

Chapter 694

1999 EDITION

Hearing Aid Dealers

GENERAL PROVISIONS

- 694.015 Definitions for ORS 694.015 to 694.170
- 694.025 License required to deal in hearing aids
- 694.028 Conditions for making or sale of hearing aid by temporary licensee
- 694.032 Offer for or sale of hearing aid by direct mail prohibited; availability of fitting required
- 694.036 Statement to prospective hearing aid purchaser; contents; copy retained
- 694.042 Right to rescind hearing aid purchase; grounds; notice of rescission; time limit; amount of refund

LICENSING

- 694.055 Application for license; qualifications; fee
- 694.065 Training and experience requirements; licensing examination
- 694.075 Examination subject areas
- 694.085 Licensing; fees
- 694.095 Temporary license; duration
- 694.115 Notice to Health Licensing Office of place of business; notice to licensees by office
- 694.125 License renewal; fees; effect of failure to renew; display of license; continuing education requirement
- 694.136 Grounds for suspension or revocation of license or probation; when certificate of medical examination required
- 694.138 License denial procedure
- 694.145 Prohibited acts and practices

ADMINISTRATION

- 694.155 Powers and duties of Health Licensing Office
- 694.159 Civil penalty
- 694.165 Advisory Council on Hearing Aids; qualifications; terms; compensation and expenses
- 694.170 Duties of council

694.185 Disposition of receipts

PENALTIES

694.991 Penalties; concurrent jurisdiction of offenses

CROSS-REFERENCES

Administrative procedures and rules of state agencies, 183.310 to 183.550

Persons in military or naval service relieved from fee payment, 408.450

State agencies, generally, Ch. 182

694.055

Waiver of educational requirement for admission to examination, 670.010

694.136

Denial, suspension or revocation of license solely because of criminal conviction prohibited, 670.280

Injunction against practicing after suspension or revocation of license, 676.220

694.165

Appointive officers, term, removal and appointment of successor, 236.140

Subsistence and mileage allowance for travel, 292.210 to 292.250

694.010 [Repealed by 1959 c.406 s.34]

GENERAL PROVISIONS

694.015 Definitions for ORS 694.015 to 694.170. As used in ORS 694.015 to 694.170, unless the context requires otherwise:

(1) "Agency" means the Health Licensing Office.

(2) "Council" means the Advisory Council on Hearing Aids.

(3) "Hearing aid" means any prosthetic instrument or device designed for or represented as aiding, improving or correcting defective human hearing and any parts, attachments or accessories of such an instrument or device. A hearing aid is not intended to include any device which is surgically implanted or otherwise medically inserted by a physician licensed by ORS chapter 677 for the purpose of treating or correcting a hearing impairment.

(4) "Dealing in hearing aids" means the sale, lease or rental or attempted sale, lease or rental of hearing aids in conjunction with the evaluation or measurement of the powers or range of human hearing and the recommendation, selection or adaptation of hearing aids. [1959 c.634 s.1; 1967 c.631 s.1; 1971 c.650 s.28; 1985 c.227 s.3; 1999 c.885 s.43]

694.020 [Amended by 1955 c.689 s.2; repealed by 1959 c.406 s.34]

694.025 License required to deal in hearing aids. No person, including an audiologist or a physician, shall deal in hearing aids or display a sign or in any other way advertise or represent that the person deals in hearing aids unless the person holds a valid license issued by the Health Licensing Office as provided in ORS 694.015 to 694.170. [1959

c.634 s.2; 1967 c.631 s.2; 1971 c.650 s.29; 1985 c.227 s.4]

694.028 Conditions for making or sale of hearing aid by temporary licensee. It shall be unlawful for any person holding a temporary license under ORS 694.095 to make or attempt to sell a hearing aid to a person unless the temporary licensee has successfully passed the qualifying examination or the supervising licensee has certified to the Health Licensing Office that the temporary licensee has received adequate training. [1985 c.227 s.20; 1993 c.133 s.1]

694.030 [Amended by 1955 c.689 s.3; repealed by 1959 c.406 s.34]

694.032 Offer for or sale of hearing aid by direct mail prohibited; availability of fitting required. (1) It shall be unlawful for any person to offer for sale or sell a hearing aid in this state by direct mail.

(2) Any offer for sale or sale of a hearing aid in this state must include the availability of fitting the hearing aid in this state prior to the sale.

(3) Nothing in this section is intended to prohibit advertising by mail or delivery of a hearing aid by mail if the fitting and sale were completed in this state. [1989 c.858 s.2]

694.035 [1959 c.634 s.12; 1967 c.631 s.3; repealed by 1975 c.673 s.1 (694.036 enacted in lieu of 694.035)]

694.036 Statement to prospective hearing aid purchaser; contents; copy retained. (1) Prior to consummation of the sale of a hearing aid, a person dealing in hearing aids shall deliver to the prospective purchaser a written statement, signed by the person dealing in hearing aids. The statement shall be on a form prescribed by the Health Licensing Office which shall include but not be limited to all of the following:

(a) The name and address of the prospective purchaser.

(b) The date of the sale.

(c) Specifications as to the make, serial number and model number of the hearing aid or aids sold.

(d) The address or principal place of business of the person dealing in hearing aids.

(e) A statement to the effect that the aid or aids delivered to the purchaser are used or reconditioned, as the case may be, if that is the fact.

(f) The number of the license of the person dealing in hearing aids.

(g) The terms of any guarantee or expressed warranty, if any, made to the purchaser with respect to such hearing aid or hearing aids, including that provided in ORS 646.482 to 646.498 and 694.042.

(h) The address of the Health Licensing Office and the procedure for making a complaint under ORS 694.015 to 694.170.

(i) In no smaller type than the largest used in the body copy portion, the following bordered statement:

“It is desirable that a person seeking help with a hearing problem (especially for the first time) consult an ear doctor and obtain a clinical hearing evaluation. Although hearing aids are often recommended for hearing problems, another form of treatment may be necessary.”

(j) The signature of the prospective purchaser indicating that the prospective purchaser has read and understands the information contained in the statement.

(2) A duplicate copy of the statement required under subsection (1) of this section shall be kept for one year by the person selling the hearing aid. The statement shall be made available to the Health Licensing Office upon request. [1975 c.673 s.2 (enacted in lieu of 694.035); 1985 c.227 s.5; 1999 c.81 s.2; 1999 c.885 s.44]

694.040 [Repealed by 1959 c.406 s.34]

694.042 Right to rescind hearing aid purchase; grounds; notice of rescission; time limit; amount of refund.

(1) In addition to any other rights and remedies the purchaser may have, including rights under ORS 646.482 to 646.498, the purchaser of a hearing aid shall have the right to rescind the transaction if:

(a) The purchaser for whatever reason consults a licensed medical physician specializing in diseases of the ear, or an audiologist not licensed under this chapter and not affiliated with anyone licensed under this chapter and licensed

medical physician, subsequent to purchasing the hearing aid, and the licensed physician advises such purchaser against purchasing or using a hearing aid and in writing specifies the medical reason for the advice;

(b) The seller, in dealings with the purchaser, committed any act listed in ORS 694.136, or failed to provide the statement required by ORS 694.036;

(c) The fitting of the hearing instrument failed to meet current industry standards; or

(d) The licensee fails to meet any standard of conduct prescribed in the law or rules regulating fitting and dispensing of hearing aids and this failure affects in any way the transaction which the purchaser seeks to rescind.

(2) The purchaser of a hearing aid shall have the right to rescind the transaction, for other than the seller's breach, as provided in subsection (1)(a), (b), (c) or (d) of this section only if the purchaser returns the product and it is in good condition less normal wear and tear and gives written notice of the intent to rescind the transaction by either:

(a) Returning the product with a written notice of the intent to rescind sent by certified mail, return receipt requested, to the licensee's regular place of business; or

(b) Returning the product with a written notice of the intent to rescind to an authorized representative of the company from which it was purchased.

(3) The notice described in subsection (2) of this section shall state that the transaction is canceled pursuant to this section. The notice of intent to rescind must be postmarked:

(a) Within 30 days from the date of the original delivery; or

(b) Within specified time periods if the 30-day period has been extended in writing by both parties. The consumer's rescission rights can only be extended through a written agreement by both parties.

(4) If the conditions of subsection (1)(a), (b), (c) or (d) of this section and subsection (2)(a) or (b) of this section have been met, the seller, without further request and within 10 days after the cancellation, shall refund to the purchaser all deposits, including any down payment, less 20 percent of the total purchase price. At the same time, the seller shall return all goods traded in to the seller on account of or in contemplation of the sale. The purchaser shall incur no additional liability for the cancellation. [1975 c.673 s.6; 1985 c.227 s.6; 1993 c.133 s.2; 1999 c.81 s.3]

694.045 [1959 c.634 s.3; repealed by 1967 c.631 s.7]

694.050 [Repealed by 1959 c.406 s.34]

694.052 [1985 c.227 s.22; repealed by 1997 c.319 s.6]

LICENSING

694.055 Application for license; qualifications; fee. An applicant for licensure shall pay a fee established by the Health Licensing Office under ORS 694.085 and shall show to the satisfaction of the office that the applicant:

(1) Is a person 18 years of age or older.

(2) Has an education equivalent to a four-year course in a standard high school. [1959 c.634 s.4; 1967 c.631 s.4; 1973 c.182 s.7; 1973 c.827 s.76; 1985 c.227 s.7; 1993 c.133 s.3; 1997 c.319 s.1]

694.060 [Repealed by 1959 c.406 s.34]

694.065 Training and experience requirements; licensing examination. (1) The Health Licensing Office by rule shall establish training and experience requirements that an applicant must meet before the applicant may take the examination under this section. An individual seeking to obtain the experience and training necessary to take the examination shall obtain a trainee registration from the agency pursuant to rules adopted by the agency. A trainee registration issued pursuant to this subsection shall allow the holder of the registration to obtain training and experience only under the direct supervision of a hearing aid dealer licensed in the State of Oregon.

(2) The training requirements for licensure as an audiologist or for certification of a licensed physician by the American Board of Otolaryngology or a certification issued by the National Board for Certification in Hearing Instrument Sciences shall satisfy the training and experience requirements established pursuant to subsection (1) of this section.

(3) Examination of applicants for licensure under ORS 694.015 to 694.170 shall be held at least once each quarter at such times and places as the Health Licensing Office may determine.

(4) Timely and appropriate notice of the time and place of the examination shall be given to each applicant and to

each licensed hearing aid dealer supervising a temporary hearing aid dealer pursuant to rules adopted by the agency.

(5) The agency, in consultation with the Advisory Council on Hearing Aids, shall adopt rules establishing standards for examination scope, format, minimum acceptable performance and reexamination qualifications. The examination shall be sufficiently thorough to determine the qualifications, fitness and ability of the applicant to practice as a hearing aid dealer. The examination may be in the form of written, oral or practical demonstration of skills, or a combination of any such types. The examination shall cover at least the subjects listed in ORS 694.075. [1959 c.634 ss.5,5a; 1967 c.631 s.5; 1985 c.227 s.8; 1993 c.133 s.4; 1997 c.319 s.2; 1999 c.885 s.45]

694.070 [Repealed by 1959 c.406 s.34]

694.075 Examination subject areas. The qualifying examination provided in ORS 694.065 (3) shall include but not be limited to:

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

(a) Basic physics of sound.

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders.

(c) Structure and function of hearing aids.

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

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

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

(c) Effective masking.

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

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

(f) Taking earmold impressions.

(3) Other relevant subjects established by rule based upon changes or advances in industry technology and health care delivery systems, client safety or current scientific infection control techniques. [1959 c.634 s.6; 1997 c.319 s.3]

694.080 [Repealed by 1959 c.406 s.34]

694.085 Licensing; fees. (1) Upon payment of a fee established by the Health Licensing Office under this section, the office shall license each applicant, without discrimination, who possesses the required training and experience and who satisfactorily passes the examination. The license shall be effective for one year following issuance.

(2) The office shall waive the examination required under subsection (1) of this section and grant a license to an applicant who:

(a) Is licensed by the State Board of Examiners for Speech-Language Pathology and Audiology under ORS 681.250;

(b) Is certified by the Educational Service Board of the American Speech-Language-Hearing Association on or after January 1, 1992, or, if not so certified, satisfies the office that the applicant possesses equivalent training and education achievements; and

(c) Passes an examination related to Oregon law in the area of hearing aid dispensing and pays the examination fee of \$30.

(3) Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fees and charges, the office shall establish all fees under ORS 694.015 to 694.170 unless the fee is specified by law. The fees and charges established under this subsection shall not exceed the cost of administering the regulatory program of the office pertaining to the purpose for which the fee or charge is established, as authorized by the Legislative Assembly within the office's budget, as the budget may be modified by the Emergency Board. [1959 c.634 s.7; 1973 c.182 s.8; 1977 c.873 s.14; 1985 c.227 s.9; 1991 c.703 s.36; 1993 c.133 s.5; 1995 c.280 s.26; 1997 c.249 s.210]

694.090 [Amended by 1955 c.689 s.4; repealed by 1959 c.406 s.34]

694.095 Temporary license; duration. (1) An applicant who fulfills the requirements of ORS 694.055 and 694.065 (1) and who has not previously applied to take the qualifying examination provided under ORS 694.065 (3) or

previously been issued a temporary license may apply to the Health Licensing Office for a temporary license.

(2) Upon receiving an application provided under subsection (1) of this section accompanied by a fee established by the office under ORS 694.085, the office shall issue a temporary license which shall be valid for one year following the date of issuance or until the date the temporary licensee obtains a permanent license pursuant to ORS 694.085, whichever date occurs first.

(3) A temporary license issued under this section shall allow the holder of the license to practice as a hearing aid dealer only under the supervision of a licensed hearing aid dealer, in accordance with rules adopted by the office.

(4) If a person who holds a temporary license issued under this section is found by the Health Licensing Office to be dealing in hearing aids without the supervision required in subsection (3) of this section, the office may revoke or suspend the temporary license. [1959 c.634 s.9; 1967 c.631 s.6; 1975 c.673 s.3; 1985 c.227 s.10; 1993 c.133 s.6; 1997 c.319 s.4]

694.100 [Amended by 1955 c.689 s.5; repealed by 1959 c.406 s.34]

694.105 [1959 c.634 s.10; repealed by 1967 c.631 s.7]

694.110 [Amended by 1955 c.689 s.6; repealed by 1959 c.406 s.34]

694.115 Notice to Health Licensing Office of place of business; notice to licensees by office. (1) A person who holds a license shall notify the Health Licensing Office in writing of the regular address of the place or places where the person deals or intends to deal in hearing aids.

(2) The office shall keep a record of the places of business of persons who hold a license.

(3) Any notice required to be given by the office to a person who holds a license may be given by mailing it to the address of the last place of business of which the person has notified the office. [1959 c.634 s.11; 1967 c.631 s.8; 1985 c.227 s.11]

694.120 [Repealed by 1959 c.406 s.34]

694.125 License renewal; fees; effect of failure to renew; display of license; continuing education requirement. (1) All licenses issued under ORS 694.015 to 694.170 expire one year following the date of issuance, unless renewed on or before the expiration date by payment of the required renewal fee and submission of satisfactory evidence of completion of continuing education courses as specified by rule.

(2) A license that has expired less than one year before the date of application for renewal may be renewed upon application therefor and payment of the required renewal fee and upon submission of satisfactory evidence of completion of continuing education as specified by rule, and payment of a delinquency fee.

(3) A license that has expired more than one year but less than three years before the date of application for renewal may be renewed upon application therefor and payment of the required renewal fee and delinquency fee and upon submission of satisfactory evidence of completion of continuing education as specified by rule.

(4) A license that has expired more than three years before the date of application for renewal may be reinstated upon application therefor, payment of the prescribed application, examination and license fee and successfully passing the qualifying examination as determined by rule.

(5) A license shall be conspicuously posted in public view in the office or place of business of the hearing aid dealer at all times.

(6) The Health Licensing Office shall require proof of completion of continuing education not to exceed nine hours as a condition of license renewal as determined by rule. [1959 c.634 s.13; 1967 c.631 s.9; 1973 c.182 s.9; 1977 c.873 s.15; 1985 c.227 s.12; 1993 c.133 s.7]

694.130 [Amended by 1955 c.689 s.7; repealed by 1959 c.406 s.34]

694.135 [1959 c.634 s.14; 1967 c.631 s.10; repealed by 1975 c.673 s.4 (694.136 enacted in lieu of 694.135)]

694.136 Grounds for suspension or revocation of license or probation; when certificate of medical examination required. (1) Any person licensed under ORS 694.015 to 694.170 may have the license revoked or suspended for a fixed period, or may be placed on probation by the Health Licensing Office for any of the following

causes:

(a) The person, in the application for a license, or in any written or oral communication to the office concerning the issuance or retention of the license, has made any material misstatement of fact, or has failed to disclose any material fact necessary to make that which is stated not misleading.

(b) Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, insignia or any other representation, however disseminated or published, which is false, misleading or deceptive.

(c) Employing directly or indirectly any suspended or unlicensed person to perform any work covered by ORS 694.015 to 694.170.

(d) Failing or refusing to honor or to perform as represented any representation, promise, agreement or warranty in connection with the promotion, dispensing or fitting of a hearing aid.

(e) Advertising a particular model, type or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase.

(f) Fitting or dispensing a hearing aid for use by any person without first determining through direct observation and personal interview whether any of the following conditions exist and, if so determined, failing to refer the person to a licensed medical physician specializing in diseases of the ear or if no such licensed physician is available in the community, to any licensed medical physician:

(A) Visible congenital or traumatic deformity of the ear;

(B) History of, or active drainage from the ear within the previous 90 days;

(C) History of sudden or rapidly progressive hearing loss within the previous 90 days;

(D) Acute or chronic dizziness;

(E) Unilateral hearing loss of sudden or recent onset within 90 days;

(F) Significant air-bone gap (greater than or equal to 15 decibels, American National Standards Institute, 500, 1,000 and 2,000 Hz average); or

(G) Any other condition that the office may by rule establish.

(g) Fitting or dispensing a hearing aid for use by any person under 16 years of age unless within 90 days of such sale the child has been referred:

(A) To an otolaryngologist for examination and for a recommendation of corrective measures which may be required; or

(B) To a properly licensed medical physician for like examination and recommendation; or

(C) To an audiologist licensed by the State of Oregon for an evaluation of the child's hearing and for a recommendation of corrective measures which may be required if the child is also examined by a properly licensed medical physician who gives approval for possible hearing aid use.

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

(i) Permitting another to use the license.

(j) Engaging in the fitting or dispensing of hearing aids while suffering from a contagious or infectious disease involving undue risk to the public.

(k) Dealing in hearing aids under a false, misleading or deceptive name.

(L) For any violation of the provisions of ORS 694.015 to 694.170.

(m) Failure to properly and reasonably accept responsibility for the actions of employees.

(n) Allowing a person issued a temporary license to deal in hearing aids without direct supervision.

(o) Failure by a hearing aid dealer to maintain a business address and telephone number at which the dealer may be reached during normal business hours.

(p) Gross incompetence in dealing in hearing aids.

(q) Sale of a hearing aid by direct mail. For purposes of this paragraph, delivery by mail of a replacement hearing aid or parts does not constitute sale by direct mail.

(r) Conviction of a crime where the crime bears a demonstrable relationship to the practice of dealing in hearing aids.

(s) Failing to adhere to current federal Food and Drug Administration regulations for hearing aids.

(2) If the person or the parents or guardian of the person refuse for good cause to seek medical opinion, the person dealing in hearing aids shall obtain from the person or the parents or guardian of the person a certificate to that effect

in a form as prescribed by the office. It is a violation of subsection (1)(f) of this section for any person dealing in hearing aids or employees and putative agents thereof, upon making such required referral for medical opinion, to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid. Nothing required to be performed by a person dealing in hearing aids under subsection (1)(f) of this section means that the person is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of ORS 694.036, 694.042, 694.095 and this section.

(3) If the parents or guardian of a person under 16 years of age refuses for good cause to seek medical opinion, the person dealing in hearing aids shall obtain from such parents or guardian a certificate to that effect in a form prescribed by the office. However, the replacement of an identical hearing aid within one year is not subject to subsection (1)(g) of this section. [1975 c.675 s.5 (enacted in lieu of 694.135); 1985 c.227 s.13; 1987 c.158 s.145; 1993 c.133 s.8]

694.138 License denial procedure. Where the Health Licensing Office proposes to refuse to issue or renew a license, or proposes to revoke or suspend a license, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550. [1971 c.734 s.156; 1985 c.227 s.14]

694.140 [Repealed by 1959 c.406 s.34]

694.145 Prohibited acts and practices. No person shall:

- (1) Sell, barter or offer to sell or barter a license.
- (2) Purchase or procure by barter a license with intent to use it as evidence of the holder's qualification to deal in hearing aids.
- (3) Alter materially a license with fraudulent intent.
- (4) Use or attempt to use as a valid license a license which has been purchased, fraudulently obtained, counterfeited or materially altered.
- (5) Willfully make a false, material statement in an application for licensure or for renewal of a license. [1959 c.634 s.15; 1967 c.631 s.11; 1985 c.227 s.15]

694.150 [Repealed by 1959 c.406 s.34]

ADMINISTRATION

694.155 Powers and duties of Health Licensing Office. The powers and duties of the Health Licensing Office are as follows:

- (1) To authorize all disbursements necessary to carry out the provisions of ORS 694.015 to 694.170.
- (2) To determine training and experience requirements prerequisite to taking the examination and to supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for licensure.
- (3) To license persons who apply to the agency and who have qualified to deal in 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.
- (6) To suspend or revoke licenses in the manner provided in ORS 183.310 to 183.550.
- (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 adopt rules not inconsistent with the laws of this state which are necessary to carry out the provisions of ORS 694.015 to 694.170.
- (10) With the advice of the Advisory Council on Hearing Aids, to prescribe safety and sanitation requirements, to require the periodic inspection of the audiometric testing equipment and to carry out the periodic inspection of facilities of persons who deal in hearing aids.
- (11) To appoint or employ subordinate employees.
- (12) To adopt rules specifying exemptions relating to assistive listening devices. [1959 c.634 s.23; 1967 c.631 s.12; 1985 c.227 s.16; 1993 c.133 s.9; 1999 c.885 s.46]

694.159 Civil penalty. The Health Licensing Office may impose a civil penalty for violation of ORS 694.015 to

694.170 or any rule adopted pursuant thereto. Civil penalties under this section shall be imposed as provided in ORS 183.090. [1985 c.227 s.21; 1991 c.734 s.84]

694.160 [Repealed by 1959 c.406 s.34]

694.165 Advisory Council on Hearing Aids; qualifications; terms; compensation and expenses. (1) There is created within the Health Licensing Office the Advisory Council on Hearing Aids. The council shall consist of seven members to be appointed by the Governor.

(2) Members of the council shall be residents of this state. No member of the council shall be a member or employee of the agency.

(3) Membership on the council shall consist of:

(a) One member who is licensed to practice medicine in this state and holds a certificate of qualification from the American Board of Otolaryngology;

(b) One member who holds a clinical certification in audiology with the American Speech-Language-Hearing Association and is a member in good standing with that association;

(c) Four members who are experienced in the fitting of hearing aids and possess the qualifications provided in ORS 694.055; and

(d) One member who is a consumer of hearing aids and does not possess the professional qualifications of the other members.

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

(5) Members of the council are entitled to compensation and expenses as provided in ORS 292.495. [1959 c.634 ss.16,17,19,20; 1967 c.631 s.13; 1969 c.314 s.95; 1985 c.227 s.17; 1995 c.167 s.1; 1999 c.885 s.47]

694.170 Duties of council. (1) The Advisory Council on Hearing Aids shall have the responsibility and duty of advising the Health Licensing Office in all matters relating to ORS 694.015 to 694.170, shall prepare the examinations required by ORS 694.015 to 694.170 subject to the approval of the agency and shall assist the agency in carrying out the provisions of ORS 694.015 to 694.170.

(2) The agency shall consider and be guided by the recommendations of the council in all matters relating to ORS 694.015 to 694.170. [1959 c.634 s.21; 1999 c.885 s.48]

694.175 [1959 c.634 s.22; repealed by 1971 c.753 s.74]

694.180 [1959 c.634 s.24; 1961 c.593 s.5; repealed by 1971 c.753 s.74]

694.185 Disposition of receipts. All moneys received by the Health Licensing Office under ORS 694.015 to 694.170 shall be paid into the General Fund in the State Treasury and placed to the credit of the Health Licensing Office Account and such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of ORS 694.015 to 694.170 and 694.991. [1973 c.427 s.4; 1985 c.227 s.18; 1999 c.885 s.49]

694.305 [1973 c.199 s.1; renumbered 681.205]

694.315 [1973 c.199 s.2; renumbered 681.220]

694.325 [1973 c.199 s.4; renumbered 681.230]

694.335 [1973 c.199 s.3; renumbered 681.250]

694.345 [1973 c.199 s.5; renumbered 681.260]

694.355 [1973 c.199 s.20; renumbered 681.270]

694.365 [1973 c.199 s.22; renumbered 681.280]
694.375 [1973 c.199 s.21; renumbered 681.290]
694.385 [1973 c.199 s.6; renumbered 681.300]
694.395 [1973 c.199 s.23; renumbered 681.310]
694.405 [1973 c.199 s.25; renumbered 681.320]
694.415 [1973 c.199 s.19; renumbered 681.330]
694.425 [1973 c.199 s.24; renumbered 681.340]
694.435 [1973 c.199 s.26; renumbered 681.350]
694.445 [1973 c.199 s.7; renumbered 681.400]
694.455 [1973 c.199 ss.9,11; renumbered 681.410]
694.465 [1973 c.199 s.18; renumbered 681.420]
694.475 [1973 c.199 ss.12,13; renumbered 681.430]
694.485 [1973 c.199 s.14; renumbered 681.440]
694.495 [1973 c.199 s.15; renumbered 681.450]
694.505 [1973 c.199 s.16; renumbered 681.460]
694.515 [1973 c.199 s.17; renumbered 681.470]
694.525 [1973 c.199 s.27; renumbered 681.480]

PENALTIES

694.990 [Repealed by 1959 c.406 s.34]

694.991 Penalties; concurrent jurisdiction of offenses. (1) Violation of any provision of ORS 694.015 to 694.170 is punishable, upon conviction, by a fine of not more than \$500 or by imprisonment for not more than 90 days, or both.

(2) Justice courts have concurrent jurisdiction with the circuit courts of violation under ORS 694.015 to 694.170. [1959 c.634 ss.25,26; subsection (3) enacted as 1973 c.199 s.28; subsection (3) renumbered 681.991]
