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**BUSINESS AND PROFESSIONS CODE - BPC**

**DIVISION 2. HEALING ARTS [500 - 4999.129]** ( *Division 2 enacted by Stats. 1937, Ch. 399.*  )

**CHAPTER 5.3. Speech-Language Pathologists, Audiologists, and Hearing Aid Dispensers [2530 - 2539.14]** ( *Heading of Chapter 5.3 amended by Stats. 2022, Ch. 415, Sec. 1.*  )

**ARTICLE 8. Hearing Aid Dispensers [2538.10 - 2538.57]** ( *Article 8 added by Stats. 2011, Ch. 449, Sec. 9.*  )

**2538.10.** For the purposes of this article, the following definitions shall apply:

- (a) "Advertise" and its variants include the use of a newspaper, magazine, or other publication, book, notice, circular, pamphlet, letter, handbill, poster, bill, sign, placard, card, label, tag, window display, store sign, radio, or television announcement, or any other means or methods now or hereafter employed to bring to the attention of the public the practice of fitting or selling of hearing aids.
- (b) "License" means a hearing aid dispenser license issued pursuant to this article and includes a temporary or trainee license.
- (c) "Licensee" means a person holding a license.
- (d) "Hearing aid" means any wearable instrument or device designed for, or offered for the purpose of, aiding or compensating for impaired human hearing.
- (e) "Fund" means the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Fund.

(Amended by Stats. 2024, Ch. 497, Sec. 10. (SB 1526) Effective January 1, 2025.)

**2538.11.** (a) "Practice of fitting or selling hearing aids," as used in this article, means those practices used for the purpose of selection and adaptation of hearing aids, including direct observation of the ear, testing of hearing in connection with the fitting and selling of hearing aids, taking of ear mold impressions, fitting or sale of hearing aids, and any necessary postfitting counseling.

The practice of fitting or selling hearing aids does not include the act of concluding the transaction by a retail clerk.

When any audiometer or other equipment is used in the practice of fitting or selling hearing aids, it shall be kept properly calibrated and in good working condition, and the calibration of the audiometer or other equipment shall be checked at least annually.

(b) A hearing aid dispenser shall not conduct diagnostic hearing tests when conducting tests in connection with the practice of fitting or selling hearing aids.

(c) Hearing tests conducted pursuant to this article shall include those that are in compliance with the Food and Drug Administration Guidelines for Hearing Aid Devices and those that are specifically covered in the licensing examination prepared and administered by the board.

(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)

**2538.12.** A licensee may conduct hearing screenings at a health fair or similar event by the application of a binary puretone screening at a preset intensity level for the purpose of identifying the need for further hearing or medical evaluation.

Upon the conclusion of each hearing screening, the licensee shall present to the person whose hearing was screened a written statement containing the following provisions:

"Results of a hearing screening are not a medical evaluation of your ear nor a diagnosis of a hearing disorder but are only the identification of the need for further medical or hearing evaluation."

A licensee conducting hearing screenings pursuant to this section shall not make or seek referrals for testing, fitting, or dispensing of hearing aids.

(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)

**2538.13.** In fitting hearing aids, a hearing aid dispenser shall not take facial measurements or fit, adjust, or adapt lenses or spectacle frames, except that a hearing aid dispenser may replace the temple or temples of a person's spectacle frames with a

temple or temples incorporating hearing aid components.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.14.** “Hearing aid dispenser,” as used in this article, means a person engaged in the practice of fitting or selling hearing aids to an individual with impaired hearing.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.15.** “Sell” or “sale” means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.16.** The board shall keep a record of all prosecutions for violations of this article and of all examinations held for applicants for licenses together with the names and addresses of all persons taking examinations and of their success or failure to pass them.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.17.** The board may recommend the preparation of and administration of a course of instruction concerned with the fitting and selection of hearing aids. The board may require applicants to first complete the required course of instruction or otherwise satisfy the board that the applicant possesses the necessary background and qualifications to fit or sell hearing aids. If the board promulgates regulations to implement this section to require a course of instruction concerned with fitting and selling hearing aids, the board shall obtain the advice of persons knowledgeable in the preparation and administration of a course of instruction.

The board may publish and distribute information concerning the examination requirements for obtaining a license to engage in the practice of fitting and selling hearing aids within this state.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.18.** All holders of licenses to sell or fit hearing aids shall continue their education after receiving the license. The board shall provide by regulation, as a condition to the renewal of a license, that licensees shall submit documentation satisfactory to the board that they have informed themselves of current practices related to the fitting of hearing aids by having pursued courses of study satisfactory to the board or by other means defined as equivalent by the board.

Continuing education courses shall be subject to monitoring to ensure compliance with the regulations adopted by the board pursuant to this section.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.20.** It is unlawful for an individual to engage in the practice of fitting or selling hearing aids, or to display a sign or in any other way to advertise or hold themselves out as being so engaged without having first obtained a license from the board under the provisions of this article. Nothing in this article shall prohibit a corporation, partnership, trust, association, or other like organization maintaining an established business address from engaging in the business of fitting or selling, or offering for sale, hearing aids at retail without a license, provided that any and all fitting or selling of hearing aids is conducted by the individuals who are licensed pursuant to the provisions of this article. A person whose license as a hearing aid dispenser has been suspended or revoked shall not be the proprietor of a business that engages in the practice of fitting or selling hearing aids nor shall that person be a partner, shareholder, member, or fiduciary in a partnership, corporation, association, or trust that maintains or operates that business, during the period of the suspension or revocation. This restriction shall not apply to stock ownership in a corporation that is listed on a stock exchange regulated by the Securities and Exchange Commission if the stock is acquired in a transaction conducted through that stock exchange.

*(Amended by Stats. 2023, Ch. 510, Sec. 8. (SB 887) Effective January 1, 2024.)*

**2538.21.** This article does not apply to a person engaged in the practice of fitting hearing aids if their practice is for a governmental agency, or private clinic, or is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public, charitable institution or other nonprofit organization, and who does not engage directly or indirectly in the sale or offering for sale of hearing aids.

*(Amended by Stats. 2023, Ch. 510, Sec. 9. (SB 887) Effective January 1, 2024.)*

**2538.22.** This article does not apply to nor affect any physician and surgeon licensed under Chapter 5 (commencing with Section 2000) of Division 2 who does not directly or indirectly engage in the sale or offering for sale of hearing aids, nor to any audiologist licensed under this chapter, or to an individual supervised by the audiologist in conducting fitting procedures, and who does not directly or indirectly engage in the sale or offering for sale of hearing aids.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.23.** (a) Hearing aids may be sold by catalog or direct mail provided that:

(1) The seller is licensed as a hearing aid dispenser in this state.

(2) There is no fitting, selection, or adaptation of the instrument and no advice is given with respect to fitting, selection, or adaptation of the instrument and no advice is given with respect to the taking of an ear impression for an earmold by the seller.

(3) The seller has received a statement which is signed by a physician and surgeon, audiologist, or a hearing aid dispenser, licensed by the State of California which verifies that Section 2538.36 and subdivision (b) of Section 2538.49 have been complied with.

(b) A copy of the statement referred to in paragraph (3) of subdivision (a) shall be retained by the seller for the period provided for in Section 2538.38.

(c) A licensed hearing aid dispenser who sells a hearing aid under this section shall not be required to comply with subdivision (b) of Section 2538.49.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.24.** Each person desiring to obtain a license to engage in the practice of fitting or selling hearing aids shall make application to the board. The application shall be made upon a form and shall be made in the manner as is provided by the board and shall be accompanied by the fee provided for in Section 2538.57.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.25.** (a) The board shall prepare, approve, grade, and conduct examinations of applicants for a hearing aid dispenser license. The board may provide that the preparation and grading of the examination be conducted by a competent person or organization other than the board, provided, however, that the board shall establish the guidelines for the examination and shall approve the actual examination.

(b) Each applicant shall take and pass a written examination and a practical examination compiled at the direction of the board covering the critical tasks involved in the practice of fitting and selling hearing aids and the knowledge, skills, and abilities needed to perform those tasks safely and competently.

*(Amended by Stats. 2024, Ch. 497, Sec. 11. (SB 1526) Effective January 1, 2025.)*

**2538.26.** The board shall issue a license to all applicants who have satisfied this chapter, who are at least 18 years of age, who possess a high school diploma or its equivalent, who have not committed acts or crimes constituting grounds for denial of licensure under Section 480, and who have paid the fees provided for in Section 2538.57. No license shall be issued to any person other than an individual.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.27.** (a) An applicant who has fulfilled the requirements of Section 2538.24 and has made application therefor, may have a temporary license issued to them upon satisfactory proof to the board that the applicant holds a hearing aid dispenser license in another state, that the licensee has not been subject to formal disciplinary action by another licensing authority, and that the applicant has been engaged in the fitting and sale of hearing aids for the two years immediately prior to application.

(b) A temporary license issued pursuant to this section shall be valid for one year from date of issuance and is not renewable. A temporary license shall automatically terminate upon issuance of a license prior to expiration of the one-year period.

(c) The holder of a temporary license issued pursuant to this section who fails either license examination shall be subject to and shall comply with the supervision requirements of Section 2538.28 and any regulations adopted pursuant thereto.

*(Amended by Stats. 2024, Ch. 497, Sec. 12. (SB 1526) Effective January 1, 2025.)*

**2538.28.** (a) An applicant who has fulfilled the requirements of Section 2538.24, and has made application therefor, and who proves to the satisfaction of the board that they will be supervised and trained by a hearing aid dispenser who is approved by the board may have a trainee license issued to them. The trainee license shall entitle the trainee licensee to fit or sell hearing aids as set forth in regulations of the board. The supervising dispenser shall be responsible for any acts or omissions committed by a trainee licensee under their supervision that may constitute a violation of this chapter.

(b) The board shall adopt regulations setting forth criteria for its refusal to approve a hearing aid dispenser to supervise a trainee licensee, including procedures to appeal that decision.

(c) A trainee license issued pursuant to this section is effective and valid for six months from date of issue. The board may renew the trainee license for an additional period of six months. Except as provided in subdivision (d), the board shall not issue more than two renewals of a trainee license to any applicant. Notwithstanding subdivision (d), if a trainee licensee who is entitled to renew a trainee license does not renew the trainee license and applies for a new trainee license at a later time, the new trainee license shall only be issued and renewed subject to the limitations set forth in this subdivision.

(d) A new trainee license may be issued pursuant to this section if a trainee license issued pursuant to subdivision (c) has lapsed for a minimum of three years from the expiration or cancellation date of the previous trainee license. The board may issue only one new trainee license under this subdivision.

*(Amended by Stats. 2023, Ch. 510, Sec. 11. (SB 887) Effective January 1, 2024.)*

**2538.29.** A trainee licensed under Section 2538.28 shall take the licensure examination within the first 12 months after the trainee license is issued. Failure to take the licensure examination within that time shall result in expiration of the trainee license, and it shall not be renewed unless the trainee licensee has first taken the licensure examination. The board, however, may in its discretion renew the trainee license if the licensee failed to take the licensure examination due to illness or other hardship.

*(Amended by Stats. 2017, Ch. 454, Sec. 11. (AB 1706) Effective January 1, 2018.)*

**2538.30.** (a) A temporary or trainee licensee shall not be the sole proprietor of, manage, or independently operate a business that engages in the fitting or sale of hearing aids.

(b) A temporary or trainee licensee shall not advertise or otherwise represent that they hold a license as a hearing aid dispenser.

*(Amended by Stats. 2023, Ch. 510, Sec. 12. (SB 887) Effective January 1, 2024.)*

**2538.31.** Practical examinations shall be held by the board at least twice a year. The time and place of any practical examination shall be fixed by the board at least 45 days prior to the date it is to be held.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.32.** Every applicant who obtains a passing score determined by the Angoff criterion-referenced method of establishing the point in each examination shall be deemed to have passed that examination. An applicant shall pass the written examination before they may take the practical examination. An applicant shall obtain a passing score on both the written and the practical examination in order to be issued a license.

*(Amended by Stats. 2023, Ch. 510, Sec. 13. (SB 887) Effective January 1, 2024.)*

**2538.33.** (a) Before engaging in the practice of fitting or selling hearing aids, each licensee shall notify the board in writing of the address or addresses where they are to engage, or intend to engage, in the practice of fitting or selling hearing aids, and of any changes in their place of business within 30 days of engaging in that practice.

(b) If a street address is not the address at which the licensee receives mail, the licensee shall also notify the board in writing of the mailing address for each location where the licensee is to engage, or intends to engage, in the practice of fitting or selling hearing aids, and of any change in the mailing address of their place or places of business.

*(Amended by Stats. 2023, Ch. 510, Sec. 14. (SB 887) Effective January 1, 2024.)*

**2538.34.** (a) Every licensee who engages in the practice of fitting or selling hearing aids shall have and maintain an established retail business address to engage in that fitting or selling, routinely open for service to customers or clients. The address of the licensee's place of business shall be registered with the board as provided in Section 2538.33.

(b) Except as provided in subdivision (c), if a licensee maintains more than one place of business within this state, they shall apply for and procure a duplicate license for each branch office maintained. The application shall state the name of the person and the location of the place or places of business for which the duplicate license is desired.

(c) A hearing aid dispenser may, without obtaining a duplicate license for a branch office, engage on a temporary basis in the practice of fitting or selling hearing aids at the primary or branch location of another licensee's business or at a location or facility that they may use on a temporary basis, provided that the hearing aid dispenser notifies the board in advance in writing of the dates and addresses of those businesses, locations, or facilities at which they will engage in the practice of fitting or selling hearing aids.

*(Amended by Stats. 2023, Ch. 510, Sec. 15. (SB 887) Effective January 1, 2024.)*

**2538.35.** (a) To the extent not inconsistent with federal law, a licensee shall, before the consummation of a sale of a hearing aid that uses proprietary programming software or locked, nonproprietary programming software, provide the purchaser with a written notice in 12-point type or larger that states the following: "The hearing aid being purchased uses proprietary or locked programming

software and can only be serviced or programmed at specific facilities or locations." The written notice shall be signed by the purchaser before the sale. The licensee shall keep and maintain a copy of the notice in accordance with Section 2538.38.

(1) For purposes of this subdivision, the following definitions apply:

(A) "Proprietary programming software" means software used to program hearing aids that is supplied by a hearing aid distributor or manufacturer for the exclusive use by affiliated providers. This software is locked and inaccessible to nonaffiliated providers.

(B) "Locked, nonproprietary programming software" means software that any provider can render inaccessible to other hearing aid programmers.

(b) A licensee shall, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, signed by or on behalf of the licensee, containing all of the following:

(1) The date of consummation of the sale.

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

(3) The address of the principal place of business of the licensee, and the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.

(4) 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.

(5) The number of the licensee's license and the name and license number of any other hearing aid dispenser, temporary licensee, or trainee licensee, who provided any recommendation or consultation regarding the purchase of the hearing aid.

(6) The terms of any guarantee or written warranty, required by Section 1793.02 of the Civil Code, made to the purchaser with respect to the hearing aid or hearing aids.

*(Amended by Stats. 2021, Ch. 266, Sec. 1. (AB 435) Effective January 1, 2022.)*

**2538.36.** (a) Whenever any of the following conditions are found to exist, either from observations by the licensee or based on information furnished by the prospective hearing aid user, a licensee shall, before fitting or selling a hearing aid to any individual, suggest to that individual in writing that it would be in the individual's best interest to consult with a licensed physician and surgeon specializing in diseases of the ear, or, if none are available in the community, then to any duly licensed physician and surgeon:

(1) Visible congenital or traumatic deformity of the ear.

(2) History of, or active drainage from the ear within the previous 90 days.

(3) History of sudden or rapidly progressive hearing loss within the previous 90 days.

(4) Acute or chronic dizziness.

(5) Unilateral hearing loss of sudden or recent onset within the previous 90 days.

(6) Significant air-bone gap when generally acceptable standards have been established.

(7) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.

(8) Pain or discomfort in the ear.

(b) No referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid that has been lost or damaged beyond repair within one year of the date of purchase. A copy of the written recommendation shall be retained by the licensee for the period provided for in Section 2538.38. A person receiving the written recommendation who elects to purchase a hearing aid shall sign a receipt, and the receipt shall be kept with other documents retained by the licensee for the period provided for in Section 2538.38. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited by the provisions of this code.

*(Amended by Stats. 2023, Ch. 510, Sec. 16. (SB 887) Effective January 1, 2024.)*

**2538.37.** No hearing aid shall be sold by an individual licensed under this chapter, to a person 16 years of age or younger, unless within the preceding six months a recommendation for a hearing aid has been made by both a board-certified, or a board-eligible

physician specializing in otolaryngology, and by a state licensed audiologist. A replacement of an identical hearing aid within one year shall be an exception to this requirement.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.38.** A licensee shall, upon the consummation of a sale of a hearing aid, keep and maintain records in the licensee's office or place of business at all times and each record shall be kept and maintained for a seven-year period. All records related to the sale and fitting of hearing aids shall be open to inspection by the board or its authorized representatives upon reasonable notice. The records kept shall include:

- (a) Results of test techniques as they pertain to fitting of the hearing aid.
- (b) A copy of the written notice and the written receipt required by Section 2538.35 and the written recommendation and receipt required by Section 2538.36 when applicable.
- (c) Records of maintenance or calibration of equipment used in the practice of fitting or selling hearing aids.

*(Amended by Stats. 2021, Ch. 266, Sec. 2. (AB 435) Effective January 1, 2022.)*

**2538.39.** A hearing aid dispenser who is the owner, manager, or franchisee at a location where hearing aids are fit or sold, shall be responsible for the adequacy of the fitting or selling of any hearing aid fit and sold by any licensee or licensees at that location.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.40.** (a) Upon denial of an application for license, the board shall notify the applicant in writing of the following:

- (1) The reason for the denial.
- (2) That the applicant has a right to a hearing under Section 2533.2 if they make a written request within 60 days after notice of denial.

(b) Service of the notice required by this section may be made by certified mail addressed to the applicant at the latest address filed by the applicant in writing with the board in their application or otherwise.

*(Amended by Stats. 2023, Ch. 510, Sec. 17. (SB 887) Effective January 1, 2024.)*

**2538.41.** Before setting aside the revocation or suspension of any license or modifying the probation of any licensee, the board may require the petitioner to pass the regular examination given for applicants for licenses.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.42.** Any person who violates any of the provisions of this article is guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than 10 days nor more than one year, or by a fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.43.** It is unlawful to sell or barter, or offer to sell or barter, any license issued by the board.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.44.** It is unlawful to purchase or procure by barter any license issued by the board with intent to use the same as evidence of the holder's qualification to practice the fitting or selling of hearing aids.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.45.** It is unlawful to alter with fraudulent intent in any material regard a license issued by the board.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.46.** It is unlawful to use or attempt to use any license issued by the board that has been purchased, fraudulently issued, counterfeited, or materially altered as a valid license.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.47.** It is unlawful to willfully make any false statement in a material regard in an application for an examination before the board for a license.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.48.** It is unlawful to engage in the practice of fitting or selling hearing aids in this state without having at the time of so doing a valid, unrevoked, and unexpired license or temporary license.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.49.** It is unlawful for a licensed hearing aid dispenser to fit or sell a hearing aid unless they first do all of the following:

- (a) Comply with all provisions of state laws and regulations relating to the fitting or selling of hearing aids.
- (b) Conduct a direct observation of the purchaser's ear canals.
- (c) Inform the purchaser of the address and office hours at which the licensee shall be available for fitting or postfitting adjustments and servicing of the hearing aid or aids sold.

*(Amended by Stats. 2023, Ch. 510, Sec. 18. (SB 887) Effective January 1, 2024.)*

**2538.50.** It is unlawful to advertise by displaying a sign or otherwise or hold themselves out to be a person engaged in the practice of fitting or selling hearing aids without having at the time of so doing a valid, unrevoked license or temporary license.

*(Amended by Stats. 2023, Ch. 510, Sec. 19. (SB 887) Effective January 1, 2024.)*

**2538.51.** It is unlawful to engage in the practice of fitting or selling hearing aids without the licensee having and maintaining an established business address, routinely open for service to their clients.

*(Amended by Stats. 2023, Ch. 510, Sec. 20. (SB 887) Effective January 1, 2024.)*

**2538.52.** When tests are conducted by persons licensed under this article in connection with the fitting and selling of hearing aids, the provisions of this article shall apply.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.53.** (a) A license issued under this article expires at midnight on its assigned renewal date.

(b) To renew an unexpired license, the licensee shall, on or before the date of expiration of the license, apply for renewal on a form provided by the board, accompanied by the prescribed renewal fee.

(c) Temporary license holders shall renew their licenses in accordance with Section 2538.27, and apply for that renewal on a form provided by the board, accompanied by the prescribed renewal fee for temporary licenses.

(d) Each duplicate license issued for a branch office shall expire on the same date as the permanent license of the hearing aid dispenser to whom the duplicate license was issued. These duplicate licenses shall be renewed according to subdivision (b).

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.54.** Except as otherwise provided in this article, an expired license may be renewed at any time within three years after its expiration on filing of an application for renewal on a form prescribed by the board, and payment of all accrued and unpaid renewal fees. If the license is renewed after its expiration the licensee, as a condition precedent to renewal, shall also pay the delinquency fee prescribed by this article. Renewal under this section shall be effective on the date on which the application is filed, on the date on which the renewal fee is paid, or on the date on which the delinquency fee, if any, is paid, whichever last occurs. If so renewed, the license shall continue in effect through the date provided in Section 2538.53 which next occurs after the effective date of the renewal, when it shall expire if it is not again renewed.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.55.** A license which has been suspended is subject to expiration and shall be renewed as provided in this article but such renewal does not entitle the holder of the license, while it remains suspended and until it is reinstated, to engage in the fitting or selling of hearing aids, or in any other activity or conduct in violation of the order or judgment by which the license was suspended. A license which has been revoked is subject to expiration, but it may not be renewed. If it is reinstated after its expiration, the licensee, as a condition precedent to its reinstatement, shall pay a reinstatement fee in an amount equal to the renewal fee in effect on the last regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*

**2538.56.** A license that is not renewed within three years after its expiration may not be renewed, restored, reissued, or reinstated thereafter, but the holder of the expired license may apply for and obtain a new license if all of the following apply:



(a) They have not committed acts or crimes constituting grounds for denial of licensure under Section 480.

(b) They pay all of the fees that would be required if they were applying for a license for the first time.

(c) They take and pass the examination that would be required if they were applying for a license for the first time, or otherwise establish to the satisfaction of the board that they are qualified to engage in the practice of fitting or selling hearing aids. The board may, by regulation, provide for the waiver or refund of all or any part of the application fee in those cases in which a license is issued without an examination under this section.

*(Amended by Stats. 2023, Ch. 510, Sec. 21. (SB 887) Effective January 1, 2024.)*

**2538.57.** The amount of fees and penalties prescribed by this article shall be those set forth in this section unless a lower fee is fixed by the board:

(a) The fee for applicants applying for the first time for a license is seventy-five dollars (\$75), which shall not be refunded, except to applicants who are found to be ineligible to take an examination for a license. Those applicants are entitled to a refund of fifty dollars (\$50).

(b) The fees for taking or retaking the written and practical examinations shall be amounts fixed by the board, which shall be equal to the actual cost of preparing, grading, analyzing, and administering the examinations.

(c) The initial temporary license fee is one hundred dollars (\$100). The fee for renewal of a temporary license is one hundred dollars (\$100) for each renewal.

(d) The initial permanent license fee is two hundred eighty dollars (\$280). The fee for renewal of a permanent license is not more than two hundred eighty dollars (\$280) for each renewal.

(e) The initial branch office license fee is twenty-five dollars (\$25). The fee for renewal of a branch office license is twenty-five dollars (\$25) for each renewal.

(f) The delinquency fee is twenty-five dollars (\$25).

(g) The fee for issuance of a replacement license is twenty-five dollars (\$25).

(h) The continuing education course approval application fee is fifty dollars (\$50).

(i) The fee for official certification of licensure is fifteen dollars (\$15).

*(Added by Stats. 2011, Ch. 449, Sec. 9. (SB 933) Effective January 1, 2012.)*