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**IDAPA 24
TITLE 06
CHAPTER 01**

24.06.01 - RULES OF THE BOARD OF HEARING AID DEALERS AND FITTERS

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Board of Hearing Aid Dealers and Fitters by the provisions of Section 54-2914, Idaho Code. (7-1-93)

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.06.01, "Rules of the Board of Hearing Aid Dealers and Fitters". (7-1-93)

002. WRITTEN INTERPRETATIONS (RULE 2).

The board may have written statements that pertain to the interpretation of the rules of this chapter. Such interpretations, if any, are available for public inspection and copying at cost in the main office of the Bureau of Occupational Licenses. (3-20-04)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative Appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-20-04)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (3-20-04)

005. ADDRESS OF IDAHO BOARD OF HEARING AID DEALERS AND FITTERS (RULE 5).

The office of the Board of Hearing Aid Dealers and Fitters is located within the Bureau of Occupational Licenses, Owyhee Plaza, 1109 Main Street, Suite 220, Boise, Idaho 83702-5642. The phone number of the Board is (208) 334-3233. The Board's FAX number is (208) 334-3945. The Board's e-mail address is had@ibol.state.id.us. The Board's official web site is at <https://www.ibol.idaho.gov/had.htm>. (3-24-05)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Board of Hearing Aid Dealers and Fitters are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code. (3-20-04)

007. -- 009. (RESERVED).

010. DEFINITIONS (RULE 10).

01. Board. The Board of Hearing Aid Dealers and Fitters as prescribed in Section 54-2901, Idaho Code. (7-1-93)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-2914 and 67-2602, Idaho Code. (3-20-04)

011. -- 099. (RESERVED).

100. REGISTRATION STATEMENT (RULE 100).

Each organization as referred to in Section 54-2902, Idaho Code, shall file with the board the required statement and list of dealers and fitters at the time of annual renewal. Failure to do so is in violation of Section 54-2913(i), Idaho Code. (7-1-98)

101. -- 149. (RESERVED).

150. FEES (RULE 150).

01. Original License Fee. The original license fee is two hundred fifty dollars (\$250) to be

accompanied by the completed application. (Also includes examination when required.) (3-20-04)

02. Examination Fee. Examination fee is two hundred fifty dollars (\$250). (3-20-04)

03. Reexamination Fee. Reexamination fee is two hundred fifty dollars (\$250). (3-20-04)

04. Temporary Permit. Temporary permit fee is two hundred fifty dollars (\$250). (3-20-04)

05. Temporary Permit Reissue Fee. Temporary permit reissue fee is two hundred fifty dollars (\$250). (3-20-04)

06. Annual Renewal Fee. Annual renewal fee is two hundred fifty dollars (\$250). (3-24-05)

07. Reciprocity Fee. Reciprocity fee is two hundred fifty dollars (\$250). (3-20-04)

151. -- 199. (RESERVED).

200. EXAMINATION AND RE-EXAMINATION (RULE 200).

01. Dates and Locations of Exams. Examinations shall be held in Boise, Idaho on the second Friday of May and November of each year providing there is one (1) or more applicants to be tested. The board may deviate from date of this scheduled examination upon giving sixty (60) days notice to all applicants for licensure. Applications must be submitted at least sixty (60) days prior to the date of the examination to be taken. (7-1-93)

02. Content of Exam. The examination consists of a National written examination and a National practical performance examination and an Idaho law and rule examination. A minimum score of seventy percent (70%) must be obtained on each examination. A score of seventy percent (70%) must be obtained in each major section of the practical examination. (3-24-05)

03. Failure of Exam. Where an applicant fails to obtain a satisfactory score in either the written examination or a section of the practical examination, he shall be required to retake only the portion of the examination failed to qualify for licensure; if he again fails the examination he shall be required to retake the entire examination to qualify for licensure. (7-1-93)

04. Reexamination. An applicant for reexamination who is required to take the entire examination under Subsection 200.03 above and fails to obtain a satisfactory score in either the written or practical portion of the examination shall be required to retake only the portion of the examination failed to qualify for licensure. Should the applicant fail the examination for a third time and every subsequent failure thereafter, the applicant must wait one (1) year and shall be required to successfully complete no less than eight (8) hours of continuing education before being eligible to retake the entire examination to qualify for licensure. (3-24-05)

201. -- 249. (RESERVED).

250. LICENSE EXPIRATION (RULE 250).

01. Original Licenses. All original licenses shall expire on the anniversary of the licensee's birth date in the year following the year of issue. (3-20-04)

02. Term of License. All license renewals shall be for a period of twelve (12) months in accordance with Section 67-2614, Idaho Code. (3-20-04)

251. -- 299. (RESERVED).

300. CONTINUING EDUCATION REQUIREMENTS (RULE 300).

01. Number of Hours Required. Eight contact (8 CEU's) hours of Continuing Education is required annually for license renewal. Verification of minimum of eight (8) hours of continuing education during the twelve

(12) months prior to license renewal shall be sent with the annual license renewal fee. (7-1-93)

02. Classes/Workshops Accepted. Only classes and/or workshops approved for continuing education credits by National Institute for Hearing Instruments Studies (NIHIS) or American Speech-Language-Hearing Association (ASHA) will be accepted. (7-1-93)

03. Documentation. Licensees shall maintain documentation verifying CE attendance and curriculum for a period of three (3) years. This documentation will be subject to audit by the board. (3-20-04)

04. Initial Compliance. Licensees shall not be required to meet the continuing education requirement during the first year in which they become licensed. (3-20-04)

05. Equivalence. One (1) continuing education hour shall equal one (1) clock hour. (3-20-04)

301. -- 349. (RESERVED).

350. TEMPORARY PERMIT (RULE 350).

01. Adequate Personal Contact - Requirements. (7-1-93)

a. The supervisor and temporary permit holder must make contact in person each work day reviewing training assignments, reviewing hearing aid fittings and making assignments as deemed advisable by the supervisor for a minimum of sixty (60) contacts that must be completed within the first six (6) months of training. (7-1-93)

b. Contact in person described in Subsection 350.01.a., must be made no less than once in each calendar week throughout the entire period of the temporary permit. (7-1-93)

c. In the event a permit holder fails the licensing examination two (2) consecutive times, and is eligible to maintain a permit, the supervisor and temporary permit holder must reinstate contact in person each work day as set forth in Subsection 350.01.a. (7-1-93)

d. All client and supervisor contacts shall be recorded in the temporary permit holder's quarterly report. (7-1-93)

02. Supervisor - Responsibilities - Restrictions. (7-1-93)

a. The supervisor shall be familiar with Section 54-2908, Idaho Code. (7-1-93)

b. The supervisor shall be responsible for all hearing aid fittings made by and the ethical conduct of, every temporary permit holder he supervises. (7-1-93)

c. A supervisor may not supervise more than one (1) temporary permit holder at a time. (7-1-93)

d. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation and the temporary permit holder shall be required to work from that base also. (7-1-93)

e. The supervisor shall provide the permit holder with adequate training and client contact necessary to prepare for the licensing examination. (7-1-93)

f. The supervisor shall record with the board a plan of training that encompasses all ten sections covered in the license examination and enumerated in Section 54-2909, Idaho Code. The plan must be accepted and approved by the Board or its agent prior to issuance of the temporary permit. The supervisor shall document, by the quarterly report, the permit holder's progress. (7-1-93)

g. A supervisor may terminate his supervision of a temporary permit holder by a written notice to the Bureau of Occupational Licenses and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (7-1-93)

03. Application - Quarterly Reports. (7-1-93)

a. Application for temporary permit shall include completed application, examination fee, permit fee, supervisor statement and plan of training. (7-1-93)

b. A temporary permit shall not be valid unless an unrevoked statement accepting supervisory responsibility by a qualified Hearing Aid Dealers and Fitters is on file with the Bureau of Occupational Licenses. Upon termination of supervision, a new permit may be applied for in accordance with Section 54-2908 (b), Idaho Code, provided that the expiration date of the new permit is adjusted to not exceed the date of the third licensure examination following the original application. (7-1-93)

c. Eighteen (18) months is the maximum time allowed for any combination of new or renewed temporary permits. (7-1-93)

d. Every temporary permit holder must submit a quarterly report of his activities on forms furnished by the Bureau of Occupational Licenses together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. All sales or fittings made by the permit holder will be indicated on the quarterly report forms supplied by the Bureau of Occupational Licenses. Supplemental attachments to be submitted with this form include: (7-1-93)

i. Log of client and supervisor contacts as specified in Subsection 350.01.d. above. (7-1-93)

ii. Supervisor's statement of completion of training assignments by permit holder as specified in Subsection 350.02.f. above. (7-1-93)

iii. Copy of test results for all persons tested by the permit holder whether or not a sale occurred. (7-1-93)

iv. Copy of hearing aid order for all fittings including specifications of instruments ordered. (7-1-93)

e. Quarterly reports are due on or before April 10th, July 10th, October 10th and January 10th for the three (3) months preceding the month due. If the permit has not been in effect for the entire quarter, the report is due for that portion of the quarter in which the permit was in effect. If quarterly reports are not received by the specified due date, the temporary permit will be revoked. A new permit may be applied for in accordance with Subsection 350.03.a. above provided that expiration of the permit is adjusted to comply with Section 54-2908, Idaho Code. (7-1-93)

04. Exemptions. (7-1-93)

a. A permit holder who possesses the Certificate of Clinical Competence in Audiology from American Speech-Language-Hearing Association (ASHA) or who is board Certified by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) shall be exempt from Subsections 350.01.a., 350.02.d., and 350.02.f. above from the date of issuance of the permit until the date of the next offered licensing examination. (7-1-93)

b. Failure of the licensing examination or failure to take the next offered licensing examination rescinds this exemption. (7-1-93)

351. -- 399. (RESERVED).

400. RECIPROCITY (RULE 400).

Reciprocity shall be restricted to states with a written agreement in effect and on file with the Bureau of Occupational Licenses as authorized by the Board. (7-1-93)

401. -- 449. (RESERVED).

450. TESTING (RULE 450).

01. Purpose of Rule. The purpose of this rule is to define, “tests utilizing appropriate procedures,” as used in Section 54-2912(b)(5), Idaho Code. This rule is intended to be consistent with and to compliment FDA Rule 801.420 as it refers to hearing aid evaluations. This rule to be effective on and after July 1, 1979. (7-1-93)

02. Pre-Fitting Testing. All prospective hearing aid consumers must be given calibrated pure tone air and bone tests with masking when applicable. Speech tests must be given by appropriate equipment calibrated to current H.T.L. reference levels. (7-1-93)

03. Sound Field Testing. Before the prospective consumer purchases a hearing aid or within six (6) weeks afterward, the licensed hearing aid dealer and fitter must conduct the testing necessary to document that the fitted instrument meets industry standards and provides benefit to the consumer. This testing shall be accomplished using appropriate sound field testing so as to ensure repeatability. Verification of benefit may be accomplished using any one (1) of the following tests: (3-20-04)

- a. Soundfield testing for speech discrimination in both the aided and unaided conditions; (3-20-04)
- b. Soundfield testing using warble tones or narrowband noise to evaluate functional gain; or (3-20-04)
- c. “Real ear” probe microphone measurements. (3-20-04)

04. Records. A copy of all test data shall be kept on file by the hearing aid dealer and fitter for two (2) years after sale. (7-1-93)

05. Exemptions. The testing requirements contained in Subsections 450.02 and 450.03 of this rule shall not apply to those consumers who are not capable of responding to acceptable audiological pure tone tests. Examples of these types of consumers are: (7-1-93)

- a. A child of tender years; (7-1-93)
- b. The developmentally disabled; and (7-1-93)
- c. The legally incompetent by a court order. (7-1-93)

451. -- 499. (RESERVED).

500. WRITTEN CONTRACTS (RULE 500).

01. Consumer Cancellation. Should the consumer cancel the purchase, a maximum retention fee of no greater than twenty-five (25%) percent of the total purchase price of the hearing instrument and fitting expenses is nonrefundable. (7-1-97)

02. Dealer Cancellation. In the event that any hearing aid dealer and fitter cancels, nullifies, or otherwise, of his own volition, refuses to honor any written contract, for any reason other than consumer cancellation as set forth in Subsection 500.01 above, that hearing aid dealer and fitter shall promptly refund any and all moneys paid for the purchase of the hearing aid, including any monies designated by the contract as nonrefundable in the event that the consumer had cancelled the purchase. (7-1-97)

501. -- 549. (RESERVED).

550. BOND (RULE 550).

The board may set bond equal to two (2) times the sum of the estimated reasonable costs, investigative expenses, attorney’s fees and consumer restitution coincident to the violations allowing the bond to be invoked. (7-1-93)

551. DISCIPLINE (RULE 551).

01. Civil Fine. The Board may impose a civil fine not to exceed one thousand dollars (\$1,000) upon a licensed hearing aid dealer and fitter for each violation of Section 54-2912(b), Idaho Code. (3-18-99)

02. Costs and Fees. The Board may order a licensed hearing aid dealer and fitter to pay the costs and fees incurred by the Board in the investigation or prosecution of the licensee for violation of Section 54-2912(b), Idaho Code. (3-18-99)

552. -- 599. (RESERVED).

600. ADOPTION AND EFFECTIVE DATE OF RULES (RULE 600).

All previous rules of this board are hereby repealed and these rules approved by the Board on December 29, 1978 shall become effective on this date. Amendments adopted August 21, 1981 shall become effective September 15, 1981. Amendment adopted February 1, 1985 shall become effective February 20, 1985. Emergency rule effective June 2, 1987. Amendments and all rules readopted August 10, 1987, effective August 31, 1987. Amendments adopted May 25, 1989 shall become effective June 14, 1989. Amendments and all rules readopted July 31, 1992, effective August 20, 1992. (7-1-93)

601. -- 999. (RESERVED).

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