

R156. Commerce, Occupational and Professional Licensing.

R156-46a. Hearing Instrument Specialist Licensing Act Rule.

R156-46a-101. Title.

This rule is known as the "Hearing Instrument Specialist Licensing Act Rule."

R156-46a-102. Definitions.

In addition to the definitions in Title 58, Chapters 1 and 46a, as used in Title 58, Chapters 1 and 46a or this rule:

(1) "Analog" means a continuous variable physical signal.

(2) "Digital" means using or involving numerical digits, expressed in a scale of notation to represent discretely all variables occurring.

(3) "Programmable" means the electronic technology in the hearing instrument can be modified independently.

(4) "Unprofessional conduct," as defined in Title 58 Chapters 1 and 46a, is further defined, in accordance with Subsection 58-1-203(1)(e), in Section R156-46a-502.

R156-46a-103. Authority - Purpose.

This rule is adopted by the division under the authority of Subsection 58-1-106(1)(a) to enable the division to administer Title 58, Chapter 46a.

R156-46a-104. Organization - Relationship to Rule R156-1.

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

R156-46a-302a. Qualifications for Licensure - Hearing Instrument Specialist Certification Requirement.

In accordance with Subsections 58-1-203(1)(b) and 58-1-301(3), an applicant shall submit a notarized copy of his current certificate documenting National Board for Certification in Hearing Instrument Sciences (NBC-HIS) to satisfy the certification requirement for licensure as a hearing instrument specialist in Subsection 58-46a-302(1)(e).

R156-46a-302b. Qualifications for Licensure - Hearing Instrument Specialist Experience Requirement.

In accordance with Subsections 58-1-203(1)(b) and 58-1-301(3), the experience requirement for licensure as a hearing instrument specialist in Subsection 58-46a-302(1)(d) is defined and clarified as follows.

An applicant shall document successful completion of 4000 hours of acceptable practice as a hearing instrument intern by submitting a notarized Completion of Internship form provided by the division.

R156-46a-302c. Qualifications for Licensure - Examination Requirements.

In accordance with Subsections 58-46a-302(1)(f) and 58-46a-302.5(2)(a), the requirements for the examination of a hearing instrument intern are defined as clarified as follows:

(1) In order to qualify to take the Utah Practical Examination for Hearing Instrument Interns, an applicant as a hearing instrument intern shall have been licensed, have completed 500 hours of the 4,000 hour hearing instrument internship under direct supervision and have completed the National Institute for Hearing instrument studies education and examination program.

(2) In order to pass the Utah Law and Rules Examination for Hearing Instrument Specialists, an applicant as a hearing instrument specialist or hearing instrument intern shall achieve a score of at least 85%.

R156-46a-302d. Qualifications for Licensure - Internship Supervision Requirements.

In accordance with Subsections 58-46a-102(7) and 58-1-203(1)(b), the requirements for supervision of a hearing instrument intern are defined and clarified as follows. The

hearing instrument intern supervisor shall:

- (1) not have been disciplined for any unprofessional or unlawful conduct within five years of the start of any internship program;
- (2) supervise no more than one hearing instrument intern on direct supervision;
- (3) supervise no more than two hearing instrument interns at one time;
- (4) not begin an internship program until:
 - (a) the hearing instrument intern is properly licensed as a hearing instrument intern; and
 - (b) the supervisor is approved by the Division in collaboration with the Board;
- (5) keep a daily record on forms available from the Division, during the direct supervision period, which shall include the hours of instruction, the duties assigned, the total hours worked each week and the type of services performed;
- (6) make available to the Division, upon request, upon completion of direct supervision and upon completion of the internship, the intern's training records;
- (7) notify the Division immediately when the intern has completed direct supervision on forms available from the Division; and
- (8) notify the Division within ten working days if the internship program is terminated.

R156-46a-303. Renewal Cycle - Procedures.

- (1) In accordance with Subsection 58-1-308(1), the renewal date for the two-year renewal cycle applicable to licensees under Title 58, Chapter 46a is established by rule in Section R156-1-308.
- (2) Renewal procedures shall be in accordance with Section R156-1-308.

R156-46a-304. Continuing Education.

In accordance with Section 58-46a-304, the continuing education requirement for renewal of licensure as a hearing instrument specialist is defined and clarified as follows:

- (1) Continuing education courses shall be offered in the following areas:
 - (a) acoustics;
 - (b) nature of the ear (normal ear, hearing process, disorders of hearing);
 - (c) hearing measurement;
 - (d) hearing aid technology;
 - (e) selection of hearing aids;
 - (f) marketing and customer relations;
 - (g) client counseling;
 - (h) ethical practice;
 - (i) state laws and regulations regarding the dispensing of hearing aids; and
 - (j) other areas deemed appropriate by the Division in collaboration with the Board.
- (2) Only contact hours from the American Speech-Language-Hearing Association (ASHA) or the International Hearing Society (IHS) shall be applied towards meeting the minimum requirements set forth in Subsection R156-46a-304(4).
- (3) As verification of contact hours earned, the Division will accept copies of transcripts or certificates of completion from continuing education courses approved by ASHA or IHS.
- (4) A minimum of 20 contact hours shall be obtained by a hearing instrument specialist in order to have the license renewed every two years.

R156-46a-502a. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) violating any state or federal law applicable to persons practicing as a hearing instrument specialist or hearing instrument intern;
- (2) failure to perform the minimum components of an evaluation for a hearing aid as set forth in Section R156-46a-502b;
- (3) aiding or abetting any person other than a Utah licensed hearing instrument specialist, a licensed hearing instrument intern, a licensed audiologist, or a licensed physician to perform a hearing aid examination;
- (4) dispensing a hearing aid without the purchaser having:

(a) received a medical evaluation by a licensed physician within the preceding six months prior to the purchase of a hearing aid; or

(b) a document signed by the purchaser being a fully informed adult waiving the medical evaluation in accordance with Food and Drug Administration (FDA) required disclosures, except a person under the age of 18 years may not waive the medical evaluation;

(5) using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or other representation, however disseminated or published, which is misleading, deceiving, or untruthful;

(6) quoting prices of competitive hearing instruments or devices without disclosing that they are not the current prices or to show, demonstrate, or represent competitive models as being current when such is not the fact;

(7) using the word digital in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or other representation when the hearing instrument circuit is less than 100% digital, unless the word digital is accompanied by the word analog, as in "digitally programmable analog hearing aid";

(8) using stalling tactics, excuses, arguing or attempting to dissuade the purchaser to avoid or delay the customer from exercising the 30-day right to cancel a hearing aid purchase pursuant to Subsection 58-46a-503(1);

(9) failing to start the reimbursement process within 48 hours of the purchaser's request to cancel a hearing aid purchase pursuant to Subsection 58-46a-503(1);

(10) failure to perform a prepurchase hearing evaluation;

(11) supervising more than two hearing instrument interns at one time;

(12) failing as a hearing instrument intern supervisor to comply with any of the requirements of Section R156-46a-302d; and

(13) failing to conform to the generally accepted and recognized standards and ethics of the profession including those established in the Hearing Health Care Providers of Utah Association, "Utah Code of Ethics and Standards of Practice", adopted September 6, 2006, and the Code of Ethics of the International Hearing Society, adopted April 2007, which are hereby incorporated by reference.

R156-46a-502b. Minimum Components of an Evaluation for a Hearing Aid and Dispensing of a Hearing Aid.

(1) The minimum components of a hearing aid examination are the following:

(a) air conduction tests at frequencies of 250, 500, 1000, 2000, and 4000 Hertz;

(b) appropriate masking if the air conduction threshold at any one frequency differs from the bone conduction threshold of the contralateral or nontest ear by 40 decibels at the same frequency;

(c) bone conduction tests at 500, 1000, and 2000 Hertz on every client with proper masking;

(d) speech audiometry by live voice or recorded voice, including speech discrimination testing, most comfortable loudness (MCL) measurements and measurements of uncomfortable levels of loudness (UCL); and

(e) recording and interpretation of audiograms and speech audiometry and other appropriate tests for the sole purpose of determining proper selection and adaptation of a hearing aid.

(2) Only when the above procedures are clearly impractical may the selection of the best instrument to compensate for the loss be made by trial of one or more instruments.

(3) Tests performed by a physician specializing in diseases of the ear, a clinical audiologist or another licensed hearing instrument specialist shall be accepted if they were performed within six months prior to the dispensing of the hearing aid.

R156-46a-502c. Calibration of Technical Instruments.

The requirement in Subsection 58-46a-303(3)(c) for calibration of all appropriate technical instruments used in practice is defined, clarified, and established as follows:

(1) any audiometer used in the fitting of hearing aids shall be calibrated when necessary, but not less than annually;

(2) the calibration shall include to ANSI standards calibration of frequency accuracy, acoustic output, attenuator linearity, and harmonic distortion; and

(3) calibration shall be accomplished by the manufacturer, or a properly trained person, or an institution of higher learning equipped with proper instruments for calibration of an audiometer.

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**HEARING INSTRUMENT SPECIALIST
LICENSING ACT RULE**

**R156-46a
Utah Administrative Code
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