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**IDAPA 24
TITLE 23
CHAPTER 01**

24.23.01 - RULES OF THE SPEECH AND HEARING SERVICES LICENSURE BOARD

000. LEGAL AUTHORITY (RULE 0).

These rules are hereby prescribed and established pursuant to the authority vested in the Speech and Hearing Services Licensure Board by the provisions of Section 54-2910, Idaho Code. (3-30-06)

001. TITLE AND SCOPE (RULE 1).

These rules shall be cited as IDAPA 24.23.01, "Rules of the Speech and Hearing Services Licensure Board." (3-30-06)

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. (3-30-06)

003. ADMINISTRATIVE APPEALS (RULE 3).

Administrative Appeals shall be governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. (3-30-06)

004. INCORPORATION BY REFERENCE (RULE 4).

These rules do not incorporate by reference any document other than those sections of Idaho Code so referenced. (3-30-06)

005. ADDRESS OF IDAHO SPEECH AND HEARING SERVICES LICENSURE BOARD (RULE 5).

The office of the Idaho Speech and Hearing Services Licensure Board is located within the Bureau of Occupational Licenses, 700 W. State Street, Boise, Idaho 83702. The Bureau is open between the hours of 8:00 a.m. and 5:00 p.m. each day except Saturdays, Sundays and holidays. The telephone number of the Board is (208) 334-3233. The Board's fax number is (208) 334-3945. The Board's e-mail address is shs@ibol.idaho.gov. The Board's official website is <http://www.ibol.idaho.gov>. (3-29-10)

006. PUBLIC RECORDS (RULE 6).

The records associated with the Speech and Hearing Services Licensure Board are subject to the provisions of the Idaho Public Records Act, Title 74, Chapter 1, Idaho Code. (3-30-06)

007. -- 009. (RESERVED)

010. DEFINITIONS (RULE 10).

01. Board. The Speech and Hearing Services Licensure Board as prescribed in Section 54-2908, Idaho Code. (3-30-06)

02. Bureau. The Bureau of Occupational Licenses as prescribed in Sections 54-2903 and 67-2602, Idaho Code. (3-30-06)

011. -- 099. (RESERVED)

100. ORGANIZATION (RULE 100).

01. Meetings. The Board shall meet not less than twice annually and at other such times and places as designated by the Board or the Chairman of the Board. Special meetings may be held at the call of the Chairman, and all members shall be notified. (3-30-06)

a. All meetings shall be held in accordance with the Idaho Open Meeting Law, Sections 67-2340 through 67-2347, Idaho Code. (3-30-06)

b. Four (4) members of the Board shall constitute a quorum, provided at least one (1) board member of the relevant profession is present when any board action is taken that affects the profession, its licensees, or applicants. The Board may act by virtue of a majority vote of members present in which a quorum is present. The Chairman may vote only in the event of a tie vote. (7-17-14)

02. Organization of the Board. At the first meeting of each fiscal year, the Board shall elect from its members a Chairman, who shall assume the duty of the office immediately upon such selection. (3-30-06)

a. The Chairman shall when present, preside at all meetings, appoint with the consent of the Board, all committees, and shall otherwise perform all duties pertaining to the office of Chairman. The Chairman shall be an ex-officio member of all committees. (3-30-06)

b. The Chief of the Bureau shall act as an agent of the Board and shall be the official keeper of all records of the Board. The Bureau shall provide such services as may be authorized by Chapter 26, Title 67, Idaho Code, and as defined under contract between the Bureau and the Board. (3-30-06)

101. -- 149. (RESERVED)

150. APPLICATION (RULE 150).

Each applicant for a license shall submit a complete application on application forms approved by the Board together with the required fee(s). The applicant must provide or facilitate the provision of any supplemental third party documents that may be required. The Board will review only those applications deemed complete. (3-30-06)

151. -- 174. (RESERVED)

175. FEES (RULE 175).

Applications should not be filed unless the applicant can meet all requirements. (3-30-06)

01. Application Fee. Application Fee - Thirty dollars (\$30). (3-30-06)

02. Original License Fee. The original license fee is one hundred dollars (\$100) to be accompanied by the completed application. (3-30-06)

03. Examination/Reexamination Fee. Examination fee shall be that charged by the examination provider plus an administration fee of fifty dollars (\$50) when the examination is administered by the Board. (3-30-06)

04. Provisional Permit. Provisional permit fee is one hundred dollars (\$100). (3-30-06)

05. Annual Renewal Fee. Annual renewal fee is one hundred twenty-five dollars (\$125). (3-29-10)

06. Annual Renewal Fee for Inactive License. Annual renewal fee is sixty-five dollars (\$65). (3-27-13)

07. Refund of Fees. No refund of fees shall be made to any person who has paid such fees for application or reinstatement of a license or examination fees for unexcused applicants. (3-29-10)

176. -- 199. (RESERVED)

200. RENEWAL OF LICENSE (RULE 200).

01. Expiration Date. All licenses expire and must be renewed annually on forms approved by the Board on the birth date of an individual licensee in accordance with Section 67-2614, Idaho Code. Licenses not so renewed will be cancelled in accordance with Section 67-2614, Idaho Code. (3-30-06)

02. Reinstatement. Any license cancelled for failure to renew may be reinstated in accordance with

Section 67-2614, Idaho Code, and the applicant must submit proof of having obtained the required continuing education in the twelve (12) months prior to reinstatement. (3-29-10)

201. -- 204. (RESERVED)

205. INACTIVE STATUS (RULE 205).

01. Request for Inactive Status. Each person requesting an inactive status during the renewal of their active license must submit a written request and pay the established fee. (3-27-13)

02. Inactive License Status. (3-27-13)

a. All continuing education requirements will be waived for any year or portion thereof that a licensee maintains an inactive license and is not actively practicing or supervising in Idaho. (3-27-13)

b. Inactive license renewal notices and licenses will be marked "Inactive." (3-27-13)

c. When the licensee desires active status, the licensee must show acceptable fulfillment of continuing education requirements for the previous twelve (12) months and submit a fee equivalent to the difference between the inactive and active renewal fee. (3-27-13)

d. Licensees shall not practice or supervise in Idaho as an Audiologist, Speech-Language Pathologist, Speech-Language Pathologist Aide, Speech-Language Pathologist Assistant, or Hearing Aid Dealer and Fitter while on inactive status. (3-27-13)

206. -- 209. (RESERVED)

210. QUALIFICATIONS FOR AUDIOLOGIST LICENSURE (RULE 210).

All applicants for licensure as an audiologist must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Graduate Program Requirement. A master's or doctoral degree with emphasis in audiology or not less than seventy-five (75) semester credit hours of post-baccalaureate study that culminates in a doctoral degree from a nationally accredited school for audiology. (4-2-08)

02. Examination. Pass an examination given by PRAXIS or other examination as may be approved by the Board. (4-2-08)

03. Experience. Meet the supervised academic clinical practicum and supervised postgraduate experience approved by the Board. (4-2-08)

211. -- 219. (RESERVED)

220. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST LICENSURE (RULE 220).

All applicants for licensure as a speech-language pathologist must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Graduate Program Requirement. A master's or doctoral degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board and includes a supervised academic clinical practicum. (3-27-13)

02. Examination. Pass an examination in speech-language pathology given by PRAXIS or other examination as may be approved by the Board. (4-2-08)

03. Supervised Experience. Satisfactorily complete the supervised postgraduate experience approved by the Board and defined in Subsections 220.03.a. through 220.03.d. (3-27-13)

- a. One thousand two hundred sixty (1260) hours of experience gained under the supervision of a licensed speech-language pathologist in no less than thirty-six (36) weeks of full-time (Thirty-five (35) hours per week) experience or the equivalent part-time experience and in no more than forty-eight (48) months. (3-27-13)
- b. One thousand ten (1010) hours of experience must be in direct client contact. (3-27-13)
- c. There must be at least six (6) hours of on-site observations of direct client contact each quarter. (3-27-13)
- d. The nature of the supervision and contact must allow for immediate feedback and can be conducted using audio/visual, in person, electronic means, or telephone. (3-27-13)

221. -- 229. (RESERVED)

230. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST AIDE LICENSURE (RULE 230).

All applicants for licensure as a speech-language pathologist aide must comply with the following education and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Education Program Requirement. A baccalaureate degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. (4-2-08)

02. Examination. Pass an examination in speech-language pathology aide as may approved by the Board. (4-2-08)

03. Supervision. A speech-language pathologist aide shall only work under the supervision of a speech-language pathologist. (4-2-08)

231. -- 239. (RESERVED)

240. QUALIFICATIONS FOR SPEECH-LANGUAGE PATHOLOGIST ASSISTANT LICENSURE (RULE 240).

All applicants for licensure as a speech-language pathologist assistant must comply with the following education and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Education Program Requirement. An associate's degree from a nationally accredited school of speech-language pathology with a curriculum approved by the Board. (4-2-08)

02. Examination. Pass an examination in speech-language pathology assistant as may be approved by the Board. (4-2-08)

03. Supervision. A speech-language pathologist assistant shall only work under the supervision of a speech-language pathologist. (4-2-08)

241. -- 249. (RESERVED)

250. QUALIFICATIONS FOR HEARING AID DEALER AND FITTER LICENSURE (RULE 250).

All applicants for licensure as a hearing aid dealer and fitter must comply with the following education, experience, and examination requirements in addition to completion of an application as set forth in Section 150: (4-2-08)

01. Education Requirement. A high school diploma or successful passage of the General Educational Development diploma (GED). (4-2-08)

02. Examination. Pass an examination approved by the Board. (4-2-08)

251. -- 299. (RESERVED)

300. EXAMINATION AND RE-EXAMINATION (RULE 300).

Each applicant shall be required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

01. Dates and Locations of Exams. Examinations shall be held at such times and places as shall be determined by the Board. (3-30-06)

02. Content of Exam. Each applicant shall be required to successfully pass the examination approved by the Board that is relevant to the license or permit for which application is being made. (3-30-06)

a. Applicants for Speech-Language Pathologist licensure shall successfully pass the national Praxis speech-language pathologist examination. Applicants for speech-language pathologist aide or speech-pathologist assistant must pass an examination approved by the Board. (3-30-06)

b. Applicants for audiologist licensure shall successfully pass the national Praxis audiologist examination. (3-30-06)

c. Applicants for Hearing Aid Dealer and Fitter licensure shall successfully pass the national International Hearing Instrument Studies examination. (3-30-06)

03. Failure of Exam. An applicant who fails to obtain a satisfactory score as determined by the examination provider in either the written examination or a section of the practical examination, shall be required to retake only the portion of the examination failed in order to qualify for licensure. If the applicant again fails the examination the applicant shall be required to retake the entire examination until the examination is successfully passed to qualify for licensure. (3-30-06)

301. -- 309. (RESERVED)

310. ENDORSEMENT (RULE 310).

The Board may grant a license to any person who submits a completed application on a form approved by the Board, together with the required fees, and who meets the following prerequisites: (3-29-12)

01. Holds a Current, Active License. The applicant must hold a current, active license, at the level for which a license is being sought, issued by the authorized regulatory entity in another state, the certification of which must be received directly by the Board from the issuing agency. (3-29-12)

02. Discipline, Sanctions, or Voluntary Surrender of License. The applicant must not have been disciplined within the last five (5) years, had a license revoked, suspended, restricted, or otherwise sanctioned by any regulatory entity and has never voluntarily surrendered a license. (3-29-12)

03. No Felony Conviction. The applicant must not have been convicted of or found guilty of a felony, or received a withheld judgment or suspended sentence for any felony. (3-29-12)

04. Must Abide by Governing Laws and Rules. The applicant must certify under oath to abide by the laws and rules governing the practice of Speech and Hearing Services in Idaho. (3-29-12)

310. -- 349. (RESERVED)

350. LICENSE EXPIRATION (RULE 350).

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. (3-30-06)

02. Term of License. All license renewals shall be for a period of twelve (12) months in accordance with Section 67-2614, Idaho Code. (3-30-06)

351. -- 399. (RESERVED)

400. CONTINUING EDUCATION (RULE 400).

Every person holding an Idaho license pursuant to this act must annually complete ten (10) contact hours of continuing education prior to license renewal. (3-30-06)

01. Contact Hours. The contact hours of continuing education shall be obtained in areas of study germane to the practice for which the license is issued as approved by the Board. (3-30-06)

02. Documentation of Attendance. It shall be necessary for the applicant to provide documentation verifying attendance by securing authorized signatures or other documentation from the course instructors, providers, or sponsoring institution substantiating any hours attended by the applicant. This documentation must be maintained by the applicant and provided to the Board upon request by the Board or its agent. (3-30-06)

03. Compliance Audit. The Board may conduct random continuing education audits of those persons required to obtain continuing education in order to renew a license and require that proof acceptable to the Board of meeting the continuing education requirement be submitted to the Bureau. Failure to provide proof of meeting the continuing education upon request of the Board shall be grounds for disciplinary action in accordance with section 54-2923, Idaho Code. (3-30-06)

04. Initial Compliance. Licensees shall not be required to meet the continuing education requirement for the first renewal. (3-30-06)

05. Equivalence. One (1) continuing education hour shall equal one (1) clock hour. (3-30-06)

06. Carryover of Continuing Education (CE) Hours. Continuing education courses not claimed for CE credit in the current renewal year may be credited for the next renewal year. A maximum of five (5) hours may be carried forward from the immediately preceding year. (3-29-10)

07. Special Exemption. The Board shall have authority to make exceptions for reasons of individual hardship, including health, when certified by a medical doctor, or other good cause. The licensee must provide any information requested by the Board to assist in substantiating hardship cases. This exemption is granted at the sole discretion of the Board. Requests for special exemption must be received by the Bureau fifteen (15) business days prior to expiration of the license. (3-29-10)

401. -- 449. (RESERVED)

450. PROVISIONAL PERMIT: FITTING AND DEALING HEARING AIDS (RULE 450).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in fitting and dealing hearing aids provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a hearing aid dealer and fitter or audiologist under this chapter. (3-27-13)

02. Adequate Personal Contact -- Requirements. (3-30-06)

a. The supervisor and provisional permit holder must make personal contact each work day to review any assignments, client contacts, and hearing aid fittings for the first sixty (60) days of employment. The nature of the supervision and contact must allow for immediate feedback and includes audio/visual, in person, or telephone contacts. (3-27-13)

b. After the first sixty (60) days of employment, personal contact, described in Subsection 450.02.a., must be made no less than once in each calendar week throughout the remaining period of the permit. (3-27-13)

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 permit holder must reinstate contact in person each work day as set forth in Subsection 450.02.a. (3-29-10)

- 03. Supervisor -- Responsibilities -- Restrictions.** (3-30-06)
- a.** The supervisor is responsible for all practice and conduct of each permit holder under supervision. (3-27-13)
 - b.** A supervisor may not supervise more than two (2) permit holders at a time. (3-29-10)
 - c.** The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. The supervisor and the permit holder shall be required to work within the same facility. (3-29-10)
 - d.** The supervisor must provide the permit holder with adequate training and client contact necessary to prepare for the required examination. (3-30-06)
 - e.** The supervisor of a hearing aid dealer and fitter permit holder must record with the Board a plan of training that encompasses all sections covered in the license examination. The plan must be accepted and approved by the Board or its agent prior to issuance of the permit. The supervisor shall document, by the quarterly report, the permit holder's progress. (3-27-13)
 - f.** A supervisor may terminate his supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-27-13)
- 04. Application -- Quarterly Reports.** (3-30-06)
- a.** Application for permit must include completed application, examination fee, permit fee, supervisor statement and plan of training and supervision. (3-30-06)
 - b.** A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, 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. (3-30-06)
 - c.** Twenty-four (24) months is the maximum time allowed for any combination of new or renewed permits. (3-27-13)
 - d.** Every permit holder must submit a quarterly report of his activities on forms furnished by the Bureau 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 person holding a permit will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: (3-27-13)
 - i.** Log of client and supervisor contacts shall be included in each quarterly report. (3-27-13)
 - ii.** Supervisor's statement of completion of training assignments by permit holder as specified in Subsection 450.03.f. (3-29-10)
 - iii.** Copy of test results for all persons tested by the permit holder whether or not a sale occurred. (3-30-06)
 - iv.** Copy of hearing aid order for all fittings including specifications of instruments ordered. Hearing aid dealers and fitters must provide a copy of hearing aid order. (3-27-13)
 - 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 permit may be revoked. (3-27-13)
- 05. Exemptions.** (3-30-06)

a. A permit holder who is Board Certified by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) shall be exempt from Subsections 450.02.a., 450.03.c., and 450.03.e. from the date of issuance of the permit until the date of the next offered licensing examination. (3-27-13)

b. Failure of the licensing examination or failure to take the next offered licensing examination rescinds this exemption. (3-30-06)

451. -- 459. (RESERVED)

460. PROVISIONAL PERMIT: SPEECH-LANGUAGE PATHOLOGY (RULE 460).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of speech-language pathology while completing the required postgraduate experience provided that the holder of a provisional permit may practice only while under the supervision of a person fully licensed as a speech-language pathologist under this chapter: (3-27-13)

02. Supervisor -- Responsibilities -- Restrictions. (3-27-13)

a. The supervisor is responsible for all practice and conduct of each permit holder under their supervision. (3-27-13)

b. A supervisor may not supervise more than two (2) permit holders at a time. (3-27-13)

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. (3-27-13)

d. A supervisor may terminate his supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-27-13)

e. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. All supervised activities shall occur in the state of Idaho. (3-27-13)

03. Application and Quarterly Reports. (3-27-13)

a. Application for permit must include completed application, application and permit fee, official transcripts from the college or university, PRAXIS scores if available, supervisor statement and plan of training and supervision. (3-27-13)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the combination of all permits shall not exceed forty-eight (48) months following the original application. (3-27-13)

c. Forty-eight (48) months is the maximum time allowed for any combination of new or renewed permits. (3-27-13)

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau together with supplemental attachments as may be necessary, attested to and signed by the permit holder and the supervisor of record. Supplemental attachments to be submitted with this form include: (3-27-13)

i. Log of client and supervisor contacts shall be included in each quarterly report. (3-27-13)

ii. Supervisor's statement of completion of training assignments by permit holder. (3-27-13)

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 permit may be revoked. (3-27-13)

461. -- 469. (RESERVED)

470. PROVISIONAL PERMIT: AUDIOLOGY (RULE 470).

01. Issuance of a Provisional Permit. The Board may issue a provisional permit to allow a person to engage in the practice of audiology while completing either the required postgraduate experience or a comparable experience as part of a doctoral program in audiology provided that the holder of a provisional permit may practice only while under the supervision of a person licensed to practice audiology under this chapter. (3-27-13)

02. Supervisor -- Responsibilities -- Restrictions. (3-27-13)

a. The supervisor is responsible for all practice and conduct of each permit holder under his supervision. (3-27-13)

b. A supervisor may not supervise more than two (2) permit holders at a time. (3-27-13)

c. The supervisor must provide the permit holder with adequate supervision and direct client contact activities which include, but are not limited to, assessment, diagnosis, evaluation, screening, treatment, and client management. (3-27-13)

d. A supervisor may terminate the supervision of a permit holder by a written notice to the Board and the permit holder by certified mail at least ten (10) calendar days prior to the termination. (3-27-13)

e. The supervisor must have an established business site within the state of Idaho which he regularly utilizes as a base of operation. All supervised activities shall occur in the state of Idaho. (3-27-13)

03. Application -- Quarterly Reports. (3-27-13)

a. Application for permit must include completed application, permit fee, official transcripts from a college or university, documentation of having passed the approved examination, supervisor statement and plan of training and supervision. (3-27-13)

b. A permit is not valid unless an unrevoked statement accepting supervisory responsibility by a qualified licensee is on file with the Bureau. Upon termination of supervision, a new permit may be applied for in accordance with these rules, provided that the expiration date of the new permit is adjusted to not exceed the date from original application. (3-27-13)

c. Twenty-four (24) months is the maximum time allowed for any combination of new or renewed permits. (3-27-13)

d. Every permit holder must submit a quarterly report of their activities on forms furnished by the Bureau 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 person holding a permit to practice audiology will be indicated on the quarterly report forms supplied by the Bureau. Supplemental attachments to be submitted with this form include: (3-27-13)

i. Log of client and supervisor contacts shall be included in the quarterly report. (3-27-13)

ii. Supervisor's statement of completion of training assignments by permit holder as specified in these rules. (3-27-13)

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 permit may be revoked. A new permit may be applied for in accordance with these rules. (3-27-13)

471. -- 499. (RESERVED)

500. TESTING (RULE 500).

01. Purpose of Rule. The purpose of this rule is to define, "tests utilizing appropriate procedures," as used in Section 54-2923(6), Idaho Code. This rule is intended to be consistent with and to compliment FDA Rule 801.420 as it refers to hearing aid evaluations. (3-30-06)

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. (3-30-06)

03. Sound Field Testing. Before the prospective consumer purchases a hearing aid or within six (6) weeks afterward, the licensee 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: (3-30-06)

- a. Soundfield testing for speech discrimination in both the aided and unaided conditions; (3-30-06)
- b. Soundfield testing using warble tones or narrowband noise to evaluate functional gain; or(3-30-06)
- c. "Real ear" probe microphone measurements. (3-30-06)

04. Records. A copy of all test data shall be kept on file by the licensee for two (2) years after sale. (3-30-06)

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: (3-30-06)

- a. A child of tender years; (3-30-06)
- b. The developmentally disabled; and (3-30-06)
- c. The legally incompetent by a court order. (3-30-06)

551. -- 599. (RESERVED)

600. WRITTEN CONTRACTS (RULE 600).

01. Contract Form. Any person who practices the fitting and sale of hearing aids shall enter into a written contract with the person to be supplied with the hearing aid. The written contract shall be given to the consumer at the time of the sale, and shall be signed by the licensee and the consumer. The written contract shall contain each of the following: (3-30-06)

- a. Licensee's signature and license number, (3-30-06)
- b. Business address, (3-30-06)
- c. The specifications as to the make, model, and manufacture date of the hearing aid, (3-30-06)
- d. Clearly state the full terms of the sale (3-30-06)

e. Provide the serial number of the hearing aid upon delivery. (3-30-06)

f. Be clearly marked as “used” or “reconditioned,” whichever is applicable, if the aid is not new. (3-30-06)

02. Cancellation and Refund. The written contract shall grant the consumer a nonwaivable thirty (30) day right to cancel the purchase and obtain a refund. The thirty (30) day right to cancel shall commence from either the date the contract is signed or the hearing aid is originally delivered to the consumer, whichever is later. The thirty (30) day period shall be tolled for any period in which the licensee has taken possession or control of the hearing aid after its original delivery. The written contract shall specify the exact portion of the purchase price, not to exceed twenty-five (25%) percent of the total purchase price of the hearing instrument and fitting expenses, that is nonrefundable. The written contract shall also contain, in print size no smaller than ten (10) point type, the address of the bureau of occupational licenses and the procedure for filing complaints against anyone licensed to dispense hearing aids. (3-30-06)

03. Dealer Cancellation. The written contract shall also contain, in print size no smaller than ten (10) point type, a nonwaivable statement that the contract is null and void and unenforceable if the hearing aid being purchased is not delivered to the consumer within thirty (30) days of the date the written contract is signed. The statement shall also provide that in the event the hearing aid is not delivered to the consumer within thirty (30) days of the date the written contract is signed, the licensee shall promptly refund any and all moneys paid for the purchase of the hearing aid. In the event that any licensee 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 500.02, that licensee 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. (3-30-06)

601. -- 699. (RESERVED)

700. ADOPTION AND EFFECTIVE DATE OF RULES (RULE 700).

The rules of this Board are hereby approved by the Board on August 19, 2005, and shall become effective on this date. (3-30-06)

701. -- 999. (RESERVED)

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