18 ADMINISTER OATHS, TAKE AFFIRMATIONS OF WITNESSES, AND ISSUE  
19 SUBPOENAS TO COMPEL THE ATTENDANCE OF WITNESSES AND THE  
20 PRODUCTION OF ALL RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
21 EVIDENCE, AND MATERIALS IN ANY HEARING, INVESTIGATION,  
22 ACCUSATION, OR OTHER MATTER COMING BEFORE THE DIRECTOR  
23 PURSUANT TO THIS PART 1. THE DIRECTOR MAY APPOINT AN  
24 ADMINISTRATIVE LAW JUDGE PURSUANT TO PART 10 OF ARTICLE 30 OF  
25 TITLE 24, C.R.S., TO TAKE EVIDENCE AND TO MAKE FINDINGS AND REPORT  
26 THEM TO THE DIRECTOR.

27           (b) UPON THE FAILURE OF ANY WITNESS TO COMPLY WITH A

1 SUBPOENA OR PROCESS, THE DIRECTOR MAY APPLY TO THE DISTRICT  
2 COURT OF THE COUNTY IN WHICH THE SUBPOENAED PERSON OR LICENSEE  
3 RESIDES OR CONDUCTS BUSINESS, AND AFTER NOTICE OF THE APPLICATION  
4 BY THE DIRECTOR TO THE SUBPOENAED PERSON OR LICENSEE, THE  
5 DISTRICT COURT MAY ISSUE TO THE PERSON OR LICENSEE AN ORDER  
6 REQUIRING THAT THE PERSON OR LICENSEE APPEAR BEFORE THE DIRECTOR;  
7 PRODUCE THE RELEVANT PAPERS, BOOKS, RECORDS, DOCUMENTARY  
8 EVIDENCE, OR MATERIALS IF SO ORDERED; OR GIVE EVIDENCE RELEVANT  
9 TO THE MATTER UNDER INVESTIGATION OR IN QUESTION. IF THE PERSON OR  
10 LICENSEE FAILS TO OBEY THE ORDER OF THE COURT, THE COURT MAY HOLD  
11 THE PERSON OR LICENSEE IN CONTEMPT OF COURT.

12 (4) THE DIRECTOR SHALL DETERMINE THE AMOUNT OF  
13 MALPRACTICE COVERAGE THAT MUST BE OBTAINED BY AN AUDIOLOGIST  
14 WHO PROVIDES SERVICES TO PATIENTS.

15 (5) NO LATER THAN OCTOBER 1, 2013, THE DIRECTOR SHALL  
16 ADOPT ALL RULES NECESSARY FOR THE ENFORCEMENT OR  
17 ADMINISTRATION OF THIS PART 1, INCLUDING RULES REQUIRING LICENSEES  
18 TO MAINTAIN RECORDS IDENTIFYING CUSTOMERS BY NAME, THE GOODS OR  
19 SERVICES PROVIDED TO EACH CUSTOMER OTHER THAN BATTERIES AND  
20 MINOR ACCESSORIES, AND THE DATE AND PRICE OF EACH TRANSACTION.  
21 LICENSEES SHALL MAINTAIN THE RECORDS FOR AT LEAST SEVEN YEARS  
22 AFTER THE LAST TRANSACTION.

23 **12-29.9-110. Cease-and-desist orders - unauthorized practice**  
24 **- penalties.** (1) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON  
25 CREDIBLE EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY  
26 PERSON, THAT A LICENSEE IS ACTING IN A MANNER THAT IS AN IMMINENT  
27 THREAT TO THE HEALTH AND SAFETY OF THE PUBLIC OR A PERSON IS

1 ACTING OR HAS ACTED WITHOUT THE REQUIRED LICENSE, THE DIRECTOR  
2 MAY ISSUE AN ORDER TO CEASE AND DESIST THE ACTIVITY. THE DIRECTOR  
3 MUST SET FORTH IN THE ORDER THE STATUTES AND RULES ALLEGED TO  
4 HAVE BEEN VIOLATED, THE FACTS ALLEGED TO HAVE CONSTITUTED THE  
5 VIOLATION, AND THE REQUIREMENT THAT ALL UNLAWFUL ACTS OR  
6 UNLICENSED PRACTICES IMMEDIATELY CEASE.

7 (b) WITHIN TEN DAYS AFTER SERVICE OF THE ORDER TO CEASE AND  
8 DESIST PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), THE  
9 RESPONDENT MAY REQUEST A HEARING ON THE QUESTION OF WHETHER  
10 ACTS OR PRACTICES IN VIOLATION OF THIS PART 1 HAVE OCCURRED. THE  
11 DIRECTOR SHALL CONDUCT THE HEARING PURSUANT TO SECTIONS  
12 24-4-104 AND 24-4-105, C.R.S.

13 (2) (a) IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE  
14 EVIDENCE AS PRESENTED IN A WRITTEN COMPLAINT BY ANY PERSON, THAT  
15 A PERSON HAS VIOLATED ANY PROVISION OF THIS PART 1, THEN, IN  
16 ADDITION TO ANY OTHER POWERS GRANTED PURSUANT TO THIS PART 1,  
17 THE DIRECTOR MAY ISSUE TO THE PERSON AN ORDER TO SHOW CAUSE AS  
18 TO WHY THE DIRECTOR SHOULD NOT ISSUE A FINAL ORDER DIRECTING THE  
19 PERSON TO CEASE AND DESIST FROM THE UNLAWFUL ACT OR PRACTICE.

20 (b) THE DIRECTOR SHALL PROMPTLY NOTIFY A PERSON AGAINST  
21 WHOM HE OR SHE HAS ISSUED AN ORDER TO SHOW CAUSE PURSUANT TO  
22 PARAGRAPH (a) OF THIS SUBSECTION (2) OF THE ISSUANCE OF THE ORDER,  
23 ALONG WITH A COPY OF THE ORDER, THE FACTUAL AND LEGAL BASIS FOR  
24 THE ORDER, AND THE DATE SET BY THE DIRECTOR FOR A HEARING ON THE  
25 ORDER. THE DIRECTOR MAY SERVE THE NOTICE BY PERSONAL SERVICE, BY  
26 FIRST-CLASS UNITED STATES MAIL, POSTAGE PREPAID, OR AS MAY BE  
27 PRACTICABLE UPON ANY PERSON AGAINST WHOM THE ORDER IS ISSUED.

1 PERSONAL SERVICE OR MAILING OF AN ORDER OR DOCUMENT PURSUANT  
2 TO THIS SUBSECTION (2) CONSTITUTES NOTICE TO THE PERSON OF THE  
3 EXISTENCE AND CONTENTS OF THE ORDER OR DOCUMENT.

4 (c) (I) THE DIRECTOR MUST COMMENCE THE HEARING ON AN  
5 ORDER TO SHOW CAUSE NO SOONER THAN TEN, AND NO LATER THAN  
6 FORTY-FIVE, CALENDAR DAYS AFTER THE DATE OF TRANSMISSION OR  
7 SERVICE OF THE NOTIFICATION BY THE DIRECTOR AS PROVIDED IN  
8 PARAGRAPH (b) OF THIS SUBSECTION (2). THE DIRECTOR MAY CONTINUE  
9 THE HEARING BY AGREEMENT OF ALL PARTIES BASED UPON THE  
10 COMPLEXITY OF THE MATTER, NUMBER OF PARTIES TO THE MATTER, AND  
11 LEGAL ISSUES PRESENTED IN THE MATTER, BUT IN NO EVENT MAY THE  
12 DIRECTOR COMMENCE THE HEARING LATER THAN SIXTY CALENDAR DAYS  
13 AFTER THE DATE OF TRANSMISSION OR SERVICE OF THE NOTIFICATION.

14 (II) IF A PERSON TO WHOM AN ORDER TO SHOW CAUSE HAS BEEN  
15 ISSUED PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) DOES NOT  
16 APPEAR AT THE HEARING, THE DIRECTOR MAY PRESENT EVIDENCE THAT  
17 NOTIFICATION WAS PROPERLY SENT OR SERVED UPON THE PERSON  
18 PURSUANT TO PARAGRAPH (b) OF THIS SUBSECTION (2) AND ANY OTHER  
19 EVIDENCE RELATED TO THE MATTER AS THE DIRECTOR DEEMS  
20 APPROPRIATE. THE DIRECTOR SHALL ISSUE THE ORDER WITHIN TEN DAYS  
21 AFTER THE DIRECTOR'S DETERMINATION RELATED TO REASONABLE  
22 ATTEMPTS TO NOTIFY THE RESPONDENT, AND THE ORDER BECOMES FINAL  
23 AS TO THAT PERSON BY OPERATION OF LAW. THE CONDUCT OF THE  
24 HEARING IS GOVERNED BY SECTIONS 24-4-104 AND 24-4-105, C.R.S.

25 (III) IF THE DIRECTOR REASONABLY FINDS THAT THE PERSON  
26 AGAINST WHOM THE ORDER TO SHOW CAUSE WAS ISSUED IS ACTING OR  
27 HAS ACTED WITHOUT THE REQUIRED LICENSE OR HAS OR IS ABOUT TO



1 ENGAGE IN ACTS OR PRACTICES CONSTITUTING VIOLATIONS OF THIS PART  
2 1, THE DIRECTOR MAY ISSUE A FINAL CEASE-AND-DESIST ORDER DIRECTING  
3 THE PERSON TO CEASE AND DESIST FROM FURTHER UNLAWFUL ACTS OR  
4 UNLICENSED PRACTICES.

5 (IV) THE DIRECTOR SHALL PROVIDE NOTICE, IN THE MANNER SET  
6 FORTH IN PARAGRAPH (b) OF THIS SUBSECTION (2), OF THE FINAL  
7 CEASE-AND-DESIST ORDER WITHIN TEN CALENDAR DAYS AFTER THE  
8 HEARING CONDUCTED PURSUANT TO THIS PARAGRAPH (c) TO EACH PERSON  
9 AGAINST WHOM THE DIRECTOR HAS ISSUED THE FINAL ORDER. THE FINAL  
10 ORDER ISSUED PURSUANT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH (c)  
11 IS EFFECTIVE WHEN ISSUED AND CONSTITUTES A FINAL ORDER FOR  
12 PURPOSES OF JUDICIAL REVIEW.

13 (3) THE DIRECTOR MAY ENTER INTO A STIPULATION WITH A PERSON  
14 IF IT APPEARS TO THE DIRECTOR, BASED UPON CREDIBLE EVIDENCE  
15 PRESENTED TO THE DIRECTOR, THAT THE PERSON HAS ENGAGED IN OR IS  
16 ABOUT TO ENGAGE IN:

17 (a) AN UNLICENSED ACT OR PRACTICE;

18 (b) AN ACT OR PRACTICE CONSTITUTING A VIOLATION OF THIS PART  
19 1, A RULE PROMULGATED PURSUANT TO THIS PART 1, OR AN ORDER ISSUED  
20 PURSUANT TO THIS PART 1; OR

21 (c) AN ACT OR PRACTICE CONSTITUTING GROUNDS FOR  
22 ADMINISTRATIVE SANCTION PURSUANT TO THIS PART 1.

23 (4) IF ANY PERSON FAILS TO COMPLY WITH A FINAL  
24 CEASE-AND-DESIST ORDER OR A STIPULATION, THE DIRECTOR MAY  
25 REQUEST THE ATTORNEY GENERAL OR THE DISTRICT ATTORNEY FOR THE  
26 JUDICIAL DISTRICT IN WHICH THE ALLEGED VIOLATION EXISTS TO BRING,  
27 AND IF SO REQUESTED THE ATTORNEY SHALL BRING, SUIT FOR A

1 TEMPORARY RESTRAINING ORDER AND FOR INJUNCTIVE RELIEF TO  
2 PREVENT ANY FURTHER OR CONTINUED VIOLATION OF THE FINAL ORDER.

3 (5) A PERSON AGGRIEVED BY A FINAL CEASE-AND-DESIST ORDER  
4 MAY SEEK JUDICIAL REVIEW OF THE DIRECTOR'S DETERMINATION OR OF  
5 THE DIRECTOR'S FINAL ORDER IN A COURT OF COMPETENT JURISDICTION.

6 (6) A PERSON WHO PRACTICES OR OFFERS OR ATTEMPTS TO  
7 PRACTICE AUDIOLOGY SERVICES WITHOUT AN ACTIVE AUDIOLOGIST  
8 LICENSE ISSUED UNDER THIS PART 1 COMMITS A CLASS 2 MISDEMEANOR  
9 AND SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., FOR  
10 THE FIRST OFFENSE, AND, FOR THE SECOND OR ANY SUBSEQUENT OFFENSE,  
11 THE PERSON COMMITS A CLASS 6 FELONY AND SHALL BE PUNISHED AS  
12 PROVIDED IN SECTION 18-1.3-401, C.R.S.

13 **12-29.9-111. Immunity.** THE DIRECTOR, THE DIRECTOR'S STAFF,  
14 ANY PERSON ACTING AS A WITNESS OR CONSULTANT TO THE DIRECTOR,  
15 ANY WITNESS TESTIFYING IN A PROCEEDING AUTHORIZED UNDER THIS PART  
16 1, AND ANY PERSON WHO LODGES A COMPLAINT PURSUANT TO THIS PART  
17 1 IS IMMUNE FROM LIABILITY IN ANY CIVIL ACTION BROUGHT AGAINST HIM  
18 OR HER FOR ACTS OCCURRING WHILE ACTING IN HIS OR HER CAPACITY AS  
19 DIRECTOR, STAFF, CONSULTANT, OR WITNESS, RESPECTIVELY, IF THE  
20 INDIVIDUAL WAS ACTING IN GOOD FAITH WITHIN THE SCOPE OF HIS OR HER  
21 RESPECTIVE CAPACITY, MADE A REASONABLE EFFORT TO OBTAIN THE  
22 FACTS OF THE MATTER AS TO WHICH HE OR SHE ACTED, AND ACTED IN THE  
23 REASONABLE BELIEF THAT THE ACTION TAKEN BY HIM OR HER WAS  
24 WARRANTED BY THE FACTS. ANY PERSON PARTICIPATING IN GOOD FAITH  
25 IN LODGING A COMPLAINT OR PARTICIPATING IN ANY INVESTIGATIVE OR  
26 ADMINISTRATIVE PROCEEDING PURSUANT TO THIS PART 1 IS IMMUNE FROM  
27 ANY CIVIL OR CRIMINAL LIABILITY THAT MAY RESULT FROM THAT

1 PARTICIPATION.

2 **12-29.9-112. Repeal.** THIS PART 1 IS REPEALED, EFFECTIVE  
3 SEPTEMBER 1, 2020. PRIOR TO THE REPEAL, THE DEPARTMENT OF  
4 REGULATORY AGENCIES SHALL REVIEW THE LICENSING AND SUPERVISORY  
5 FUNCTIONS OF THE DIRECTOR AS PROVIDED IN SECTION 24-34-104, C.R.S.

6 PART 2

7 DECEPTIVE TRADE PRACTICES

8 **12-29.9-201. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "DISPENSE" MEANS TO TRANSFER TITLE, POSSESSION, OR THE  
11 RIGHT TO USE BY LEASE, BAILMENT, OR ANY OTHER METHOD. THE TERM  
12 DOES NOT APPLY TO TRANSACTIONS WITH DISTRIBUTORS OR DEALERS.

13 (2) "PRACTICE OF DISPENSING, FITTING, OR DEALING IN HEARING  
14 AIDS" INCLUDES:

15 (a) SELECTING AND ADAPTING HEARING AIDS FOR SALE;

16 (b) TESTING HEARING AIDS FOR PURPOSES OF SELECTING AND  
17 ADAPTING THEM FOR SALE;

18 (c) MAKING IMPRESSIONS FOR EAR MOLDS AND COUNSELING AND  
19 INSTRUCTING PROSPECTIVE USERS FOR PURPOSES OF SELECTING, FITTING,  
20 ADAPTING, OR SELLING HEARING AIDS.

21 **12-29.9-202. Deceptive trade practices.** (1) IN ADDITION TO ANY  
22 OTHER DECEPTIVE TRADE PRACTICES UNDER SECTION 6-1-105, C.R.S., A  
23 SELLER ENGAGES IN A DECEPTIVE TRADE PRACTICE WHEN THE SELLER:

24 (a) FAILS TO DELIVER TO EACH PERSON SUPPLIED WITH A HEARING  
25 AID A RECEIPT THAT:

26 (I) BEARS THE BUSINESS ADDRESS OF THE SELLER TOGETHER WITH  
27 SPECIFICATIONS AS TO THE MAKE AND SERIAL NUMBER OF THE HEARING

1 AID FURNISHED AND THE FULL TERMS OF THE SALE CLEARLY STATED. IF  
2 THE SELLER SELLS A HEARING AID THAT IS NOT NEW, THE SELLER SHALL  
3 CLEARLY MARK ON THE HEARING AID CONTAINER AND THE RECEIPT THE  
4 TERM "USED" OR "RECONDITIONED", WHICHEVER IS APPLICABLE, WITHIN  
5 THE TERMS OF THE GUARANTEE, IF ANY.

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

14 (III) BEARS, IN NO SMALLER TYPE THAN THE LARGEST USED IN THE  
15 BODY OF THE RECEIPT, A PROVISION INDICATING THAT SELLERS WHO ARE  
16 AUDIOLOGISTS ARE REGULATED BY THE DIVISION OF PROFESSIONS AND  
17 OCCUPATIONS IN THE DEPARTMENT OF REGULATORY AGENCIES;

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

23 (b) FAILS TO RECEIVE FROM A LICENSED PHYSICIAN, BEFORE  
24 DISPENSING, FITTING, OR SELLING A HEARING AID TO ANY PERSON, A  
25 WRITTEN PRESCRIPTION OR RECOMMENDATION, ISSUED WITHIN THE  
26 PREVIOUS SIX MONTHS, THAT SPECIFIES THAT THE PERSON IS A CANDIDATE  
27 FOR A HEARING AID; EXCEPT THAT ANY PERSON EIGHTEEN YEARS OF AGE

1 OR OLDER WHO OBJECTS TO MEDICAL EVALUATION ON THE BASIS OF  
2 RELIGIOUS OR PERSONAL BELIEFS MAY WAIVE THE REQUIREMENT BY  
3 DELIVERING TO THE SELLER A WRITTEN WAIVER;

4 (c) FAILS TO RECOMMEND IN WRITING, PRIOR TO FITTING OR  
5 DISPENSING A HEARING AID, THAT THE BEST INTERESTS OF THE  
6 PROSPECTIVE USER WOULD BE SERVED BY CONSULTING A LICENSED  
7 PHYSICIAN SPECIALIZING IN DISEASES OF THE EAR, OR ANY LICENSED  
8 PHYSICIAN, IF ANY OF THE FOLLOWING CONDITIONS EXISTS:

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

10 (II) HISTORY OF OR ACTIVE DRAINAGE OF THE EAR WITHIN THE  
11 PREVIOUS NINETY DAYS;

12 (III) HISTORY OF SUDDEN OR RAPIDLY PROGRESSIVE HEARING  
13 LOSS;

14 (IV) ACUTE OR CHRONIC DIZZINESS;

15 (V) UNILATERAL HEARING LOSS OF SUDDEN ONSET WITHIN THE  
16 PREVIOUS NINETY DAYS;

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

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

21 (VIII) PAIN OR DISCOMFORT IN THE EAR;

22 (d) FAILS TO PROVIDE A THIRTY-DAY-RESCISSION PERIOD WITH THE  
23 FOLLOWING TERMS:

24 (I) THE BUYER HAS THE RIGHT TO CANCEL THE PURCHASE FOR ANY  
25 REASON BEFORE THE EXPIRATION OF THE RESCISSION PERIOD BY GIVING OR  
26 MAILING WRITTEN NOTICE OF CANCELLATION TO THE SELLER AND  
27 PRESENTING THE HEARING AID TO THE DEALER, UNLESS THE HEARING AID

1 HAS BEEN LOST OR SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE IN  
2 THE BUYER'S POSSESSION AND CONTROL. THE THIRTY-DAY-RESCISSON  
3 PERIOD IS TOLLED FOR ANY PERIOD DURING WHICH A SELLER TAKES  
4 POSSESSION OR CONTROL OF A HEARING AID AFTER ITS ORIGINAL  
5 DELIVERY.

6 (II) THE BUYER, UPON CANCELLATION, IS ENTITLED TO RECEIVE A  
7 FULL REFUND OF ANY PAYMENT MADE FOR THE HEARING AID WITHIN  
8 THIRTY DAYS AFTER RETURNING THE HEARING AID TO THE SELLER, UNLESS  
9 THE HEARING AID WAS SIGNIFICANTLY DAMAGED BEYOND REPAIR WHILE  
10 THE HEARING AID WAS IN THE BUYER'S POSSESSION AND CONTROL; EXCEPT  
11 THAT, IF THE HEARING AID IS RETURNED FOR ANY REASON OTHER THAN A  
12 DEFECT IN THE HEARING AID, THE SELLER MAY RETAIN AN ITEMIZED  
13 AMOUNT TO COVER THE MINIMUM COSTS OF MATERIALS USED BY THE  
14 SELLER AND A MANUFACTURER'S RETURN FEE, BUT THE AMOUNT MUST  
15 NOT BE GREATER THAN FIVE PERCENT OF THE TOTAL CHARGE FOR THE  
16 HEARING AID.

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

22 **THE BUYER HAS THE RIGHT TO CANCEL**  
23 **THIS PURCHASE FOR ANY REASON AT ANY**  
24 **TIME PRIOR TO 12 MIDNIGHT ON THE 30TH**  
25 **CALENDAR DAY AFTER RECEIPT OF THE**  
26 **HEARING AID BY GIVING OR MAILING THE**  
27 **SELLER WRITTEN NOTICE OF CANCELLATION**

1           **ANDBYRETURNING THE HEARING AID, UNLESS**  
2           **THE HEARING AID HAS BEEN SIGNIFICANTLY**  
3           **DAMAGED BEYOND REPAIR WHILE THE**  
4           **HEARING AID WAS IN THE BUYER'S CONTROL.**  
5           **BY LAW, THE SELLER IS ALLOWED TO RETAIN**  
6           **AN ITEMIZED AMOUNT, NOT TO EXCEED FIVE**  
7           **PERCENT OF THE TOTAL CHARGE FOR THE**  
8           **HEARING AID, TO COVER THE COSTS OF A**  
9           **MANUFACTURER'S RETURN FEE AND THE**  
10          **MINIMUM COSTS OF MATERIALS USED BY THE**  
11          **SELLER UNLESS THE HEARING AID IS**  
12          **RETURNED BECAUSE IT IS DEFECTIVE.**

13           (B) THE WRITTEN CONTRACT OR RECEIPT PROVIDED TO THE BUYER  
14          MUST ALSO CONTAIN A STATEMENT, IN PRINT SIZE NO SMALLER THAN  
15          TEN-POINT TYPE, THAT THE SALE IS VOID AND UNENFORCEABLE IF THE  
16          HEARING AID BEING PURCHASED IS NOT DELIVERED TO THE CONSUMER  
17          WITHIN THIRTY DAYS AFTER THE DATE THE WRITTEN CONTRACT IS SIGNED  
18          OR THE RECEIPT IS ISSUED, WHICHEVER OCCURS LATER. THE WRITTEN  
19          CONTRACT OR RECEIPT MUST ALSO INCLUDE THE SELLER'S LICENSE  
20          NUMBER, IF THE SELLER IS A LICENSED AUDIOLOGIST, AND A STATEMENT  
21          THAT THE SELLER WILL PROMPTLY REFUND ALL MONEYS PAID FOR THE  
22          PURCHASE OF A HEARING AID IF IT IS NOT DELIVERED TO THE CONSUMER  
23          WITHIN THE THIRTY-DAY PERIOD. THE BUYER CANNOT WAIVE THIS  
24          REQUIREMENT, AND ANY ATTEMPT TO WAIVE IT IS VOID.

25           (IV) A REFUND REQUEST FORM MUST BE ATTACHED TO EACH  
26          RECEIPT AND MUST CONTAIN THE INFORMATION IN SUBPARAGRAPH (I) OF  
27          PARAGRAPH (a) OF THIS SUBSECTION (1) AND THE STATEMENT, IN ALL

1 CAPITAL LETTERS OF NO LESS THAN TEN-POINT, BOLD-FACED TYPE:  
2 "REFUND REQUEST - THIS FORM MUST BE POSTMARKED BY \_\_\_\_\_  
3 (DATE TO BE FILLED IN). NO REFUND WILL BE GIVEN UNTIL THE HEARING  
4 AID OR HEARING AIDS ARE RETURNED TO THE SELLER." A SPACE FOR THE  
5 BUYER'S ADDRESS, TELEPHONE NUMBER, AND SIGNATURE MUST BE  
6 PROVIDED. THE BUYER IS REQUIRED ONLY TO SIGN, LIST THE BUYER'S  
7 CURRENT ADDRESS AND TELEPHONE NUMBER, AND MAIL THE REFUND  
8 REQUEST FORM TO THE SELLER. IF THE HEARING AID IS SOLD IN THE  
9 BUYER'S HOME, THE BUYER MAY REQUIRE THE SELLER TO ARRANGE THE  
10 RETURN OF THE HEARING AID.

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

18 (I) FALSELY GIVE THE IMPRESSION THAT SERVICE IS BEING  
19 PROVIDED BY PERSONS TRAINED IN MEDICINE OR THAT THE SELLER'S  
20 SERVICE HAS BEEN RECOMMENDED BY THE STATE WHEN THAT IS NOT THE  
21 CASE; OR

22 (II) BE FALSE OR MISLEADING;

23 (f) DIRECTLY OR INDIRECTLY:

24 (I) GIVES OR OFFERS TO GIVE, OR PERMITS OR CAUSES TO BE GIVEN,  
25 MONEY OR ANYTHING OF VALUE TO ANY PERSON WHO ADVISES ANOTHER  
26 IN A PROFESSIONAL CAPACITY AS AN INDUCEMENT TO INFLUENCE THE  
27 PERSON OR HAVE THE PERSON INFLUENCE OTHERS TO PURCHASE OR



1 CONTRACT TO PURCHASE PRODUCTS SOLD OR OFFERED FOR SALE BY THE  
2 SELLER; EXCEPT THAT A SELLER DOES NOT VIOLATE THIS SUBPARAGRAPH  
3 (I) IF THE SELLER PAYS AN INDEPENDENT ADVERTISING OR MARKETING  
4 AGENT COMPENSATION FOR ADVERTISING OR MARKETING SERVICES THE  
5 AGENT RENDERED ON THE SELLER'S BEHALF, INCLUDING COMPENSATION  
6 THAT IS PAID FOR THE RESULTS OR PERFORMANCE OF THE SERVICES ON A  
7 PER-PATIENT BASIS; OR

8 (II) INFLUENCES PERSONS TO REFRAIN FROM DEALING IN THE  
9 PRODUCTS OF COMPETITORS;

10 (g) DISPENSES A HEARING AID TO A PERSON WHO HAS NOT BEEN  
11 GIVEN TESTS UTILIZING APPROPRIATE ESTABLISHED PROCEDURES AND  
12 INSTRUMENTATION IN THE FITTING OF HEARING AIDS, EXCEPT WHEN  
13 SELLING A REPLACEMENT HEARING AID WITHIN ONE YEAR AFTER THE DATE  
14 OF THE ORIGINAL PURCHASE;

15 (h) MAKES A FALSE OR MISLEADING STATEMENT OF FACT  
16 CONCERNING GOODS OR SERVICES OR THE BUYER'S RIGHT TO CANCEL WITH  
17 THE INTENTION OR EFFECT OF DETERRING OR PREVENTING THE BUYER  
18 FROM EXERCISING THE BUYER'S RIGHT TO CANCEL;

19 (i) CHARGES, COLLECTS, OR RECOVERS ANY COST OR FEE FOR ANY  
20 GOOD OR SERVICE THAT HAS BEEN REPRESENTED BY THE SELLER AS FREE.

21 (2) (a) THIS SECTION APPLIES TO A SELLER WHO DISPENSES  
22 HEARING AIDS IN THIS STATE.

23 (b) THIS SECTION DOES NOT APPLY TO THE DISPENSING OF HEARING  
24 AIDS OUTSIDE OF THIS STATE SO LONG AS THE TRANSACTION EITHER  
25 CONFORMS TO THIS SECTION OR TO THE APPLICABLE LAWS AND RULES OF  
26 THE JURISDICTION IN WHICH THE TRANSACTION TAKES PLACE.

27 **SECTION 2.** In Colorado Revised Statutes, 24-34-104, **amend**

1 (51.5) introductory portion; and **add** (51.5) (d) as follows:

2 **24-34-104. General assembly review of regulatory agencies**  
3 **and functions for termination, continuation, or reestablishment.**

4 (51.5) The following agencies, functions, or both, ~~shall~~ terminate on  
5 September 1, 2020:

6 (d) THE LICENSING OF AUDIOLOGISTS BY THE DIVISION OF  
7 PROFESSIONS AND OCCUPATIONS PURSUANT TO PART 1 OF ARTICLE 29.9 OF  
8 TITLE 12, C.R.S.

9 **SECTION 3.** In Colorado Revised Statutes, 6-1-105, **amend** (1)  
10 introductory portion and (1) (yy) as follows:

11 **6-1-105. Deceptive trade practices.** (1) A person engages in a  
12 deceptive trade practice when, in the course of ~~such~~ THE person's  
13 business, vocation, or occupation, ~~such~~ THE person:

14 (yy) Violates ~~any provision of part 3 of article 5.5~~ PART 2 OF  
15 ARTICLE 29.9 of title 12, C.R.S.;

16 **SECTION 4.** In Colorado Revised Statutes, **amend** 6-1-114 as  
17 follows:

18 **6-1-114. Criminal penalties.** Upon a first conviction any person  
19 who promotes a pyramid promotional scheme in this state or who violates  
20 ~~any provision of part 3 of article 5.5~~ PART 2 OF ARTICLE 29.9 of title 12,  
21 C.R.S., or section 6-1-717 is guilty of a class 1 misdemeanor, as defined  
22 in section 18-1.3-501, C.R.S., and, upon a second or subsequent  
23 conviction of ~~part 3 of article 5.5~~ PART 2 OF ARTICLE 29.9 of title 12,  
24 C.R.S., is guilty of a class 6 felony, as defined in section 18-1.3-401,  
25 C.R.S.

26 **SECTION 5.** In Colorado Revised Statutes, 6-1-501, **amend** (7)  
27 introductory portion and (7) (a) as follows:

1           **6-1-501. Definitions.** As used in this part 5, unless the context  
2 otherwise requires:

3           (7) "Facilitative device" means a device that has a retail price  
4 equal to or greater than one hundred dollars and that is exclusively  
5 designed and manufactured to assist a person with a disability with such  
6 person's specific disability, through the use of facilitative technology, to  
7 be self-sufficient or to maintain or improve that person's quality of life.

8 "Facilitative device" does not include wheelchairs as that term is defined  
9 in section 6-1-402 (17). "Facilitative device" does include: ~~the following:~~

10           (a) Telephone communication devices for the hearing impaired  
11 and other facilitative listening devices except for hearing aids, as defined  
12 in section ~~12-5.5-301(4)~~ 12-29.9-101 (5), C.R.S., and ~~cochlear implants~~  
13 SURGICALLY IMPLANTED HEARING DEVICES, as defined in section  
14 ~~12-5.5-301(2)~~ 12-29.9-101 (8), C.R.S.;

15           **SECTION 6.** In Colorado Revised Statutes, 10-16-104, **amend**  
16 (19) (b) introductory portion as follows:

17           **10-16-104. Mandatory coverage provisions - definitions.**

18 (19) **Hearing aids for children - legislative declaration.** (b) Any health  
19 benefit plan that provides hospital, surgical, or medical expense  
20 insurance, except supplemental policies covering a specified disease or  
21 other limited benefit, ~~shall~~ MUST provide coverage for hearing aids for  
22 minor children who have a hearing loss that has been verified by a  
23 physician licensed pursuant to article 36 of title 12, C.R.S., and by an  
24 audiologist licensed pursuant to ~~section 12-5.5-102~~ PART 1 OF ARTICLE  
25 29.9 OF TITLE 12, C.R.S. The hearing aids ~~shall~~ MUST be medically  
26 appropriate to meet the needs of the child according to accepted  
27 professional standards. Coverage ~~shall~~ MUST include the purchase of the

1 following:

2 **SECTION 7.** In Colorado Revised Statutes, 24-34-110, **amend**

3 (3) (a) (I) as follows:

4 **24-34-110. Medical transparency act of 2010 - disclosure of**  
5 **information about health care licensees - fines - rules - short title -**

6 **legislative declaration.** (3) (a) As used in this section, "applicant" means

7 a person applying for a new, active license, certification, or registration

8 or to renew, reinstate, or reactivate an active license, certification, or

9 registration to practice:

10 (I) Audiology pursuant to part 1 of article 5.5 29.9 of title 12,

11 C.R.S.;

12 **SECTION 8. Safety clause.** The general assembly hereby finds,

13 determines, and declares that this act is necessary for the immediate

14 preservation of the public peace, health, and safety.