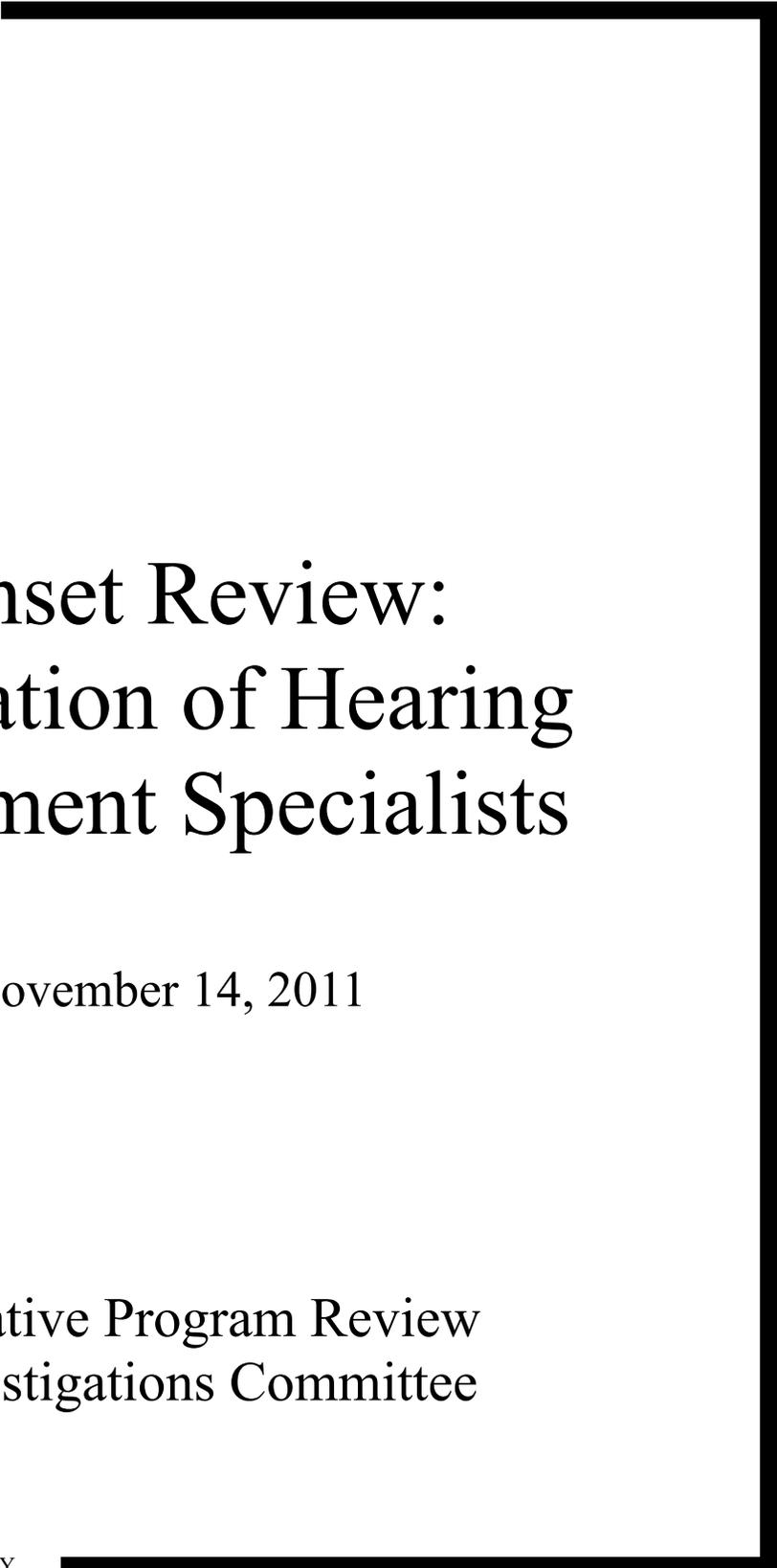


Staff Briefing



Sunset Review:
Regulation of Hearing
Instrument Specialists

November 14, 2011

Legislative Program Review
& Investigations Committee

Committee Staff on Project
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Introduction

Sunset Review Law and Process

The Legislative Program Review and Investigations Committee (PRI) voted to conduct this sunset review performance audit on September 27, 2011. Chapter 28 (*Connecticut Sunset Law*) of the Connecticut General Statutes (C.G.S. Secs. 2c-1 through 2c-12) terminates 75 specified entities or programs over a five-year cycle, starting July 1, 2013, unless the legislature votes to reestablish each of them. The Sunset Law, enacted in 1977, was created as a way for the legislature to address the increase of governmental entities and programs that appeared to be occurring with little or no oversight or regulatory accountability. Through periodic and comprehensive reviews, selected entities and programs not found to significantly benefit the public health, safety, or welfare of Connecticut's residents could be modified or terminated. The complete Connecticut Sunset Law is found in Appendix A of this report.

Prior to any termination date, the current sunset review process for each entity or program requires:

- a **PRI performance audit** which is based on, but not limited to, certain criteria in statute;
- a **written report** (submitted to the Government Administration and Elections Committee (GAE) and the General Assembly) summarizing the PRI performance audit findings and including recommendations to abolish, reestablish, modify, or consolidate the specific entity or program under review;
- a **public hearing** by GAE, which may result in recommendations to reestablish, modify, or consolidate with another entity; and
- **action or non-action** by the General Assembly as a whole.

The sunset law provides two sets of criteria to guide the General Assembly in carrying out the sunset review process. Per C.G.S. Sec. 2c-7, this first set of criteria is used to help determine whether there is a *public need for continuing the regulatory entity or program*:

1. whether termination of the entity or program would significantly endanger public health, safety or welfare;
2. whether the public could be adequately protected by another statute, entity or program, or by a less restrictive method of regulation;
3. whether the entity or program produces any direct or indirect increase in cost of goods or services, and if so, whether public benefits attributable to the entity or program outweigh the public burden of the increase in cost; and

4. whether the effective operation of the entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies.

In addition to the first set of criteria, the second set of criteria (per C.G.S. Sec. 2c-8) is used to help determine *whether a regulatory entity or program serves the general public, and not merely the persons regulated*:

1. the extent to which qualified applicants have been permitted to engage in any profession, occupation, trade, or activity regulated by the entity or program;
2. the extent to which the governmental entity involved has complied with federal and state affirmative action requirements;
3. the extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated;
4. the extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies; and
5. the manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to regulation.

Methodology

One of the 27 entities or programs on the first year of the sunset list (set to terminate July 1, 2013) and chosen for this PRI sunset review performance audit is the *Hearing Instrument Specialist regulation program*, administered totally by the Department of Public Health (DPH). Having been on the sunset list since its inception in 1977, the one and only time the hearing instrument specialist regulation program was the subject of a sunset report was in 1980. In the 1980 report, recommendations included continuation of licensure and transfer of all statutory authority to regulate hearing instrument specialists to the Department of Consumer Protection. The complete recommendations from that sunset review are found in Appendix B.

For this review, program review committee staff conducted several interviews and obtained information from staff at the Department of Public Health (DPH). Program review committee staff also met with members of the Connecticut Academy of Audiology, and the Connecticut Hearing Aid Dispensers Organization, received policy recommendations on hearing aids from the Connecticut chapter of the American Association of Retired Persons, and 50-state statistics from the International Hearing Society.

As part of the sunset review performance audit, surveys are distributed by PRI staff to the parties involved in the regulation of the entity or program.¹ In this review, a

¹ The sunset law requires each entity or program under review to provide PRI with an analysis of its activities that specifically address the two sets of criteria found in statute (C.G.S. Secs. 2c-7, 2c-8).

survey was completed by the Department of Public Health's Practitioner Licensing and Investigations Section staff. Appendix C summarizes DPH's survey response.

Report Organization

The briefing report is organized into three sections. The first section provides background information on hearing instrument specialists. It contains the legislative history of hearing instrument specialists, an overview of the profession including requirements for licensure, and fiscal information. Section II describes the regulation of hearing instrument specialists by the Department of Public Health, federal regulation, and provides information on regulation in other states. Section III describes the complaints that have been lodged against hearing instrument specialists.

Section I

Background Information on Regulation of Hearing Instrument Specialists

Legislative History of Hearing Instrument Specialists

Hearing instrument specialists were first licensed in Connecticut in 1972 when the legislature recognized a need to protect the public from unqualified, incompetent and unscrupulous practitioners. An Advisory Council on Hearing Aids, which had also been created in 1972, was subsequently abolished in 1979 as part of the state governmental reorganization (P.A. 77-614). The purpose of the council was to advise the Agency on technical aspects of the licensing functions. Table I-1 shows the changes that have occurred over the years in the state regulation of hearing aid dealers, now referred to as hearing instrument specialists.

Year	Change
1972 (P.A. 72-295)	Established license for persons <i>both</i> fitting and selling hearing aids
1977 (P.A. 77-473)	<ul style="list-style-type: none">• Changed to license for persons <i>either</i> fitting or selling hearing aids• Required 30-day trial period in the purchase of a hearing aid, with allowable refund for cancelled order (minus up to 12% cancellation fee)• Clarified and expanded offenses that may result in licensure revocation or suspension including failure to provide written sales receipt, and retention of sales records for three years
1979 (P.A. 77-614)	Abolished Advisory Council on Hearing Aids
1982 (P.A. 82-123)	Added a requirement that every hearing instrument specialist to include in every receipt and contract a conspicuous statement concerning the cancellation fee (maximum of 12 percent)
1999 (P.A. 99-111)	<ul style="list-style-type: none">• Added a requirement that all hearing aid receipts, contracts and orders must disclose to the buyer the right to cancel order and full refund of deposit if hearing aid unavailable for inspection within 45 days of seller’s receipt of deposit• Changed references to “hearing aid dealers” with “hearing instrument specialists”
Source: Connecticut General Statutes.	

Definition/Nature of Profession

The National Institute of Deafness and Other Communication Disorders website states that approximately 36 million American adults (17 percent) report some degree of hearing loss. There is a strong relationship between age and reported hearing loss: 30 percent of adults aged 65-74, and 47 percent of adults aged 75 or older, have a hearing impairment. With hearing loss one of the country's most prevalent chronic health conditions, many Americans can benefit from hearing aid devices. Based on a July 2009 Consumer Reports test of hearing aids,² professional fitting, purchase, and follow-up services in the New York City metropolitan area ranged from \$1,800 to \$6,800 per pair of hearing aids. They further noted that two-thirds of the 48 hearing aids Consumer Reports purchased were misfit—they either amplified too little or too much.

A hearing instrument specialist (previously known as a “hearing aid dealer”) is a person who fits and sells hearing amplification systems to individuals in retail establishments. Their responsibilities include testing the auditory system of hearing-impaired persons, using test equipment and applying standardized evaluation procedures, and evaluating results to select, fit, adapt, and modify hearing amplification systems. Figure I-1 shows the typical tasks of a hearing aid dealer (also referred to as a “hearing aid specialist” and “hearing instrument specialist”).

Figure I-1. Typical Tasks of Hearing Instrument Specialists

- Select and administer tests to evaluate hearing or related disabilities.
- Administer basic hearing tests including air conduction, bone conduction, or speech audiometry tests.
- Train clients to use hearing aids or other augmentative communication devices.
- Create or modify impressions for earmolds and hearing aid shells.
- Maintain or repair hearing aids or other communication devices.
- Demonstrate assistive listening devices (ALDs) to clients.
- Perform basic screening procedures such as pure tone screening, otoacoustic screening, immittance screening, and screening of ear canal status using otoscope.
- Assist audiologists in performing aural procedures such as real ear measurements, speech audiometry, auditory brainstem responses, electronystagmography, and cochlear implant mapping.
- Read current literature, talk with colleagues, and participate in professional organizations or conferences to keep abreast of developments in audiology.

Source: Hearing Aid Specialists Summary Report from O*NET, the national Occupational Information Network classification and database (www.onetcenter.org).

² Consumer Reports, July 2009, “Hear well in a noisy world: Hearing aids, hearing protection & more.” (<http://www.consumerreports.org/health/healthy-living/home-medical-supplies/hearing/hearing-aids/overview/hearing-aids-ov.htm>)

In Connecticut, hearing instrument specialists must comply with a number of business practice standards as outlined in state statute. These include:

- Allow the hearing aid purchaser to return the item during a 30-day period
- Advise a patient to consult a physician if the patient exhibits certain symptoms
- Require a person under the age of 18 to be examined by a physician before being sold a hearing aid
- Properly supervise those holding temporary permits
- Provide adequate information concerning their place of business and the product being sold
- Retain business records for 3 years
- Not violate FDA or FTC regulations
- Not print false or misleading advertising

Requirements for Entry into the Profession

Requirements for licensure. To receive a hearing instrument specialist license, an applicant must fulfill the following requirements:

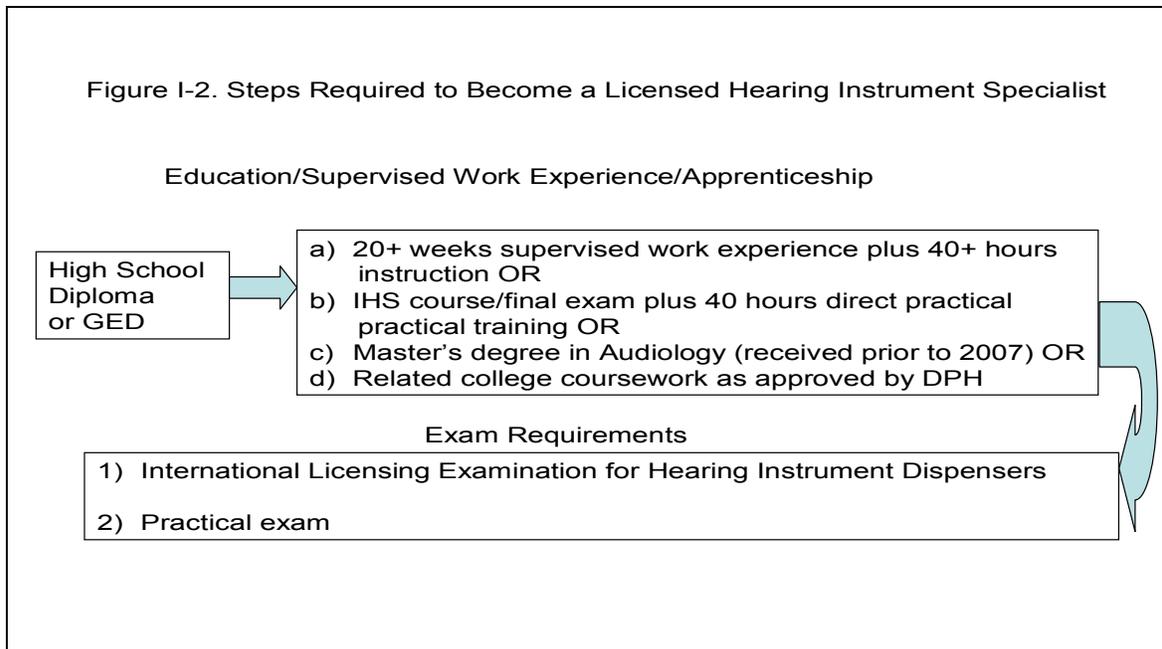
- Educational Requirement: 1) high school graduate or have successfully completed a high school equivalency; *and* 2) successful completion of an approved education/training in hearing aid fitting and dispensing which included the core content areas of:
 - the basic physics of sound;
 - anatomy and physiology of the ear;
 - the function of hearing aids;
 - practical knowledge of fitting and dispensing of hearing aids;
 - taking of ear mold impressions;
 - use of equipment employed in the fitting and dispensing of hearing aids;
 - and
 - state and federal laws and regulations governing hearing instrument specialists and hearing aid devices.

The education/training in hearing aid fitting and dispensing may occur in one of the following four ways:

1. A minimum of at least 30 hours per week for at least 20 weeks of directly supervised work experience by a Connecticut licensed hearing instrument specialist, and a practical course of study of at least 40 hours of instruction covering the core content areas;
2. the International Hearing Society home study course and final examination, in conjunction with 40 hours of direct practical training by a Connecticut licensed hearing instrument specialist;
3. Master's degree in audiology from a regionally accredited institution of higher education, which included coursework covering the core content areas; or

4. post-secondary coursework in hearing aid dispensing at a regionally accredited institution of higher education, to be reviewed and approved on a case-by-case basis by DPH as covering the core content areas.
- Examination Requirements: Successful completion of the: 1) written International Licensing Examination for Hearing Instrument Dispensers;³ and 2) practical examination where the applicant is expected to make an ear impression and perform a full audiometric examination.
 - Supervised Work Experience/Apprenticeship Requirement: Successful completion of a minimum of twenty weeks supervised training by a Connecticut-licensed hearing instrument specialist, consisting of at least 30 hours per week of directly supervised work experience or a practical course of study of not less than forty hours of instruction covering the core content areas.

Figure I-2 summarizes the steps required to become a licensed hearing instrument specialist.



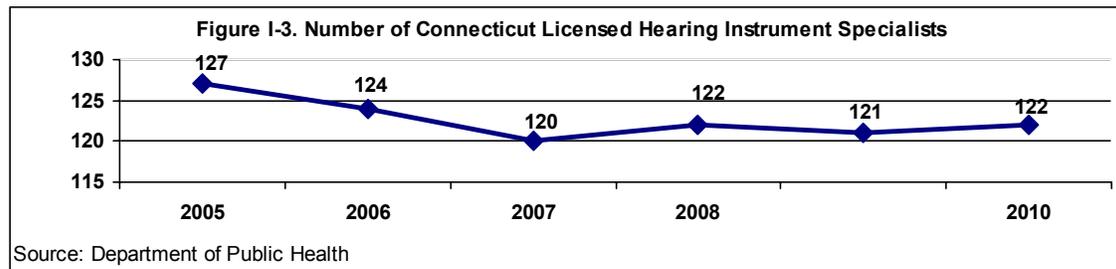
Distinction between hearing instrument specialists and audiologists. Hearing instrument specialists are an older profession, pre-dating audiology (a profession that grew after WWII). While both hearing instrument specialists and audiologists may fit and dispense hearing aids, there are several distinctions between the two professions. Audiologists require more education than hearing instrument specialists. Prior to 2007,

³ Exam was developed by the International Institute for Hearing Instruments Studies, a division of the International Hearing Society.

audiologists needed to earn a master's degree to be a licensed audiologist. Since 2007, audiologists must earn a doctorate in audiology and participate in a one-year externship following receipt of the doctoral degree. Consistent with this increased amount of education, audiologists also have a wider scope of practice. While hearing instrument specialists more narrowly dispense and fit hearing aids for adults, including ongoing follow-up care and counseling as needed, audiologists also treat pediatric patients, and have special training in the prevention, diagnosis and non-medical treatment of hearing disorders. Audiologists may work in medical settings, private practice, and in schools.

Licensing statistics. During FY 09, there were 9 applications received for hearing instrument specialist licensure, and all 9 applicants were granted licenses. Preliminary statistics for FY 10 show that 17 applications were received, 11 licenses were granted, and the remainder are pending. In data provided by DPH from July 2008 through October 2011, there have been no applications denied for hearing instrument specialist licensure.

Figure I-3 shows there has been a relatively steady number of licensed hearing instrument specialists in Connecticut over the past five years, with 122 hearing instrument specialists in 2010.



Fiscal Information

The expenses and revenue identified by the Department of Public Health for the regulation of hearing aid dealers (hearing instrument specialists) are shown in Table I-2.

Expense/Revenue Source	Amount
Expenses	
Duties related to licensing and investigation, prosecution and adjudication of complaints are shared among program staff	\$5,400
Printing documents and postage	\$600
TOTAL EXPENSES	\$6,000
Revenue	
<i>From New Applications For:</i>	
Hearing Instrument Specialists (7 @ \$250 per application)	\$1,750
Hearing Instrument Specialists (5 exam fees received @ \$200 per exam) ¹	\$1,000
Training/Temporary Permits (15 @ \$60 per application)	\$900
<i>From License/Certificate Renewals For:</i>	
Hearing Instrument Specialist (49 @ \$250 per renewal)	\$12,250
TOTAL REVENUE	\$15,900

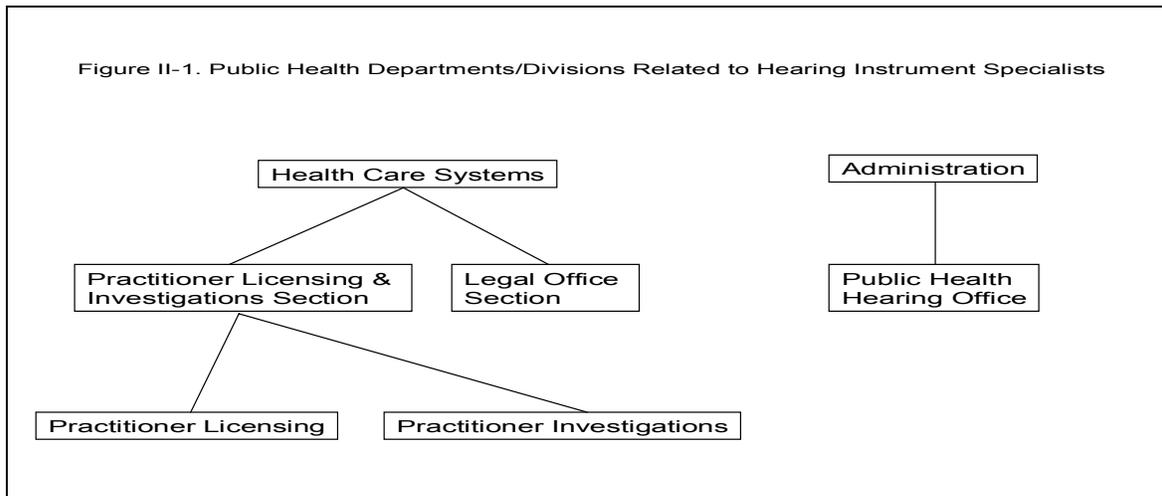
¹While an applicant will only pay 1 application fee, he/she may pay multiple exam fees if need to retake exam, or take exam in year separate from licensure application year)

Source: DPH

Section II

Regulation of Hearing Instrument Specialists

Regulation of hearing instrument specialists in Connecticut is overseen by personnel in the Health Care Systems Branch of the Department of Public Health (see Figure II-1). Support for any hearings conducted pertaining to hearing instrument specialists is found within the agency's Administration Branch.



In the Practitioner Licensing & Investigations Section, license applicant analysts within the Practitioner Licensing Unit are responsible for the initial licensing and renewal of licenses for approximately 70 professions, including hearing instrument specialists. Any investigations occur through available personnel in the Practitioner Investigations Unit, as opposed to a single investigator assigned solely to investigate the profession, as is the case with embalmers, funeral directors, and funeral homes.

The department's Legal Office Section has a half dozen attorneys who represent DPH in hearings for license revocation and other disciplinary matters for the approximately 70 professions including hearing instrument specialists. Note that, unlike the embalmers and funeral directors, there is no board for hearing instrument specialists. Should the need arise, DPH will consult with hearing instrument specialists.

Purpose, Powers, and Duties of DPH Regarding Regulation of Hearing Instrument Specialists

The Department of Public Health is responsible for:

- administering the licensure examination;
- determining the subject matter and scope of the examination;
- initial and renewal of licenses;

- collecting money and handling paperwork pertaining to licensure and fines;
- receiving and investigating all complaints and then deciding which are to be brought forward in a hearing for consideration of disciplinary action;
- suspending or revoking licenses; and
- adopting regulations for the purpose of carrying out the regulation of hearing instrument specialists.

Federal Regulation

In addition to state statutes and regulations, the industry must comply with certain federal regulations. The U.S. *Food and Drug Administration* (FDA) classifies hearing aids as medical devices. As such, 21 C.F.R. Part 801 requires certain professional and patient labeling, and conditions for sale. For example, hearing aids must be clearly labeled with manufacturer, model and serial number, and accompanying statement if hearing aid is used or rebuilt.

With regard to dispensing hearing aids, FDA regulations specify that:

- Prospective hearing aid users are required to have a medical evaluation by a licensed physician before purchasing a hearing aid unless waived by the client.
- Hearing aid dispensers must refer clients to a licensed physician before dispensing a hearing aid if certain medical conditions are present.
- Prospective hearing aid user must be provided with a copy of the user instructional brochure and opportunity to review the information.
- Hearing aid dispensers must retain records of all medical evaluation statements and waivers for at least three years from the date of dispensing the hearing aid.

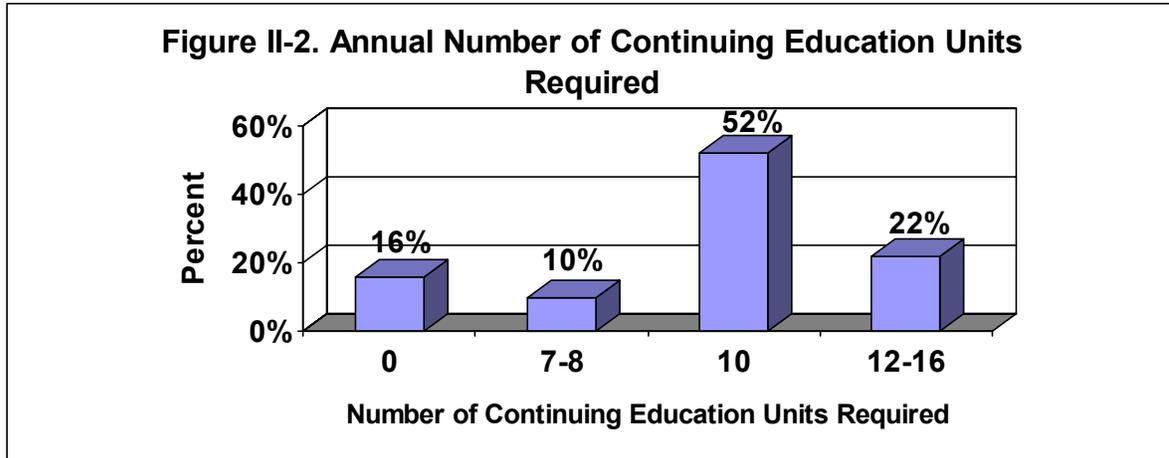
In addition, the FDA is authorized to inspect the hearing aid at the manufacturing site. In the past, the federal agency has filed an order-enforcement action against one of the largest hearing aid manufacturers in the U.S. for making false and unsubstantiated claims about its hearing aid. In another instance, it charged in federal court a company with exaggerating the benefits of its hearing aid.

Under U.S. *Federal Trade Commission* regulations, hearing aid dispensers must adhere to the “three day right to cancel rule” when hearing aids are sold in the consumer’s home. This “cooling-off rule” (16 CFR Part 429), gives consumers up to three days to cancel the sale when the sale occurred away from the seller’s place of business (often known as “door-to-door sales”). There are some hearing instrument specialists in Connecticut who provide in-home service, and must therefore, adhere to this FTC regulation.

How Profession is Regulated in Other States

Hearing instrument specialists are regulated in all 50 states, most often through licensure (92 percent of the time). Additionally:

- Many states, unlike Connecticut, require continuing education as a condition of licensure renewal (Figure II-2)
- Passage of at least the written portion of the national exam⁴ is required and administered in 37 states (74 percent), including Connecticut



Approximately 3,200 hearing instrument specialists nationally are certified by the National Board for Certification in Hearing Instrument Sciences⁵ (including 33 of the 122 hearing instrument specialists in Connecticut). The national board requires 24 hours of continuing education units within a three-year period for board recertification.

Table II-1 compares Connecticut with the other New England states.

As can be seen:

- The New England states are split in requiring continuing education for hearing instrument specialists
 - DPH has the option to establish continuing education requirements, but has not as yet exercised that option;
- Two-thirds require passage of the written national exam in order to become licensed as a hearing instrument specialist; and
- Pre-requisite training requirements range from none to one year (under the supervision of a licensed hearing instrument specialist).

⁴ The International Hearing Society produces the International License Examination (ILE), a practice-oriented written exam which tests competency in five areas: 1) Assess Presenting Problem and Needs; 2) Test and Analyze Hearing; 3) Prescribe and Analyze Hearing; 4) Fit, Adjust and Service Hearing Aid; and 5) Education and Maintain Professional Relations.

⁵ According to the NBC-HIS website, the National Board for Certification in Hearing Instrument Sciences (NBC-HIS) is an independent, non-profit, credentialing organization, established to promote continuing competency assurance of hearing health professionals and to provide a standard of excellence in hearing health care for consumers. (www.nbc-his.com)

Table II-1. Comparison of Connecticut with Other New England States				
State	Annual Hours of Continuing Educ.	Require Passing Written National Exam?	State Body with Licensing Responsibility	Time Training Under Licensed Supervisor Needed for Licensure
Connecticut	0	Yes	public health department	20 weeks @ 30 hrs/week
Maine	8 hrs annually	Yes	professional regulation department	750
Massachusetts	20 hrs biennially	No	consumer affairs department	1 yr
New Hampshire	8 hrs annually	Yes	hearing care providers board	Yes, no minimum
Rhode Island	0	Yes	public health department	No
Vermont	0	No	professional regulation department	No
Source: International Hearing Society 2011 State/Provincial Survey Regarding Statutory and Regulatory Requirements Governing Hearing Aid Dispensing, September 2011.				

Section III

Statistics Related to Hearing Instrument Specialists Complaints

A Connecticut consumer with a problem related to the dispensing and fitting of a hearing aid may contact the Department of Public Health for assistance. Should the consumer think these types of complaints are handled by the Department of Consumer Protection and call or visit that website, he/she will be redirected to DPH. The Department of Consumer Protection does not handle complaints pertaining to hearing aids or hearing instrument specialists, regardless of whether the complaint relates to a business practice. Complaints may also be submitted electronically to the Better Business Bureau. The Department of Public Health provides a link to access a printable complaint form that may be completed and mailed to DPH. Consumers are also given the option of contacting the DPH Practitioner Investigations Unit by telephone, email or fax.

DPH investigation of complaints. The Department of Public Health is mandated to investigate complaints against licensed individuals.⁶ Complaints may be received directly from consumers. The DPH Practitioner Investigations area investigates the complaint.

After determining if the complaint issue(s) fall within the jurisdiction of the DPH Health Care Systems Branch, the complaint is prioritized by the Practitioner Investigations area as a Class 1, 2, or 3 complaint. Class 1 complaints require immediate action or response because the situation poses an immediate threat to public health and safety. Class 1 complaints include cases associated with patient death, practitioner impairment, sexual misconduct, or infection control issues. Class 2 complaints have direct or indirect impact on quality of care, quality of life, or public health and safety. Class 3 complaints appear to be violations of standards of practice, laws or regulations such as failure to release records, patient confidentiality, failure to complete physician profile, etc.

If, following the investigation, there is possible cause to suspect a violation has occurred, then the matter is referred to the DPH Legal Office. One of the prosecuting attorneys on staff determines if there is sufficient evidence of a violation and if so, will attempt to meet with the respondent in an office conference to resolve the matter. They will then either issue a statement of charges leading to a hearing for potential revocation of licensure or as is more often the case, negotiate a settlement and issue a consent order. If formal charges are filed, then the case is forwarded to the DPH Public Health Hearing Office, where the six administrative hearing officers are located. A settlement may be reached via consent order. If no consent order is agreed upon by the respondent and DPH, then a statement of charges, outlining the allegations is prepared with a possible administrative hearing held by DPH. The department provides consumers electronic access to a guide of the agency's investigation and hearing process.⁷

⁶ C.G.S. Sec. 19a-14 (10) (11)

⁷ http://www.ct.gov/dph/lib/dph/facility_licensing_and_investigations/pdf/consumer_guide.pdf

Complaints lodged with the Department of Public Health. In 2009, three complaints were received regarding hearing instrument specialists. All three complaints (100%) were investigated.

- Two cases were dismissed with no action taken.
- One case was resolved through a consent order negotiated by DPH and the licensee. The licensee was sanctioned due to failure to adequately test a patient's hearing, and failure to adequately document the patient's treatment. The licensee received one year of probation and was required to successfully complete a DPH-approved course in documentation standards.

DPH receives very few complaints about hearing instrument specialists. The next most recent consent order occurred in 2005, where a hearing instrument specialist had allowed a temporary permittee to practice as a hearing instrument specialist without the presence of a licensed supervisor. This violation resulted in the hearing instrument specialist paying a civil penalty of \$500. There have been no other consent orders, and no hearings have been held, within the past 10 years.

Complaints lodged with the Connecticut Better Business Bureau. Consumers may also file complaints with the Connecticut Better Business Bureau (BBB). The Connecticut BBB does not provide summary state statistics about complaints against various Connecticut businesses. However, a recent examination by PRI staff of 27 businesses listed on the BBB website under "Hearing Aids & Assistive Devices" found that six of the businesses had received complaints from consumers within the past three years. For five of the businesses, the BBB had closed (i.e., completed its investigation) 1 complaint within the last 3 years, and for one of the businesses, had closed 2 complaints within the last 3 years. Of the seven complaints for which there was information on the BBB website, 5 were classified as "problems with product/service" and 2 were classified as "guarantee/warranty issues." Thus, not all complaints involving hearing instrument specialists are filed with the Department of Public Health. In the next phase of this sunset review performance audit, PRI staff will attempt to gather additional information about the processing of such complaints by the BBB and possible referral of consumers to state agencies.

APPENDICES

APPENDIX A

TITLE 2c REVIEW AND TERMINATION OF GOVERNMENTAL ENTITIES AND PROGRAMS

CHAPTER 28

CONNECTICUT SUNSET LAW

Sec. 2c-1. Legislative finding. The General Assembly finds that there has been a proliferation of governmental entities and programs, and that this proliferation has occurred without sufficient legislative oversight or regulatory accountability. The General Assembly further finds that there is a need for periodic comprehensive review of certain entities and programs, and for the termination or modification of those which do not significantly benefit the public health, safety or welfare.

Secs. 2c-2 and 2c-2a. Governmental entities and programs terminated on July 1, 1981; July 1, 1982; July 1, 1983; July 1, 1984; July 1, 1985; July 1, 1986; July 1, 1987, and July 1, 1988. Termination of ombudsmen office under sunset law. Sections 2c-2 and 2c-2a are repealed.

Sec. 2c-2b. Governmental entities and programs terminated on July 1, 2013; July 1, 2014; July 1, 2015; July 1, 2016; and July 1, 2017. (a) The following governmental entities and programs are terminated, effective July 1, 2013, unless reestablished in accordance with the provisions of section 2c-10:

- (1) Regulation of hearing aid dealers pursuant to chapter 398;
- (2) Repealed by P.A. 99-102, S. 51;
- (3) Connecticut Homeopathic Medical Examining Board, established under section 20-8;
- (4) State Board of Natureopathic Examiners, established under section 20-35;
- (5) Board of Examiners of Electrologists, established under section 20-268;
- (6) Connecticut State Board of Examiners for Nursing, established under section 20-88;
- (7) Connecticut Board of Veterinary Medicine, established under section 20-196;
- (8) Liquor Control Commission, established under section 30-2;
- (9) Connecticut State Board of Examiners for Optometrists, established under section 20-128a;
- (10) Board of Examiners of Psychologists, established under section 20-186;
- (11) Regulation of speech and language pathologists pursuant to chapter 399;
- (12) Connecticut Examining Board for Barbers and Hairdressers and Cosmeticians established under section 20-235a;
- (13) Board of Examiners of Embalmers and Funeral Directors established under section 20-208;
- (14) Regulation of nursing home administrators pursuant to chapter 368v;
- (15) Board of Examiners for Opticians established under section 20-139a;
- (16) Medical Examining Board established under section 20-8a;

- (17) Board of Examiners in Podiatry, established under section 20-51;
- (18) Board of Chiropractic Examiners, established under section 20-25;
- (19) The agricultural lands preservation program, established under section 22-26cc;
- (20) Nursing Home Ombudsmen Office, established under section 17a-405;
- (21) Mobile Manufactured Home Advisory Council established under section 21-84a;
- (22) Repealed by P.A. 93-262, S. 86, 87;
- (23) The Child Day Care Council established under section 17b-748;
- (24) The Connecticut Advisory Commission on Intergovernmental Relations established under section 2-79a;
- (25) The Commission on Children established under section 46a-126;
- (26) The task force on the development of incentives for conserving energy in state buildings established under section 16a-39b;
- (27) Repealed by P.A. 10-106, S. 16;
- (28) The State Dental Commission, established under section 20-103a;
- (29) The Connecticut Economic Information Steering Committee, established under section 32-6i;
- (30) Repealed by P.A. 95-257, S. 57, 58;
- (31) Repealed by P.A. 10-93, S. 12; and
- (32) Regulation of audiologists under sections 20-395a to 20-395g, inclusive.

(b) The following governmental entities and programs are terminated, effective July 1, 2014, unless reestablished in accordance with the provisions of section 2c-10:

- (1) Program of regulation of sanitarians, established under chapter 395;
- (2) Program of regulation of subsurface sewage disposal system installers and cleaners, established under chapter 393a;
- (3) Program of regulation of bedding and upholstered furniture established by sections 21a-231 to 21a-236, inclusive;
- (4) Regional mental health boards, established under section 17a-484;
- (5) Repealed by P.A. 88-285, S. 34, 35;
- (6) All advisory boards for state hospitals and facilities, established under section 17a-470;
- (7) Repealed by P.A. 85-613, S. 153, 154;
- (8) State Board of Examiners for Physical Therapists, established under section 20-67;
- (9) Commission on Medicolegal Investigations, established under subsection (a) of section 19a-401;
- (10) Board of Mental Health and Addiction Services, established under section 17a-456;
- (11) Repealed by P.A. 95-257, S. 57, 58;
- (12) Commission on Prison and Jail Overcrowding established under section 18-87j; and
- (13) The residential energy conservation service program authorized under sections 16a-45a, 16a-46 and 16a-46a.

(c) The following governmental entities and programs are terminated, effective July 1, 2015, unless reestablished in accordance with the provisions of section 2c-10:

- (1) Board of Firearms Permit Examiners, established under section 29-32b;

- (2) State Board of Landscape Architects, established under section 20-368;
- (3) Repealed by P.A. 89-364, S. 6, 7;
- (4) Police Officer Standards and Training Council, established under section 7-294b;
- (5) State Board of Examiners for Professional Engineers and Land Surveyors, established under section 20-300;
- (6) State boards for occupational licensing, established under section 20-331;
- (7) Commission of Pharmacy, established under section 20-572;
- (8) Connecticut Real Estate Commission, established under section 20-311a;
- (9) State Codes and Standards Committee, established under section 29-251;
- (10) Commission on Fire Prevention and Control, established under section 7-323k;
- (11) Program of regulation of building demolition, established under section 29-401;
- (12) Repealed by P.A. 93-262, S. 86, 87 and P.A. 93-423, S. 7; and
- (13) Connecticut Food Policy Council, established under section 22-456.

(d) The following governmental entities and programs are terminated, effective July 1, 2016, unless reestablished in accordance with the provisions of section 2c-10:

- (1) State Insurance and Risk Management Board, established under section 4a-19;
- (2) Connecticut Marketing Authority, established under section 22-63;
- (3) Occupational Safety and Health Review Commission, established under section 31-376;
- (4) Connecticut Siting Council, established under section 16-50j;
- (5) Connecticut Public Transportation Commission, established under section 13b-11a;
- (6) State Board of Accountancy, established under section 20-280;
- (7) Repealed by P.A. 99-73, S. 10;
- (8) Repealed by P.A. 85-613, S. 153, 154;
- (9) State Milk Regulation Board, established under section 22-131;
- (10) Deleted by P.A. 99-73, S. 1;
- (11) Council on Environmental Quality, established under section 22a-11;
- (12) Repealed by P.A. 85-613, S. 153, 154;
- (13) Repealed by P.A. 83-487, S. 32, 33;
- (14) Employment Security Board of Review, established under section 31-237c;
- (15) Repealed by P.A. 85-613, S. 153, 154;
- (16) Connecticut Energy Advisory Board, established under section 16a-3;
- (17) Connecticut Solid Waste Management Advisory Council, established under subsection (a) of section 22a-279;
- (18) Investment Advisory Council, established under section 3-13b;
- (19) State Properties Review Board, established under subsection (a) of section 4b-3;
- (20) Commission on Human Rights and Opportunities, established under section 46a-52;
- (21) The coastal management program, established under chapter 444;
- (22) Repealed by P.A. 09-234, S. 15;
- (23) Family support grant program of the Department of Social Services, established under section 17b-616;
- (24) Program of regulation of occupational therapists, established under chapter 376a;
- (25) Repealed by P.A. 85-613, S. 153, 154;
- (26) Architectural Licensing Board, established under section 20-289;

- (27) Repealed by June Sp. Sess. P.A. 01-5, S. 17, 18; and
(28) The Connecticut Transportation Strategy Board.

(e) The following governmental entities and programs are terminated, effective July 1, 2017, unless reestablished in accordance with the provisions of section 2c-10:

- (1) Regional advisory councils for children and youth center facilities, established under section 17a-30;
(2) Repealed by P.A. 93-262, S. 86, 87;
(3) Advisory Council on Children and Families, established under section 17a-4;
(4) Board of Education and Services for the Blind, established under section 10-293;
(5) Repealed by P.A. 84-361, S. 6, 7;
(6) Commission on the Deaf and Hearing Impaired, established under section 46a-27;
(7) Advisory and planning councils for regional centers for the mentally retarded, established under section 17a-273;
(8) Repealed by P.A. 01-141, S. 15, 16;
(9) Repealed by P.A. 94-245, S. 45, 46;
(10) Repealed by P.A. 85-613, S. 153, 154;
(11) State Library Board, established under section 11-1;
(12) Advisory Council for Special Education, established under section 10-76i;
(13) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;
(14) Repealed by June 30 Sp. Sess. P.A. 03-6, S. 248;
(15) Repealed by P.A. 89-362, S. 4, 5;
(16) Repealed by June Sp. Sess. P.A. 91-14, S. 28, 30;
(17) Repealed by P.A. 90-230, S. 100, 101;
(18) State Commission on Capitol Preservation and Restoration, established under section 4b-60;
(19) Repealed by P.A. 90-230, S. 100, 101; and
(20) Examining Board for Crane Operators, established under section 29-222.

Secs. 2c-2c to 2c-2g. Termination under sunset law of: Mobile and Manufactured Home Advisory Council; Human Resources Advisory Council and human services area advisory councils; Child Day Care Council; Advisory Commission on Intergovernmental Relations; Dental Commission. Sections 2c-2c to 2c-2g, inclusive, are repealed.

Sec. 2c-3. Performance audits by Legislative Program Review and Investigations Committee. The Legislative Program Review and Investigations Committee, established by the provisions of section 2-53e, shall conduct a performance audit of each governmental entity and program scheduled for termination under section 2c-2b. The Legislative Program Review and Investigations Committee shall complete its performance audit by January first of the year in which the governmental entity and program are scheduled for termination under section 2c-2b. In conducting the audit, the committee shall take into consideration, but not be limited to considering, the factors set forth in sections 2c-7 and 2c-8. The entities enumerated in section 2c-2b shall cooperate with the Legislative Program Review and Investigations Committee in carrying out the

purposes of sections 2c-1 to 2c-12, inclusive, and shall provide such information, books, records and documents as said committee may require to conduct its performance audit. Each governmental entity or program scheduled for termination pursuant to section 2c-2b shall provide at the request of the Program Review and Investigations Committee an analysis of its activities which specifically addresses the factors enumerated in sections 2c-7 and 2c-8.

Sec. 2c-4. Report to General Assembly. The Legislative Program Review and Investigations Committee shall submit to the General Assembly a written report on each governmental entity and program by January first of the year in which such entity and program are scheduled for termination. Such report shall specifically address the factors set forth in sections 2c-7 and 2c-8 and shall include recommendations regarding the abolition, reestablishment, modification or consolidation of such entity and program. On and after October 1, 1996, the report shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to state government organization and reorganization, structures and procedures, to any other joint standing committee of the General Assembly having cognizance and, upon request, to any member of the General Assembly. A summary of the report shall be submitted to each member of the General Assembly if the summary is two pages or less and a notification of the report shall be submitted to each member if the summary is more than two pages. Submission shall be by mailing the report, summary or notification to the legislative address of each member of the committees or the General Assembly, as applicable.

Sec. 2c-5. Committee to hold hearing prior to termination or reestablishment of governmental entity. Prior to the termination, modification, consolidation or reestablishment of any governmental entity or program, the joint standing committee of the General Assembly having cognizance of matters relating to government administration, organization and reorganization shall hold a public hearing, receiving testimony from the public and the governmental entity involved.

Sec. 2c-6. Governmental entity to demonstrate public need. Recommendations by committee. Each governmental entity enumerated in section 2c-2b shall have the burden of demonstrating a public need for the reestablishment of the entity or program. Each such entity shall also have the burden of demonstrating that it has served the public interest and not merely the interests of the persons regulated. The joint standing committee of the General Assembly having cognizance of matters relating to government administration, organization and reorganization may recommend to the General Assembly that the governmental entity or program be modified, consolidated with another entity or program or reestablished.

Sec. 2c-7. Criteria for determining public need. In determining whether there is a public need for the continued existence of an entity or program, the General Assembly shall consider, among other things:

(a) Whether termination of the entity or program would significantly endanger the public health, safety or welfare;

- (b) Whether the public could be adequately protected by another statute, entity or program, or by a less restrictive method of regulation;
- (c) Whether the governmental entity or program produces any direct or indirect increase in the cost of goods or services, and if it does, whether the public benefits attributable to the entity or program outweigh the public burden of the increase in cost, and
- (d) Whether the effective operation of the governmental entity or program is impeded by existing statutes, regulations or policies, including budgetary and personnel policies.

Sec. 2c-8. Criteria for determining whether a regulatory entity or program has served the general public. In determining whether a regulatory entity or program has served the general public, and not merely the persons regulated, the General Assembly shall consider, among other things:

- (a) The extent to which qualified applicants have been permitted to engage in any profession, occupation, trade or activity regulated by the entity or program;
- (b) The extent to which the governmental entity involved has complied with federal and state affirmative action requirements;
- (c) The extent to which the governmental entity involved has recommended statutory changes which would benefit the public as opposed to the persons regulated;
- (d) The extent to which the governmental entity involved has encouraged public participation in the formulation of its regulations and policies, and
- (e) The manner in which the governmental entity involved has processed and resolved public complaints concerning persons subject to regulation.

Sec. 2c-9. Terminated entity or program to continue for one year for purpose of concluding its affairs. Upon termination, a governmental entity or program listed in section 2c-2b shall continue in existence for one year for the purpose of concluding its affairs. During the one-year period, termination shall not reduce the powers or authority of the entity or program. Upon the expiration of the one-year period, the entity or program shall cease all activities; all regulations promulgated by the entity or pursuant to the program shall cease to exist, and all unexpended balances of appropriations or other funds shall revert to the fund from which they were appropriated, or if that fund is abolished, to the General Fund.

Sec. 2c-10. Reestablishment of entity or program by General Assembly. Any governmental entity or program scheduled for termination under section 2c-2b may be reestablished by the General Assembly for periods not to exceed five years, at the end of which the entity or program shall again be subject to review under the provisions of sections 2c-1 to 2c-12, inclusive. Any such reenactment may provide for the consolidation of governmental entities or programs or for the transfer of governmental functions from one entity or program to another.

Sec. 2c-11. Termination of entity not to affect any claim, right or cause of action. Termination of a governmental entity or program shall not affect any claim, right or cause of action by or against the entity or program. Any such claim, right or cause of action pending on the date the entity or program is terminated, or instituted thereafter, shall be prosecuted or defended in the name of the state by the Attorney General.

Sec. 2c-12. Early termination of entity or program, other legislation, not prohibited. Nothing in this section or in sections 2c-1 to 2c-11, inclusive, shall prohibit the General Assembly from terminating a governmental entity or program prior to the termination date established in section 2c-2b or from considering any other legislation concerning any such entity or program.

Secs. 2c-13 to 2c-20. Reserved for future use.

APPENDIX B

Recommendations from 1980 Sunset Review of Regulation of Hearing Aid Dealers

1. Continue licensure.

Licensure has been found to be the most appropriate and necessary level of regulation for the sale and fitting of hearing aids.

2. Transfer all statutory authority to regulate hearing aid dealers to the Department of Consumer Protection.

The Department of Consumer Protection is the most appropriate agency to regulate hearing aid dealers. It has established procedures to enforce compliance with specified business practice requirements.

The Department of Health Services should advise and assist the Department of Consumer Protection in the testing of hearing aid dealers for licensure.

3. The Department of Consumer Protection should consider the proposed Model Legislation in the regulation of Hearing Aid Dealers.

Transferring regulatory authority from the Department of Health Services to the Department of Consumer Protection does not allow for the application of the proposed Model Legislation. However, the spirit and intent of those sections of the Model Legislation dealing with business practices, due process, occupational input, entry requirements, renewal standard, complaint procedures and disciplinary sanctions are recommended for adoption by the Department of Consumer Protection.

APPENDIX C

DPH Response to the 2011 Sunset Questionnaire on the Hearing Instrument Specialist Licensing Program

1. WOULD THE TERMINATION OF LICENSING REQUIREMENTS FOR HEARING INSTRUMENT SPECIALISTS SIGNIFICANTLY ENDANGER PUBLIC HEALTH, SAFETY, OR WELFARE? PLEASE EXPLAIN.
 - Current licensure requirements protect the public by ensuring that all hearing instrument specialists adhere to the same minimum standards with regard to education and training
 - Other practice related requirements such as standards for advertising also ensure that consumers are protected
 - During each of the last 3 years, DPH has investigated an average of 2 complaints filed by the public against licensed hearing instrument specialists
 - All of these complaints were related to either unlicensed practice and/or payment/advertising issues
 - Our efforts have focused more in the domain of consumer protection rather than public health and safety
 - The complaint pattern does not demonstrate a serious or imminent risk to public health or safety

2. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY ANOTHER STATUTE, OFFICE, OR PROGRAM? IF SO, WHICH ONE(S)?
 - DPH is not aware of any other state agency that has regulatory oversight of hearing instrument specialists
 - Consideration could be given to transferring this program to another agency

3. COULD THE PUBLIC BE ADEQUATELY PROTECTED BY A LESS RESTRICTIVE METHOD OF REGULATION THAN THE CURRENT HEARING INSTRUMENT SPECIALIST LICENSING REQUIREMENTS, SUCH AS CERTIFICATION OR REGISTRATION? PLEASE EXPLAIN.
 - The current licensure process is not onerous and because the investigation process is complaint driven, minimal resources are necessary to maintain this program
 - A certification or registration program would have similar outcomes and would provide a comparable level of public protection

4. DOES THE HEARING INSTRUMENT SPECIALIST LICENSING PROGRAM (*PROGRAM*) HAVE THE EFFECT OF INCREASING THE COSTS OF GOODS OR SERVICES TO THE PUBLIC EITHER DIRECTLY OR INDIRECTLY? PLEASE EXPLAIN THE BASIS FOR YOUR ANSWER.

- DPH does not maintain statistics regarding the costs of goods and services to the public
 - DPH does not have any data to demonstrate the effect that licensing has on the costs of goods or services to the public
 - Licenses are renewed biennially at a cost of \$250.00 and all licensing revenue is deposited directly into the General Fund
5. IS THE EFFECTIVENESS OF THE PROGRAM'S OPERATION IMPEDED BY EXISTING STATUTES, REGULATIONS OR POLICIES, INCLUDING BUDGETARY AND PERSONNEL POLICIES? IF SO, PLEASE BE SPECIFIC IN YOUR ANSWER.
- DPH is meeting its statutory mandates related to licensing and investigations as well as adjudication of complaints
 - Limited resources impact the Department's ability to be more proactive in its enforcement activities (e.g., the investigation process is complaint driven) and in educating the public/consumers and license holders about current laws and regulations and the nature of our work
6. TO WHAT EXTENT HAVE QUALIFIED APPLICANTS BEEN PERMITTED TO ENGAGE IN THE OCCUPATION OF HEARING INSTRUMENT SPECIALIST? PLEASE COMMENT ON WAITING PERIODS, DELAYS, PAPERWORK, ETC.
- Once an applicant has filed the necessary application form and required fees and all supporting documents have been received, a determination is made as to whether the applicant has met the licensing requirements
 - If determined to have met the licensing requirements, the applicant is scheduled to sit for the practical licensing examination that is administered by DPH
 - The practical examination is administered twice per year
 - Applicants may also apply to receive a temporary permit that authorizes them to practice under direct supervision of a licensed hearing instrument specialist for up to two years while they complete additional training and until they have successfully passed the licensing examination
 - Upon successful completion of the practical examination, the license is issued
 - There have been no substantial waiting periods and delays in the issuance of licenses to these applicants.
7. WHAT ACTIONS HAS THE PROGRAM TAKEN TO INSURE COMPLIANCE WITH FEDERAL AND STATE AFFIRMATIVE ACTION REQUIREMENTS? ARE THERE POLICIES TO ENCOURAGE ACCESS BY WOMEN AND MINORITIES INTO THE HEARING INSTRUMENT SPECIALIST PROFESSION?
- All applicants who meet the statutory requirements are eligible and receive a license

- The licensing section does not recruit individuals to apply for licensure or to engage in any profession.
8. WITHIN THE PAST FIVE YEARS, WHAT CHANGES IN STATUTE, RULES OR REGULATIONS HAS DPH RECOMMENDED REGARDING THE LICENSING OF HEARING INSTRUMENT SPECIALISTS?
- None
9. WHAT HAS DPH DONE TO ENCOURAGE PUBLIC PARTICIPATION IN THE FORMULATION OF REGULATIONS AND POLICIES REGARDING THE HEARING INSTRUMENT SPECIALIST LICENSING PROGRAM?
- DPH has not developed any new policies or regulations regarding this profession
 - However, at any time regulatory changes are proposed, DPH solicits feedback from interested stakeholders including but not limited to regulated professionals and their membership organizations as well as the public
10. WHAT HAS BEEN THE PROCESS USED BY DPH TO RESOLVE PUBLIC COMPLAINTS CONCERNING HEARING INSTRUMENT SPECIALISTS?
- Pursuant to Section 19a-14 of the General Statutes, DPH investigates public complaints concerning licensed hearing instrument specialists who are alleged to have violated the laws, regulations and standards governing the profession
 - As part of the investigative process, DPH investigators communicate with the petitioner, obtain records and other pertinent documents, ask the respondent licensee to provide a response to the allegations and seek expert consultant opinions when necessary
 - If it is determined that the respondent has violated the standards of the profession or the standards of care, or violated other laws or regulations governing the profession, the Department pursues a disciplinary action.
11. WITHIN THE PAST FIVE YEARS, WHAT STATUTES, RULES OR REGULATIONS HAS DPH PROPOSED OR ADVOCATED TO PROTECT THE PROFESSION FROM THE LICENSURE OF UNQUALIFIED PERSONS?
- Existing statutory provisions allow the Department to take action against individuals who are found to have been practicing this profession without a license
 - DPH has not proposed any additional changes to the statutes or regulations governing this profession
12. HOW WELL WOULD YOU SAY THE HEARING INSTRUMENT SPECIALIST LICENSING PROGRAM IS PERFORMING? PLEASE EXPLAIN.
- DPH is meeting its statutory mandates related to licensing and investigations as well as adjudication of complaints

- The investigation process is complaint driven and the number of complaints DPH receives regarding this profession is very small
- An absence of complaints and low disciplinary statistics could also demonstrate that a program is performing well
- Although statistics concerning the number of disciplinary actions against license holders in a particular profession are relevant to the discussion, they may not be the most effective measure of a successful program without taking other factors into consideration

13. WHAT COULD DPH DO TO PERFORM EVEN BETTER?

- DPH could engage in educational campaigns with the public and license holders regarding licensing requirements and how/when to contact the Department to file a complaint