



**INDEPENDENT REGULATORY REVIEW COMMISSION  
COMMONWEALTH OF PENNSYLVANIA  
333 MARKET STREET  
14TH FLOOR  
HARRISBURG, PA 17101**

**(717) 783-5417  
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December 4, 2003

Honorable Calvin B. Johnson, M.D., M.P.H., Secretary  
Department of Health  
802 Health and Welfare Building  
Harrisburg, PA 17108

Re: Regulation #10-165 (IRRC #2278)  
Department of Health  
Hearing Aid Sales and Registration

Dear Secretary Johnson:

The Independent Regulatory Review Commission approved the subject regulation today. Our Order is enclosed and will be available on our website at [www.irc.state.pa.us](http://www.irc.state.pa.us).

We appreciate the joint effort that went into producing a regulation that meets the criteria and intent of the Regulatory Review Act.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alvin C. Bush".

Alvin C. Bush  
Vice Chairman

evp  
Enclosure

cc: Honorable George T. Kenney, Jr., Majority Chairman, House Health and Human Services Committee  
Honorable Frank L. Oliver, Democratic Chairman, House Health and Human Services Committee  
Honorable Harold F. Mowery, Jr., Chairman, Senate Public Health and Welfare Committee  
Honorable Vincent J. Hughes, Minority Chairman, Senate Public Health and Welfare Committee

**INDEPENDENT REGULATORY REVIEW COMMISSION  
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held December 4, 2003

John R. McGinley, Jr., Esq., Chairman, by Phone  
Alvin C. Bush, Vice Chairman  
Daniel F. Clark, Esq.  
Arthur Coccodrilli  
Murray Ufberg, Esq.

Regulation No.10-165  
Department of Health  
Hearing Aid Sales and Registration

On June 24, 2002, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Health. This rulemaking amends 28 Pa. Code Chapter 25. The proposed regulation was published in the July 6, 2002 *Pennsylvania Bulletin* with a 30-day public comment period. A final-form version of the regulation was submitted on June 30, 2003. However, this version was withdrawn prior to action on August 13, 2003. A revised final-form regulation was submitted to the Commission on October 22, 2003.


This final-form regulation amends the requirements for hearing aid fitters and dealers and for the sale of hearing aids, based on Act 153 of 1998. These changes include: increased registration fees; requirements for continuing education; and the requirement to provide written disclosure agreements and money-back guarantees.

We have determined this regulation is consistent with the statutory authority of the Department of Health (35 P.S. § 6700-205) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

**BY ORDER OF THE COMMISSION:**

This regulation is approved.



  
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Alvin C. Bush, Vice Chairman