

26 | hearing and balance, and to related language and speech
 27 | disorders. "Disorders" are defined to include any and all
 28 | conditions, whether of organic or nonorganic origin, peripheral
 29 | or central, that impede the normal process of human
 30 | communication, including, but not limited to, disorders of
 31 | auditory sensitivity, acuity, function, or processing, or damage
 32 | to the integrity of the physiological system.

33 | (b) Any audiologist who has complied with ~~the provisions~~
 34 | ~~of~~ this part may:

35 | 1. Offer, render, plan, direct, conduct, consult, or
 36 | supervise services to individuals or groups of individuals who
 37 | have or are suspected of having disorders of hearing and
 38 | balance, including audiological diagnosis, prevention,
 39 | identification, evaluation, treatment, consultation,
 40 | habilitation, rehabilitation, instruction, and research.

41 | 2. Participate in hearing conservation, evaluation of
 42 | noise environment, and noise control.

43 | 3. Evaluate and manage persons with hearing and balance
 44 | disorders, including, but not limited to, administration and
 45 | interpretation of behavioral, electroacoustic, and
 46 | electrophysiologic measures of the hearing, balance, and other
 47 | related systems ~~Conduct and interpret tests of vestibular~~
 48 | ~~function and nystagmus, electrophysiologic auditory-evoked~~
 49 | ~~potentials, central auditory function, and calibration of~~
 50 | ~~measurement equipment used for such purposes.~~

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51 4. Habilitate and rehabilitate, including, but not limited
52 to, hearing aid evaluation, prescription, preparation, fitting,
53 ~~and dispensing,~~ evaluation and management relating to
54 implantable hearing technologies and bone conduction hearing
55 systems, assistive listening device selection and orientation,
56 auditory training, aural habilitation, aural rehabilitation,
57 speech conservation, and speechreading.

58 5. Fabricate earmolds.

59 6. Evaluate and provide intervention for tinnitus,
60 hyperacusis, misophonia, and other auditory perceptual
61 disorders.

62 7. Include speech, ~~and~~ language, and basic health
63 screening, limited to a pass/refer ~~pass/fail~~ determination ~~for~~
64 ~~identifying individuals with disorders of communication.~~

65 Section 2. Paragraph (e) of subsection (2) of section
66 468.1115, Florida Statutes, is amended to read:

67 468.1115 Exemptions.—

68 (2) The provisions of this part shall not apply to:

69 (e) Persons licensed by another state as speech-language
70 pathologists or audiologists who provide services within the
71 applicable scope of practice set forth in s. 468.1125(7) or (8)
72 ~~s. 468.1125(6) or (7)~~ for no more than 5 calendar days per month
73 or 15 calendar days per year under the direct supervision of a
74 Florida-licensed speech-language pathologist or audiologist. A
75 person whose state of residence does not license speech-language

76 | pathologists or audiologists may also qualify for this
 77 | exemption, if the person holds a certificate of clinical
 78 | competence from the American Speech-Language and Hearing
 79 | Association and meets all other requirements of this paragraph.
 80 | In either case, the board shall hold the supervising Florida
 81 | licensee fully accountable for the services provided by the out-
 82 | of-state licensee.

83 | Section 3. Subsections (1) through (4) and (6) of section
 84 | 468.1225, Florida Statutes, are amended to read:

85 | 468.1225 Procedures, equipment, and protocols.—

86 | (1) ~~The following minimal procedures shall be used~~ When a
 87 | licensed audiologist fits and sells a hearing aid, he or she
 88 | shall use procedures within his or her scope of practice to
 89 | determine the degree and nature of auditory function:

90 | ~~(a) Pure tone audiometric testing by air and bone to~~
 91 | ~~determine the type and degree of hearing deficiency when~~
 92 | ~~indicated.~~

93 | ~~(b) Effective masking when indicated.~~

94 | ~~(c) Appropriate testing to determine speech reception~~
 95 | ~~thresholds, speech discrimination scores, the most comfortable~~
 96 | ~~listening levels, uncomfortable loudness levels, and the~~
 97 | ~~selection of the best fitting arrangement for maximum hearing~~
 98 | ~~aid benefit when indicated.~~

99 | (2) Appropriate ~~The following~~ equipment calibrated to meet
 100 | the specifications of the American National Standards Institute

101 shall be used:

102 ~~(a) A wide range audiometer which meets the specifications~~
 103 ~~of the American National Standards Institute for diagnostic~~
 104 ~~audiometers when indicated.~~

105 ~~(b) A speech audiometer or a master hearing aid in order~~
 106 ~~to determine the most comfortable listening level and speech~~
 107 ~~discrimination when indicated.~~

108 (3) A final fitting ensuring physical and operational
 109 comfort of the hearing aid shall be made ~~when indicated.~~

110 (4) A licensed audiologist who fits and sells hearing aids
 111 shall obtain ~~the following~~ medical clearance in the following
 112 instances: visible congenital or traumatic deformity of the ear;
 113 active drainage from the ear within the previous 90 days; sudden
 114 or rapidly progressing hearing loss within the previous 90 days;
 115 acute or chronic dizziness; If, upon inspection of the ear canal
 116 with an otoscope in the common procedure of fitting a hearing
 117 aid and upon interrogation of the client, there is any recent
 118 history of infection; presence of obstruction noted during
 119 otoscopy that cannot otherwise be removed within the licensee's
 120 scope of practice; audiometric air-bone gap equal to or greater
 121 than 15 dB at 500 Hz, 1000 Hz, and 2000 Hz; or pain or
 122 discomfort in the ear. In such instances ~~or any observable~~
 123 ~~anomaly,~~ the client shall be instructed to see a physician, ~~and~~
 124 ~~a hearing aid shall not be fitted until medical clearance is~~
 125 ~~obtained for the condition noted. If~~ the client is 18 years of

126 age or older and refuses to see a physician, upon return, the
127 condition noted is no longer observable and the client must sign
128 signs a medical waiver, a hearing aid may be fitted. Any person
129 with a significant difference between bone conduction hearing
130 and air conduction hearing must be informed of the possibility
131 of medical or surgical correction.

132 (6) Unless otherwise indicated, each audiometric test
133 conducted by a licensee or a certified audiology assistant in
134 the fitting and selling of hearing aids shall be made in a
135 testing room that has been certified by the department, or by an
136 agent approved by the department, not to exceed the permissible
137 ambient noise levels for audiometric test environments according
138 to the American National Standard Specification for Audiometers,
139 ANSI/ASA S3.1-1999 (R2018), unless otherwise determined by the
140 board the following sound pressure levels at the specified
141 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,
142 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,
143 and 8000Hz-67dB. An exception to this requirement shall be made
144 in the case of a client who, after being provided written notice
145 of the benefits and advantages of having the test conducted in a
146 certified testing room, requests that the test be conducted in a
147 place other than the licensee's certified testing room. Such
148 request shall be documented by a waiver which includes the
149 written notice and is signed by the licensee and the client
150 before prior to the testing. The waiver shall be executed on a

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151 form provided by the department. The executed waiver shall be
152 attached to the client's copy of the contract, and a copy of the
153 executed waiver shall be retained in the licensee's file.

154 Section 4. Section 468.1265, Florida Statutes, is amended
155 to read:

156 468.1265 Sale or distribution of hearing aids through
157 mail; penalty.—It is unlawful for any person or entity that is
158 not licensed under part I of this chapter or chapter 458,
159 chapter 459, or part II of chapter 484 to sell or distribute
160 Class I, Class II, or Class III hearing aids as classified by
161 the United States Food and Drug Administration, with the
162 exception of self-fitting air-conduction hearing aids as defined
163 by the United States Food and Drug Administration under Title
164 21, chapter 1, part 874 of the Code of Federal Regulations,
165 through the mail to the ultimate consumer. Any person or entity
166 that ~~who~~ violates this section commits a misdemeanor of the
167 second degree, punishable as provided in s. 775.082 or s.
168 775.083.

169 Section 5. Subsections (4), (5), (6), (7), and (8) of
170 section 484.041, Florida Statutes, are renumbered as subsections
171 (6), (4), (8), (5), and (7), respectively, and subsection (3) of
172 that section is amended to read:

173 484.041 Definitions.—As used in this part, the term:

174 (3) "Dispensing hearing aids" means and includes:

175 (a) Conducting and interpreting hearing tests for purposes

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176 of selecting suitable hearing aids, making earmolds or ear
177 impressions, and providing appropriate counseling.

178 (b) Cerumen Management.

179 (c) Tympanometry.

180 ~~(d)-(b)~~ All acts pertaining to the selling, renting,
181 leasing, pricing, delivery, and warranty of hearing aids.

182 Section 6. Subsections (1), (2), and (4) of section
183 484.0501, Florida Statutes, are amended to read:

184 484.0501 Minimal procedures and equipment.—

185 (1) When a licensed hearing aid specialist fits and sells
186 a hearing aid, he or she shall use procedures within his or her
187 scope of practice to determine the degree and nature of auditory
188 function ~~The following minimal procedures shall be used in the~~
189 ~~fitting and selling of hearing aids:~~

190 ~~(a) Pure tone audiometric testing by air and bone to~~
191 ~~determine the type and degree of hearing deficiency.~~

192 ~~(b) Effective masking when indicated.~~

193 ~~(c) Appropriate testing to determine speech reception~~
194 ~~thresholds, speech discrimination scores, the most comfortable~~
195 ~~listening levels, uncomfortable loudness levels, and the~~
196 ~~selection of the best fitting arrangement for maximum hearing~~
197 ~~aid benefit.~~

198 (2) Appropriate equipment calibrated to meet the
199 specifications of the American National Standards Institute ~~The~~
200 ~~following equipment shall be used:~~

201 ~~(a) A wide range audiometer which meets the specifications~~
 202 ~~of the American National Standards Institute for diagnostic~~
 203 ~~audiometers.~~

204 ~~(b) A speech audiometer or a master hearing aid in order~~
 205 ~~to determine the most comfortable listening level and speech~~
 206 ~~discrimination.~~

207 (4) The following medical clearance shall be obtained: If,
 208 upon inspection of the ear canal with an otoscope in the common
 209 procedure of a hearing aid fitter and upon interrogation of the
 210 client, there is any recent history of infection or any
 211 observable anomaly, the client shall be instructed to see a
 212 physician. If the client is 18 years of age or older and refuses
 213 to see a physician, and a hearing aid shall not be fitted until
 214 medical clearance is obtained for the condition noted. If, upon
 215 return, the condition noted is no longer observable and the
 216 client must sign ~~signs~~ a medical waiver, ~~a hearing aid may be~~
 217 ~~fitted.~~ Any person with a significant difference between bone
 218 conduction hearing and air conduction hearing must be informed
 219 of the possibility of medical correction.

220 Section 7. Section 484.054, Florida Statutes, is amended
 221 to read:

222 484.054 Sale or distribution of hearing aids through mail;
 223 penalty.—It is unlawful for any person or entity that is not
 224 licensed under part II of this chapter or chapter 458, chapter
 225 459, or part I of chapter 468 to sell or distribute Class I,

226 Class II, or Class III hearing aids as classified by the United
 227 States Food and Drug Administration, with the exception of self-
 228 fitting air-conduction hearing aids as defined by the United
 229 States Food and Drug Administration under Title 21, chapter 1,
 230 part 874 of the Code of Federal Regulations, through the mail to
 231 the ultimate consumer. Any person or entity that violates
 232 ~~violation of~~ this section commits ~~constitutes~~ a misdemeanor of
 233 the second degree, punishable as provided in s. 775.082 or s.
 234 775.083.

235 Section 8. Paragraph (b) of subsection (4) of section
 236 1002.394, Florida Statutes, is amended to read:

237 1002.394 The Family Empowerment Scholarship Program.—

238 (4) AUTHORIZED USES OF PROGRAM FUNDS.—

239 (b) Program funds awarded to a student with a disability
 240 determined eligible pursuant to paragraph (3) (b) may be used for
 241 the following purposes:

242 1. Instructional materials, including digital devices,
 243 digital periphery devices, and assistive technology devices that
 244 allow a student to access instruction or instructional content
 245 and training on the use of and maintenance agreements for these
 246 devices.

247 2. Curriculum as defined in subsection (2).

248 3. Specialized services by approved providers or by a
 249 hospital in this state which are selected by the parent. These
 250 specialized services may include, but are not limited to:

- 251 a. Applied behavior analysis services as provided in ss.
 252 627.6686 and 641.31098.
- 253 b. Services provided by speech-language pathologists as
 254 defined in s. 468.1125 ~~s. 468.1125(8)~~.
- 255 c. Occupational therapy services as defined in s. 468.203.
- 256 d. Services provided by physical therapists as defined in
 257 s. 486.021(8).
- 258 e. Services provided by listening and spoken language
 259 specialists and an appropriate acoustical environment for a
 260 child who has a hearing impairment, including deafness, and who
 261 has received an implant or assistive hearing device.
- 262 4. Tuition or fees associated with full-time or part-time
 263 enrollment in a home education program, an eligible private
 264 school, an eligible postsecondary educational institution or a
 265 program offered by the postsecondary educational institution, a
 266 private tutoring program authorized under s. 1002.43, a virtual
 267 program offered by a department-approved private online provider
 268 that meets the provider qualifications specified in s.
 269 1002.45(2)(a), the Florida Virtual School as a private paying
 270 student, or an approved online course offered pursuant to s.
 271 1003.499 or s. 1004.0961.
- 272 5. Fees for nationally standardized, norm-referenced
 273 achievement tests, Advanced Placement Examinations, industry
 274 certification examinations, assessments related to postsecondary
 275 education, or other assessments.

276 6. Contributions to the Stanley G. Tate Florida Prepaid
 277 College Program pursuant to s. 1009.98 or the Florida College
 278 Savings Program pursuant to s. 1009.981 for the benefit of the
 279 eligible student.

280 7. Contracted services provided by a public school or
 281 school district, including classes. A student who receives
 282 services under a contract under this paragraph is not considered
 283 enrolled in a public school for eligibility purposes as
 284 specified in subsection (6).

285 8. Tuition and fees for part-time tutoring services
 286 provided by a person who holds a valid Florida educator's
 287 certificate pursuant to s. 1012.56, a person who holds an
 288 adjunct teaching certificate pursuant to s. 1012.57, a person
 289 who has a bachelor's degree or a graduate degree in the subject
 290 area in which instruction is given, a person who has
 291 demonstrated a mastery of subject area knowledge pursuant to s.
 292 1012.56(5), or a person certified by a nationally or
 293 internationally recognized research-based training program as
 294 approved by the department. As used in this paragraph, the term
 295 "part-time tutoring services" does not qualify as regular school
 296 attendance as defined in s. 1003.01(13)(e).

297 9. Fees for specialized summer education programs.

298 10. Fees for specialized after-school education programs.

299 11. Transition services provided by job coaches.

300 12. Fees for an annual evaluation of educational progress

301 by a state-certified teacher under s. 1002.41(1)(f), if this
302 option is chosen for a home education student.

303 13. Tuition and fees associated with programs offered by
304 Voluntary Prekindergarten Education Program providers approved
305 pursuant to s. 1002.55 and school readiness providers approved
306 pursuant to s. 1002.88.

307 14. Fees for services provided at a center that is a
308 member of the Professional Association of Therapeutic
309 Horsemanship International.

310 15. Fees for services provided by a therapist who is
311 certified by the Certification Board for Music Therapists or
312 credentialed by the Art Therapy Credentials Board, Inc.

313 Section 9. This act shall take effect July 1, 2022.