

THE LOUISIANA BOARD FOR HEARING AID DEALERS

LICENSING ACT



RS 37:2441-2465

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RS 37:2441 – Registration and licensing required

§2441. Registration and licensing required

A. Any person engaging in the practice of selling and fitting of any type of hearing aid, as defined in R.S. 37:2442, shall be registered and licensed by the Louisiana Board for Hearing Aid Dealers.

B. The provisions of this Section are enacted to:

(1) Protect the public.

(2) Aid the Department of Revenue in collecting sales taxes on labor, on retail prices of hearing aids, and on material used in the repair, service, and maintenance of hearing aids.

(3) Provide an adequate supply of licensed hearing aid dealers throughout the state to serve as sponsors for applicants seeking temporary training permits pursuant to R.S. 37:2449.

Acts 1968, No. 302, §1, eff. Jan. 1, 1969; Acts 1995, No. 892, §2; Acts 1997, No. 658, §2; Acts 2022, No. 61, §1; Acts 2022, No. 271, §2.

RS 37:2442 – Definitions

§2442. Definitions

The following words and phrases, when used in this Chapter, have the following meanings:

(1) "Board" shall mean the Louisiana Board for Hearing Aid Dealers.

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

(3) "License" includes a temporary license and a certificate of endorsement.

(4) "Practice of selling and fitting hearing aids" means the necessary audiometry and other acoustic measurements essential to determine the parameters needed in amplification, selection, and adaptation of the appropriate hearing instruments, the making of a proper ear impression for the instrument selected, fitted, and delivered, the inspection of the ear canal with an otoscope before taking the impression, and all of the instruction and guidance necessary to maximize use of amplification.

(5) "Repair service and maintenance" means to restore by replacing a part or putting together what is torn or broken; to restore to a good or sound condition after decay or damage; mend; to fix anything that is broken.

(6) "Unethical conduct" includes but is not limited to the following:

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

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

(c) Using or causing or prompting 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 professional services or advice of a physician or audiologist will be used or made available in the selling, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words "doctor", "clinic", "clinical", or "research audiologist", "audiologic", or any other like words, abbreviations, or symbols which tend to connote audiological or professional services, when such use is not accurate.

(f) Habitual intemperance.

(g) Gross immorality.

(h) Permitting another to use his license or certificate.

(i) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their business methods, selling prices, values, credit terms, policies, or services.

(j) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them.

(k) To represent falsely that competitors are unreliable but that the disparager is not.

(l) To quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to show, demonstrate, or represent competitive models as being current models when such is not the fact.

(m) To imitate or simulate the trademarks, trade names, brands, or labels of competitors, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

(n) To use in his advertising the name, model name, or trademark of a particular manufacturer or hearing aids in such manner as to imply a relationship with the manufacturer that does not exist or otherwise to mislead or deceive purchasers or prospective purchasers.

(o) To use any trade name, corporate name, trademark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false, deceptive, or misleading in any other material respect.

(p) To obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or misrepresentations, by the impersonation of one in authority, or by any other unfair means.

(q) To directly or indirectly give, or offer to give, or permit or cause to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence them or have them influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dealer or to influence persons to refrain from dealing in the products of competitors.

(r) Sharing of any profits or sharing of any percentage of a licensee's income with any person, firm, corporation, or other business enterprise other than a person licensed to fit and sell hearing aids in accordance with the provisions of this Chapter who is a resident of this state and associated with the licensee in fitting and selling hearing aids.

(s) Representing or implying that his competence in selling and fitting hearing aids is based upon undergraduate or graduate education when such is not correct.

(t) Representing or implying that a hearing aid is or will be custom made, "made to order", "prescription made", or in any other sense specially fabricated for an individual person when such is not the case.

(u) Stating or implying that the use of any hearing aid will restore or preserve hearing, or prevent or retard progression of a hearing impairment.

(v) To sell a hearing aid intended to be used by a person twelve years of age or less without an otologic examination by a medical physician licensed in this state who is acting with audiologic evaluation.

Added by Acts 1968, No. 302, §2. eff. Jan. 1, 1969. Amended by Acts 1989, No. 752, §1; Acts 1995, No. 892, §2; Acts 2005, No. 261, §1; Acts 2011, No. 93, §1; Acts 2018, No. 206, §3; Acts 2022, No. 271, §2.

RS 37:2443 - License or certificate required; display

§2443. License or certificate required; display

No person shall engage in the selling and fitting of hearing aids or display a sign or in any other way advertise or hold himself out as a person who engages in the selling and fitting of hearing aids unless he holds a current, unsuspended, unrevoked license issued by the board as provided in this Chapter, or unless he holds a current, unsuspended, unrevoked certificate of endorsement pursuant to R.S. 37:2448. The license or certificate required by this Section shall be kept conspicuously posted in his office or place of business at all times.

Acts 1968, No. 302, §3, eff. Jan. 1, 1969; Acts 2018, No. 206, §3

RS 37:2444 - Bill of sale

§2444. Bill of sale; contract

Any person who engages in the fitting or selling of hearing aids shall deliver to each person supplied with a hearing aid, by him or at his order or direction, a bill of sale or contract which shall contain his signature and show the address of his regular place of business with a contact phone number and the number of his license, together with a description of the make, model, and serial number of the hearing aid furnished and the amount charged therefor. The bill of sale or contract shall also reveal the condition of the hearing device and whether it is new, used, or rebuilt, and the address and phone number of the Louisiana Board for Hearing Aid Dealers.

Acts 1968, No. 302, §4, eff. Jan. 1, 1969 ; Acts 2005, No. 261, §1.

RS 37:2444.1 - Testing period for hearing aids

§2444.1. Testing period for hearing aids

A. Any person licensed pursuant to this Chapter who sells a hearing aid to a consumer shall provide a written receipt or written contract to the consumer. The written receipt or contract shall provide the consumer with a thirty-day right to cancel the purchase if the consumer finds that the hearing aid does not function adequately for the consumer. If the consumer cancels the hearing aid purchase based on this Subsection, the consumer may obtain a refund if he

returns the hearing aid to the seller in the same condition, ordinary wear and tear excluded, as when purchased. The written receipt or contract shall notify the consumer of the thirty-day right to cancel period in at least ten point type. The thirty-day right to cancel period shall commence from either the date the hearing aid is originally delivered to the consumer or the date the written receipt or contract is delivered to the consumer, whichever is later. The thirty-day period shall be interrupted for any period during which the hearing aid seller, dealer, or fitter has possession or control of the hearing aid after its original delivery.

B. Upon exercise of the thirty-day right to cancel a hearing aid purchase, the seller of the hearing aid is entitled to a cancellation fee not to exceed fifteen percent of all fees charged to the consumer, including testing, fitting, counseling, and the purchase price of the hearing aid. The exact amount of the cancellation fee shall be stated in the written receipt or contract provided to the consumer.

Acts 2011, No. 93, §1.

RS 37:2444.2 - Three-day cooling off period

§2444.2. Three-day cooling off period

A. A consumer may cancel any transaction for the purchase of a hearing aid, without any penalty or obligation, within three business days of the date the hearing aid is actually ordered by the consumer. Upon such cancellation, any property traded in for credit, any payments made by the consumer under the contract or sale, and any negotiable instrument executed thereupon shall be returned by the seller to the consumer within ten business days following receipt by the seller of the cancellation notice. Any security interest arising out of the transaction shall be immediately canceled.

B.(1) Upon cancellation, the consumer shall make available to the seller in the same mode as received, in substantially as good condition as when received, any goods delivered under the contract or sale. If the product, if received by delivery to consumer, is made available to the seller and the seller does not pick it up within twenty days of the date of the notice of cancellation, the consumer bears no further obligation for the return of the product; however, if the consumer fails to make the product available to the seller, or agrees to return the product to the seller and fails to do so, then the consumer remains liable for performance of all obligations under the contract.

(2) The notice of cancellation shall be effective if it is delivered to the seller within the time frame described in Paragraph (1) of this Subsection and shall include a signed and dated copy of the subject contract, receipt, sales form, or other document evidencing all the terms of the transaction and the consumer's written notice to cancel.

Acts 2011, No. 93, §1.

RS 37:2445 - New application fee; qualifications

§2445. New application fee; qualifications

A new applicant for a first-time license shall pay a fee of two hundred dollars and shall show to the satisfaction of the board that he:

- (1) Is a person of good moral character.
- (2) Is twenty-one years of age or older.
- (3) Has an education equivalent to a four-year course in an accredited high school and two years of college or two years of accredited higher education or has continuously engaged in fitting and selling hearing aids during the two years preceding the effective date of this Chapter.

- (4) Is free of contagious or infectious disease.

Acts 1968, No. 302, §5, eff. Jan. 1, 1969; Acts 1989, No. 752, §1; Acts 2005, No. 261, §1.

RS 37:2446 - Examination by written and practical tests

§2446. Examination by written and practical tests

A. An applicant for a license who is notified by the board that he has fulfilled the requirements of R.S. 37:2445 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 engage in the fitting and selling of hearing aids.

B. The board shall give at least one examination of the type prescribed in this Section each year, and such additional examinations as the volume of applications may make appropriate.

Acts 1968, No. 302, §6, eff. Jan. 1, 1969; Acts 2018, No. 206, §3.

RS 37:2446.1 - Continuing education requirement

§2446.1. Continuing education requirement

A. The board shall require all licensees applying for reinstatement or renewal of licenses to have completed twelve hours of continuing education per year in courses approved by the board, which may consist of a maximum of four hours obtained through internet or correspondence courses, in order to renew their license on January first of the following year. Each licensee shall submit documentation from any recognized professional or educational institution to the board as proof that each licensee has been exposed to new developments in the practice which have occurred since the prior issuance or renewal of such license.

B. Among those subjects which shall be approved by the board as categories of study toward completion of the annual requirement of continuing education are:

- (1) Procedures in the selection and fitting of hearing aids.
- (2) Advances in pre- and post-fitting management of patient.
- (3) Advances in transducer and amplifier technology and functions to improve patient performance.
- (4) Advances in earmold design and functions contributing to improved patient performance.
- (5) Trends in office and business management procedures for dispensing of hearing aids.
- (6) State and federal regulations affecting dispensing of hearing aids.
- (7) Allied professional disciplines relating to the deaf or hard of hearing and hearing aid devices may be approved by the board.

C. Any person receiving a license by endorsement or examination on July first or later in that year shall not be required to have the twelve hours of continuing education until December thirty-first of the following year.

Added by Acts 1983, No. 273, §1. Acts 1989, No. 752, §1 Acts 2005, No. 261, §1; Acts 2011, No. 93, §1; Acts 2017, No. 146, §7; Acts 2019, No. 79, §1; Acts 2021, No. 82, §1, eff. Jan. 1, 2022.

RS 37:2447 - Scope of examination

§2447. Scope of examination

The examination provided in R.S. 37:2446 shall consist of tests of knowledge in the areas of hearing testing and other areas to determine capability of fitting and selling hearing aids. The tests provided for in this Section shall not include questions requiring a formal college, medical, surgical, or audiological education. The examination shall be determined and proctored by the Louisiana Board for Hearing Aid Dealers.

Acts 1968, No. 302, §7, eff. Jan. 1, 1968; Acts 2005, No. 261, §1; Acts 2022, No. 271, §2.

RS 37:2448 - Issuance of license; certificates of endorsement

§2448. Issuance of license; certificates of endorsement

A. Upon payment of seventy-five dollars the board shall register each applicant who satisfactorily passes the examination. Each subsequent certificate requested shall be issued for a fee of fifty dollars. Thereupon, the board shall issue to the applicant a license. The license shall expire on December thirty-first of each year.

B.(1) Whenever the board determines that another state or jurisdiction has requirements equivalent to or higher than those in effect pursuant to this Chapter for fitting and selling hearing aids and that such state or jurisdiction has a program equivalent to or higher than the program for determining whether applicants pursuant to this Chapter are qualified to sell and fit hearing aids, the board may issue a certificate of endorsement to applicants therefor who hold current, unsuspended, and unrevoked certificates or licenses to sell and fit hearing aids in such other state or jurisdiction.

(2) The holder of a certificate of endorsement shall be registered in the same manner as holders of a license. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal, and procedures therefor, suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension, and revocation of a license.

Acts 1968, No. 302, §8, eff. Jan. 1, 1969; Acts 1989, No. 752, §1; Acts 2005, No. 261, §1.

RS 37:2449 - Temporary training permit

§2449. Temporary training permit

A. An applicant who fulfills the requirements of R.S. 37:2445 and who has not previously applied to take the examination provided for in R.S. 37:2446 may apply to the board for a temporary training permit.

B. Upon receiving an application provided pursuant to Subsection A of this Section, accompanied by a fee of one hundred dollars, the board shall issue a temporary training permit which shall entitle the applicant to participate in the fitting and selling of hearing aids, under direct supervision, for a period ending thirty days after the conclusion of the next examination the applicant is required to take.

C. No temporary training permit shall be issued by the board pursuant to this Section unless the applicant shows to the satisfaction of the board that he is or will be supervised and trained by a person, hereinafter "sponsor", who holds a valid license or certificate of endorsement issued in accordance with the provisions of this Chapter.

D. If a person who holds a temporary training permit issued in accordance with the provisions of this Section does not take the next required examination given after the date of issue, the temporary training permit shall not be renewed, except for good cause shown to the satisfaction of the board.

E. If a person who holds a temporary training permit issued in accordance with the provisions of this Section takes and fails to pass the next required examination given after the date of issue, the board may renew the temporary training permit for a period ending thirty days after the conclusion of the next examination given. In no event shall more than one renewal be permitted. The fee for renewal shall be seventy-five dollars.

Acts 1968, No. 302, §9, eff. Jan. 1, 1969; Acts 1989, No. 752, §1; Acts 2005, No. 261, §1; Acts 2011, No. 93, §1; Acts 2022, No. 271, §2.

RS 37:2449.1 - Guidelines for training of temporary training permit holders

§2449.1. Guidelines for training of temporary training permit holders

A. The board shall establish formal and practical education guidelines for the training of temporary training permit holders.

B. The guidelines shall include all of the following:

- (1) The subject matter to be taught.
- (2) The length of the training.
- (3) The extent of a temporary training permit holder's contact with the public.
- (4) The responsibility of the sponsor and co-sponsor for direct supervision of all aspects of the training.

C. The training period shall begin on the date of the issuance of the temporary permit. A temporary training permit holder shall complete at least one hundred fifty hours of directly supervised practicum that includes:

- (1) Twenty-five contact hours of pure tone air conduction, bone conduction, and speech audiometry, recorded or live voice, with fifteen of the required hours being with actual clients.
- (2) Twenty-five contact hours of hearing instrument evaluations, including sound-field measurements with recorded or live voice.
- (3) Twenty contact hours of instrument fittings with actual clients.
- (4) Ten contact hours of earmold orientation types, uses, and terminology.
- (5) Five contact hours of earmold impressions and otoscopic examinations of the ear.
- (6) Fifteen contact hours of troubleshooting of defective hearing instruments.
- (7) Twenty contact hours of case history with actual clients.

(8) Ten contact hours regarding the laws governing the licensing of persons fitting and dispensing hearing instruments and federal Food and Drug Administration and Federal Trade Commission regulations relating to the fitting and dispensing of hearing instruments.

(9) Twenty contact hours of supplemental work in one or more of the areas described in Paragraphs (1) through (8) of this Subsection.

D. A contact hour consists of fifty-five minutes.

E. On completion of the directly supervised practicum required by the provisions of Subsection C of this Section, the temporary training permit holder shall continue the permit holder's training under the direct supervision of the permit holder's sponsor or co-sponsor.

Acts 2005, No. 261, §1; Acts 2011, No. 93, §1; Acts 2022, No. 271, §2.

RS 37:2449.2 - Sponsor and co-sponsor requirements

§2449.2. Sponsor and co-sponsor requirements

A. A sponsor and co-sponsor of a temporary training permit holder shall be a licensed hearing instrument dispenser having the qualifications established by this Chapter and:

(1) Have an established place of business.

(2) Be responsible for the direct supervision and education of the temporary training permit holder.

B. A sponsor or co-sponsor, as appropriate, shall directly supervise a temporary training permit holder. A sponsor or co-sponsor shall provide direct supervision by being located on the premises and available to the temporary training permit holder for prompt consultation. A sponsor or co-sponsor shall provide direct supervision by reviewing daily a temporary training permit holder's patient contact and daily work.

C. A sponsor shall:

(1) Be responsible for day-to-day supervision of the temporary training permit holder and be ultimately responsible for the service to a client treated by the permit holder.

(2) Provide to the permit holder materials and equipment necessary for appropriate audiometric and hearing instrument evaluation and fitting procedures.

(3) Supplement the permit holder's background information with reading lists and other references.

(4) Conduct in-service training for the permit holder.

(5) Act as a consultant to the permit holder by providing time for conferences for the permit holder and providing a variety of resource materials, approaches, and techniques that are based on sound theory, successful practice, or documented research.

(6) Establish goals with the permit holder that are realistic, easily understandable, and directed toward the successful completion of the training requirements.

(7) Observe the permit holder during the practicum, confer with the permit holder after the permit holder's contact with clients, and provide an opportunity for comment on the practicum experience in writing or through conferences, during and after the practicum experience.

(8) Establish that the sponsor is solely responsible for the practicum and daily supervision of the permit holder.

(9) Assist and encourage the permit holder's use of supportive professional sources.

(10) Know and adhere to state and federal laws relating to hearing instrument fitting and dispensing.

(11) Assist the permit holder in fulfilling licensing requirements of this Chapter.

D. The sponsor shall maintain a log of the contact hours by practicum category on a form provided by the board. After the temporary training permit holder has completed one hundred fifty contact hours, the sponsor and the permit holder shall sign the form and the form shall be notarized and mailed to the board.

E. A sponsor may not supervise more than two temporary training permit holders at one time.

Acts 2005, No. 261, §1; Acts 2011, No. 93, §1.

RS 37:2449.3 - Authority of temporary training permit holder

§2449.3. Authority of temporary training permit holder

A. A temporary training permit holder may provide routine fitting and dispensing of hearing instruments that have been ordered by the sponsor or co-sponsor. The sponsor or co-sponsor, in consultation with the board, is the sole judge of whether the permit holder has the qualifications necessary to perform routine fitting and dispensing. A sponsor or co-sponsor is accountable to the board for the actions and misdeeds of a temporary training permit holder acting at the sponsor's or co-sponsor's discretion.

B. A temporary training permit holder may not:

(1) Own, manage, or independently operate a business that engages in the fitting or sale of hearing instruments.

(2) Advertise or otherwise represent that the permit holder holds a license as a hearing instrument dispenser.

Acts 2005, No. 261, §1; Acts 2011, No. 93, §1.

RS 37:2450 - Place of business; notice by mail

§2450. Place of business; notice by mail

A. A person who holds a certificate of endorsement license or temporary training permit shall notify the board in writing of the address of the place or places where he engages or intends to engage in the fitting or selling of hearing aids.

B. The board shall keep a record of the place of business of persons who hold licenses, temporary training permits, or certificates of endorsement. Any notice required to be given by the board to a person who holds a license, temporary training permit, or certificate of endorsement may be given by mailing it to him at the address given by him to the board.

Acts 1968, No. 302, §10, eff. Jan. 1, 1969; Acts 2005, No. 261, §1.

RS 37:2451 - Renewal of license; fees

§2451. Renewal of license; fees

A. A person who engages in the fitting and selling of hearing aids shall annually pay the board a fee of two hundred dollars for a renewal of his license or certificate of endorsement. A thirty-day grace period shall be allowed after the expiration of a license or certificate of endorsement during which the same may be renewed on payment of a fee of three hundred dollars to the board.

B. The board shall suspend the license or certificate of any person who fails to have his license or certificate renewed by the expiration of the thirty-day grace period. After the expiration of the grace period, the board may renew a license or certificate upon payment of a fee of four hundred dollars to the board.

C. Repealed by Acts 2005, No. 261, §2.

Acts 1968, No. 302, §11, eff. Jan. 1, 1969. Amended by Acts 1974, No. 260, §1; Acts 1989, No. 752, §1; Acts 2005, No. 261, §§1, 2.

RS 37:2452 - Repealed by Acts 2005, No. 261, §2.

RS 37:2453 - Revocation or suspension of license or certificate; grounds

§2453. Revocation or suspension of license or certificate; grounds

Any person registered in accordance with the provisions of this Chapter may have his license or certificate revoked or suspended for a fixed period to be determined by the board for any of the following causes:

(1) Being convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of court where such conviction occurred or by the judge of such court, shall be sufficient evidence to warrant revocation or suspension.

(2) By securing a license or certificate provided for in this Chapter through fraud or deceit.

(3) For unethical conduct, including but not limited to deceiving or defrauding the public, or for gross ignorance or inefficiency in the conduct of his business.

(4) For knowingly engaging in business while suffering with a contagious or infectious disease.

(5) For the use of a false name or alias in his business.

(6) For violating any of the provisions of this Chapter.

Acts 1968, No. 302, §13, eff. Jan. 1, 1969; Acts 1989, No. 593, §1; Acts 2022, No. 271, §2.

RS 37:2454 - Acts prohibited

§2454. Acts prohibited

No person may:

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

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

(3) Alter materially a license or certificate with fraudulent intent.

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

(5) Willfully make a false, material statement in an application for registration or for renewal of a license or certificate.

Acts 1968, No. 302, §14, eff. Jan. 1, 1969.

RS 37:2455 - Louisiana Board for Hearing Aid Dealers; composition; districts

§2455. Louisiana Board for Hearing Aid Dealers; composition; districts

A. There is hereby created within the Louisiana Department of Health the Louisiana Board for Hearing Aid Dealers which is subject to the provisions of R.S. 36:803 and which is constructed as set out herein, and with duties and powers as herein provided.

B.(1) The board shall be composed of nine members. Seven members shall be hearing aid dealers, the eighth member shall be the state health officer or his representative, and the ninth member shall be fifty years of age or over and shall serve as a representative of the hearing aid consumers of Louisiana. The seven hearing aid dealers shall be appointed in the following manner. The Louisiana Society of Hearing Aid Specialists, chartered by the state, shall submit to the governor names of not less than fourteen qualified hearing aid dealers, who shall be actively engaged in the selling and fitting of hearing aids. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

(2) The state of Louisiana shall be divided into six districts, as follows:

(a) District I. Shall be comprised of the parishes of Orleans, Jefferson, St. Bernard, St. Charles, St. Tammany, St. John the Baptist, Plaquemines, Lafourche, Terrebonne, Washington, and St. James.

(b) District II. Shall be comprised of the parishes of Vernon, Rapides, Avoyelles, Concordia, Catahoula, LaSalle, Grant, Winn, and Allen.

(c) District III. Shall be comprised of the parishes of Jackson, Madison, Lincoln, Union, Morehouse, West Carroll, Richland, Franklin, Caldwell, Ouachita, East Carroll, and Tensas.

(d) District IV. Shall be comprised of the parishes of Iberville, St. Mary, St. Martin, Lafayette, Acadia, Jefferson Davis, Vermilion, Calcasieu, Beauregard, Evangeline, St. Landry, Cameron, and Iberia.

(e) District V. Shall be comprised of the parishes of Assumption, Ascension, Pointe Coupee, West Baton Rouge, East Baton Rouge, East Feliciana, St. Helena, Livingston, Tangipahoa, and West Feliciana.

(f) District VI. Shall be comprised of the parishes of Natchitoches, Sabine, DeSoto, Bienville, Caddo, Bossier, Webster, Claiborne, and Red River.

(3) Out of the fourteen qualified hearing aid dealers to be submitted to the governor, four are to be domiciled and work in District I and two are to be domiciled and work in each of the other districts.

(4) From this list the governor shall appoint seven members of the board, two from District I, and one from each of the other five districts. Of the seven hearing aid dealer members of the board, one shall be appointed to serve a term of four years, two shall be appointed to serve for a term of three years, two shall be appointed to serve for a term of two years, and two shall be

appointed to serve for a term of one year. Each member so appointed shall serve for the term of his appointment, and thereafter until his successor has been appointed by the governor. Each member shall be appointed for a term of four years. In the event of a vacancy on the board, the governor shall appoint a new hearing aid dealer board member to serve out the unexpired term. The members of the board shall annually designate one such member to serve as chairman and another member to serve as secretary-treasurer. No hearing aid dealer member of the board may be reappointed to the board until at least one year after the expiration of his second term of office.

(5)(a) The hearing aid consumer representative shall be appointed by the governor, and the appointment shall be subject to Senate confirmation. The consumer representative shall serve at the pleasure of the governor, and any vacancy shall be filled by a gubernatorial appointment. The consumer member shall be selected from the state at large and shall possess all of the following qualifications:

(i) Is a citizen of the United States and has been a resident of Louisiana for at least one year immediately prior to appointment.

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

(v) Does not have and has never had a material financial interest in the healthcare profession.

(b) The consumer member shall be a full voting member of the board, except that the consumer member shall not participate in the grading of individual examinations.

Acts 1968, No. 302, §15, eff. Jan. 1, 1969. Amended by Acts 1977, No. 684, §25; Acts 1986, No. 429, §1; Acts 1989, No. 752, §1; Acts 2018, No. 515, §2; Acts 2023, No. 34, §1.

RS 37:2456. Repealed by Acts 1972, No. 681, §2

RS 37:2457 - Powers and duties of board

§2457. Powers and duties of board

The powers and duties of the Louisiana Board for Hearing Aid Dealers 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 a license.

(3) To license persons who apply to the board and who are qualified to engage in the fitting and selling of hearing aids.

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

(5) To issue and renew licenses and certificates of endorsement.

(6) To suspend or revoke licenses and certificates of endorsement pursuant to this Chapter.

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

(8) To designate the time and place for examining applicants for licensure.

(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 and calibration of audiometric testing equipment and to carry out the periodic inspection of facilities of persons licensed in accordance with the provisions of this Chapter.

(11) To promulgate rules for the provision of telehealth services by licensed hearing aid dealers that, at a minimum, comply with the Louisiana Telehealth Access Act, R.S. 40:1223.1 et seq.

Acts 1968, No. 302, §17, eff. Jan. 1, 1969; Acts 2005, No. 261, §2; Acts 2021, No. 92, §1; Acts 2022, No. 271, §2.

RS 37:2458 - Meetings of board

§2458. Meetings of board

The Louisiana Board for Hearing Aid Dealers shall meet at least once each year at a place and time determined by the chairman. The board shall also meet at such other times and places as are specified by the chairman to carry out the purpose of this Chapter.

Acts 1968, No. 302, §18, eff. Jan. 1, 1969; Acts 2018, No. 206, §3.

RS 37:2459 - Disposition of fees; expenses

§2459. Disposition of fees; expenses

All fees and moneys received by the board pursuant to this Chapter shall be paid into the treasury of the Louisiana Board for Hearing Aid Dealers and may be expended by the board without appropriation for costs of administration and other expenses, and any surplus at the end of a fiscal year or a biennium may be retained by the board for such future expenditures and the board is not required to pay any such surplus into the general fund of the State of Louisiana. No member of the board is to receive any compensation for duties performed; provided, that such member of the board shall be reimbursed for all reasonable and necessary travel expenses in attending any meeting of the board within this state, or may be reimbursed all reasonable and necessary travel expenses when incurred by authorization of the board.

Acts 1968, No. 302, §19, eff. Jan. 1, 1969. Amended by Acts 1972, No. 681, §1; Acts 2018, No. 206, §3.

RS 37:2460 - Secretary-Treasurer

§2460. Secretary-Treasurer

The board shall elect a secretary-treasurer; the secretary-treasurer of the board shall receive, disburse, and account for all moneys paid to or received by the board. He shall institute a system of books and financial records. He shall open an account in a bank designated by the board as its official depository, and he and one of the officers of the board shall both sign all checks disbursing funds of the board. The secretary-treasurer shall keep a full and complete record of all proceedings which shall be open to

inspection by any members of the board or authorized representative, at all reasonable times. He shall be the custodian of and shall collect all fees. He shall give a bond in a reasonable amount, to be determined by the board. He shall publish or cause to be published a list of licensed and certified hearing aid dealers to be sent to appropriate agencies.

Acts 1968, No. 302, §20, eff. Jan. 1, 1969.

RS 37:2461 - Violations and penalties; injunction

§2461. Violations and penalties; injunction

A. Violation of any provision of this Chapter is a misdemeanor punishable upon conviction by imprisonment for not more than six months or by fine of not less than two hundred fifty dollars nor more than twenty-five thousand dollars, or by both such fine and imprisonment. Each violation shall be deemed a separate offense.

B. The board may impose any provision of this Chapter by injunction or by any other appropriate proceeding. No such proceeding shall be barred by any proceeding had or pending pursuant to R.S. 37:2454, or by the imposition of any fine or term of imprisonment pursuant thereto.

Acts 1968, No. 302, §21, eff. Jan. 1, 1969; Acts 2005, No. 261, §1.

RS 37:2462 - Notice and hearing on revocation or suspension

§2462. Notice and hearing on revocation or suspension

Any person whose license or temporary training permit is sought to be revoked or suspended pursuant to the provisions of this Chapter shall be given thirty days' notice, in writing, enumerating the charges and specifying a date for public hearing thereon. The hearing shall be held in the parish where the person's business is conducted. The board may issue subpoenas, compel the attendance and testimony of witnesses, and place them under oath, in the same manner as in a district court in the parish where the hearing takes place.

Acts 1968, No. 302, §22, eff. Jan. 1, 1969; Acts 2005, No. 261, §1; Acts 2022, No. 271, §2.

RS 37:2463 – Appeal

§2463. Appeal

From any revocation or suspension, the person charged may, within thirty days thereof, appeal to the district court for the parish in which the hearing was held. A stenographic record of all proceedings before the board shall be made and a transcript kept on file with the board. The secretary-treasurer shall transmit to the district court a certified copy of the record. The district court shall try the appeal based solely upon submission of the record, evidence, and testimony presented to the board.

Acts 1968, No. 302, §23, eff. Jan. 1, 1969; Acts 2005, No. 261, §1.

RS 37:2463.1 - Reapplication for license after suspension or revocation

§2463.1. Reapplication for license after suspension or revocation

A. Upon the expiration of the period of suspension, the suspended applicant shall contact the board by registered or certified mail and make arrangements to reacquire his license for the duration of the licensed period.

B. Application for reinstatement after revocation shall be made by registered or certified mail to the board and is at the sole discretion of the board.

Acts 2005, No. 261, §1.

RS 37:2464 - Application of Chapter

§2464. Application of Chapter; exceptions

A. This Chapter shall not apply to a person while he is engaged in the fitting of hearing aids if that activity is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, tax-supported institution or agency or nonprofit organization, unless such person, institution, or agency sells hearing aids or accessories, except earmolds.

B. This Chapter shall not apply to any physician or surgeon licensed in accordance with the provisions of R.S. 37:1261 et seq.

C. This Chapter shall not apply to any audiologist licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

Acts 1968, No. 302, §24, eff. Jan. 1, 1969; Acts 1995, No. 892, §2; Acts 2022, No. 61, §1; Acts 2022, No. 271, §2.

RS 37:2465 - Licensing requirements; applicability; exceptions

§2465. Licensing requirements; applicability

A. Any person who owns, maintains, or operates an office or place of business in which the person employs or engages under contract a person who practices the selling and fitting of hearing aids shall file annually on or before the first day of the calendar year with the board a list of all licensed hearing aid dealers directly or indirectly employed by it and shall also file with the board a statement on a form approved by the board that it submits itself to the rules and regulations of the board and the provisions of this Chapter. An organization shall register with the board its intention to engage in the selling and fitting of hearing aids or accessories prior to the organization selling or offering for sale hearing aids or accessories.

B. The board may revoke or suspend the registration of an organization if the organization or an employee of the organization commits any of the acts listed as causes for revocation or suspension in R.S. 37:2453.

Acts 1968, No. 302, §25, eff. Jan. 1, 1969; Acts 2009, No. 281, §1; Acts 2018, No. 206, §3; Acts 2022, No. 271, §§2, 7; Acts 2023, No. 34, §1.