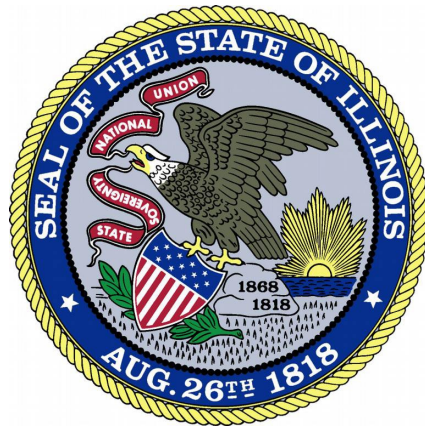


Governor's Office of Management and Budget

Alexis Sturm

Director



Regulatory Sunset Act Report on

The Hearing Instrument Consumer Protection Act

April 18, 2025

**To the Honorable JB Pritzker
Governor of Illinois**

Governor Pritzker:

As required by Section 5 of the Regulatory Sunset Act (5 ILCS 80/1 et seq.), GOMB facilitated a study with the Illinois Department of Public Health (IDPH), the agency responsible for oversight of the Hearing Instrument Consumer Protection Act (225 ILCS 50/1 et seq.) (the Act), which is scheduled to be repealed on January 1, 2026. This report provides justification for the recommendation to continue this Act.

GOMB's examination of this Act was conducted considering the factors set out in Sections 6 and 7 of the Regulatory Sunset Act. The following report outlines the work of GOMB's study and details the criteria and data utilized to arrive at the above recommendation.

Respectfully,

Alexis Sturm
Director
Governor's Office of Management and Budget

GOMB Regulatory Sunset Act Report: Hearing Instrument Consumer Protection Act

The State of Illinois, acting through the Illinois Department of Public Health (IDPH or the Department), licenses the profession of hearing instrument dispenser pursuant to the Act. As defined in the Act, "Hearing instrument dispenser" means "a person who is a hearing instrument professional that engages in the selling, practice of fitting, selecting, recommending, dispensing, prescribing, or servicing of prescription hearing aids or the testing for means of hearing aid selection or who advertises or displays a sign or represents himself or herself as a person who practices the testing, fitting, selecting, servicing, dispensing, prescribing, or selling of prescription hearing aids." 225 ILCS 50/3.

The purpose of this Act is to protect the deaf or hard of hearing public from the practice of dispensing hearing aids in a way that could endanger the health, safety, and welfare of the people of this state. The Federal Food and Drug Administration and the Federal Trade Commission recommend that state legislation is necessary in order to establish standards of competency and to impose stringent penalties for those who violate the public trust in this field of healthcare.

1. License Count and Fee Structure

As of March 29, 2024, IDPH states that there are 442 active licenses for hearing instrument dispensers (HIDs) in Illinois. See the following table for the number of hearing instrument dispenser licenses issued by IDPH in the fiscal years indicated:

| License Type | FY20 | FY21 | FY22 | FY23 | FY24 |
|------------------------------|-------------|-------------|-------------|-------------|-------------|
| Hearing instrument dispenser | 9 | 22 | 30 | 36 | 33 |

Hearing instrument dispensers have the following licensure fee structure:

| License Type | Fee Amount | Online Payment |
|-----------------------|-------------------|-----------------------|
| Application fee | \$80 | No |
| License fee | \$200 | No |
| License renewal fee | \$200 | No |
| Temporary license fee | \$100 | No |
| Examination fee | \$300 | No |
| Duplicate License fee | \$20 | No |

2. Obtaining Certification as a Hearing Instrument Dispenser in Illinois

Obtaining Certification

Section 8(b), (c), and (e) of the Act addresses those criteria that applicants must demonstrate for certification as a hearing instrument dispenser (HID):

Applicants shall be:

- (1) at least 18 years of age;
- (2) of good moral character;
- (3) the holder of an associate's degree or the equivalent;

(4) free of contagious or infectious disease; and
(5) a citizen or person lawfully present in the United States. Felony convictions of the applicant and findings against the applicant involving matters set forth in Sections 17 and 18 shall be considered in determining moral character, but such a conviction or finding shall not make an applicant ineligible to register for examination.

(6) must take a written and a practical examination.

(7) must demonstrate the successful completion of (1) 12 semester hours or 18 quarter hours of academic undergraduate course work in an accredited institution consisting of 3 semester hours of anatomy and physiology of the hearing mechanism, 3 semester hours of hearing science, 3 semester hours of introduction to audiology, and 3 semester hours of aural rehabilitation, or the quarter hour equivalent or (2) an equivalent program as determined by the Department that is consistent with the scope of practice of a hearing instrument dispenser as defined in Section 3 of this Act.

HID license applicants must submit a completed application form, along with the required fees and educational transcripts to IDPH.

3. Equity Concerns

IDPH states that equity issues may have an impact on individuals seeking to become a licensed in this field. The cost to obtain qualifications and licensure are a financial challenge that may impact individuals' ability to enter this field. The expense of obtaining the education and training required may also be prohibitive for some people. Additionally, individuals for whom English is a second language may struggle with the educational and examination requirements.

4. Agency recommendations to change the statute

IDPH does not have amendatory recommendation for this Act. The Department is continuously monitoring the impact of the current statutory language on practitioners, while closely observing what changes can be made to better benefit the public.

5. Agency efforts to comply with enabling laws

IDPH staff administer the Vision/Hearing Program and are responsible for overseeing the Act, as well as implementing the Vision and Hearing Training/Certification components of the Program. The Department reports that several factors impede its ability to effectively oversee the HICPA, particularly staffing shortages and outdated technology. IDPH recognizes the demand for online payments and streamlined processes to more effectively and efficiently administer this program.

Furthermore, increasing fees for Hearing Instrument Licensing and examinations would help cover Program expenses and ensure its sustainability.

6. Recent bills introduced by the General Assembly

P.A. 103-0495, effective January 1, 2024, updated the Act as follows: All hearing instruments or aids must be sold or distributed in compliance with the regulations set forth by the Food and Drug Administration (FDA) and the Federal Trade Commission (FTC), which oversee the sale and distribution of personal sound amplification products and hearing aids. Consumers purchasing over-the-counter hearing aids must receive a sales receipt at the time of purchase. Also, the updates included new rules pertaining to hearing aids dispensed by prescription to persons aged 17 or younger.

7. Stakeholder Feedback and Protocols for Hearing instrument dispenser Licensure

IDPH did not report having received comments from professional organizations or other interested parties regarding the impact of the Department's rules or its administrative decisions related to enforcement of the licensing program. Further, IDPH is not aware of any public feedback regarding Hearing Instrument Dispenser licensure.

8. Public Outreach

According to IDPH, the agency does not have time and resources to conduct public outreach related to this Act.

9. Industry Standards

IDPH indicates that the technology and practices taught in Hearing Instrument Dispenser (HID) training programs are regularly updated to reflect current advancements. The licensing examinations required for HID certification also incorporate these updates to technology and practice. Specialized training is necessary to acquire the knowledge and skills required to competently function as a Hearing Instrument Dispenser. The educational, training, and examination requirements established under Act are designed to ensure that dispensers can accurately assess a client's hearing function, determine their amplification needs, and provide effective counseling on the proper use of hearing instruments.

These requirements also serve to protect clients from potential harm resulting from inadequate care by a licensed dispenser.

IDPH notes that the introduction of an apprenticeship requirement under the HICPA could further enhance the quality of training.

10. Public Complaint Resolution

The Vision and Hearing Program Manager handles complaints regarding the agency's regulation of the Act. Consumer complaints regarding hearing instrument purchase transactions are handled by Vision/Hearing (V/H) Consultants. IDPH has operated with one Vision/Hearing (V/H) Consultant since 2022 and hired a second V/H Consultant in May of 2024. On average, consumer complaints are resolved within 2-4 weeks from the time they are received.

| Complaints Received | FY20 | FY21 | FY22 | FY23 | FY24 |
|------------------------------|-------------|-------------|-------------|-------------|-------------|
| Hearing instrument dispenser | 13 | 7 | 7 | 10 | 5 |

11. Disciplinary Action

IDPH Vision/Hearing Program staff review and resolve complaints filed by consumers regarding hearing instrument purchase transactions.

12. Conclusion

The Act governs the licensure of hearing instrument dispensers in the State of Illinois. The absence of licensing criteria for hearing instrument dispensers would pose a significant and direct harm to the safety and welfare of the deaf or hard of hearing public. The specific educational, training and examination requirements found in the HICPA are necessary to ensure that hearing instrument dispensers meet industry qualifications to perform their job duties accurately and do no harm to their clients.

Current evidence does not suggest that the imposition of the state's regulatory standards is such a burden as to outweigh the benefits to the health, safety, and welfare of the people of Illinois in continuing the licensure and regulation of this profession. Consequently, the Act is necessary and appropriate to ensure the health, safety, and welfare of the people of Illinois.

The Act should be continued to promote and enhance the safety and welfare of the public, without burdening licensees or commerce.