

Document: Readopted Rules

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**TITLE 844 MEDICAL LICENSING BOARD OF
INDIANA**

LSA Document #01-120

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that all rules of the Indiana administrative agencies in force on December 31, 1995, expire on January 1, 2002. Effective 30 days after filing with the secretary of state.

844 IAC 9-1-1	844 IAC 9-4-2
844 IAC 9-2-1	844 IAC 9-4-3
844 IAC 9-2-2	844 IAC 9-4-4
844 IAC 9-2-3	844 IAC 9-4-5
844 IAC 9-2-4	844 IAC 9-5-1
844 IAC 9-2-5	844 IAC 9-5-2
844 IAC 9-2-6	844 IAC 9-6-1
844 IAC 9-3-1	844 IAC 9-6-2
844 IAC 9-3-2	844 IAC 9-6-3
844 IAC 9-3-3	844 IAC 9-6-4
844 IAC 9-4-1	

SECTION 1. UNDER IC 4-22-2.5-3, THE FOLLOWING ARE READOPTED:

844 IAC 9-2-1 General
844 IAC 9-2-2 "Board" defined
844 IAC 9-2-3 "Bureau" defined
844 IAC 9-2-4 "Committee" defined
844 IAC 9-2-6 "Student" defined
844 IAC 9-3-2 Student hearing aid dealer registration
844 IAC 9-3-3 Change of address
844 IAC 9-4-3 Application for approval
844 IAC 9-4-4 Standards for approval
844 IAC 9-4-5 Responsibilities
844 IAC 9-6-2 Standards of unprofessional conduct
844 IAC 9-6-4 Failure to comply

SECTION 2. UNDER IC 4-22-2.5-3, 844 IAC 9-1-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-1-1 Fees

Authority: IC 25-1-8-2; IC 25-20-1-6

Affected: IC 25-20-1

Sec. 1. The medical licensing board of Indiana shall charge and collect the following fees:

- (1) For the examination and/or reexamination of an applicant to practice as a hearing aid dealer, an administrative/issuance fee of ~~thirty six~~ **sixty** dollars (~~\$30~~) (**\$60**) payable to the Health Professions Bureau, plus the applicant's cost of purchasing the examination payable to the examination service.
- (2) For the renewal of the certificate to practice as a hearing aid dealer, ~~twenty four~~ **forty** dollars (~~\$20~~) (**\$40**).
- (3) For the issuance of a student hearing aid dealer certificate of registration, ~~ten~~ **twenty** dollars (~~\$10~~) (**\$20**).
- (4) For the renewal of a student hearing aid dealer certificate, ~~ten~~ **twenty** dollars (~~\$10~~) (**\$20**).

(5) For verification of hearing aid dealer certificate to another state, ten dollars (\$10).

(6) For a duplicate wall certificate, ten dollars (\$10).

(Medical Licensing Board of Indiana; 844 IAC 9-1-1; filed Nov 22, 1985, 4:37 p.m.: 9 IR 766; filed Jun 28, 1996, 9:45 a.m.: 19 IR 3103)

SECTION 3. UNDER IC 4-22-2.5-3, 844 IAC 9-2-5 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-2-5 “Sponsor” defined

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 5. “Sponsor” refers to a registered hearing aid dealer **in good standing** serving as a sponsoring or supervising hearing aid dealer for a person who has been issued a student hearing aid dealer certificate. *(Medical Licensing Board of Indiana; 844 IAC 9-2-5; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1177)*

SECTION 4. UNDER IC 4-22-2.5-3, 844 IAC 9-3-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-3-1 Hearing aid dealer registration

Authority: IC 25-20-1-23

Affected: IC 25-1-9; IC 25-20-1-3

Sec. 1. (a) The board ~~shall~~ **may** issue a registration to an applicant submitting an application in proper form, together with the nonrefundable fee, specified in 844 IAC 9-1-1, passing the examination, and meeting all other minimum requirements specified in IC 25-20-1-3.

(b) Persons seeking registration as a hearing aid dealer shall file an application on a form supplied by the bureau.

(c) Persons seeking registration as a hearing aid dealer **may be requested to appear before the committee and** shall provide the following information on, or submit such information with, the application for licensure or permit:

~~(1) Complete name, residence and office addresses with zip codes, residence and business telephone numbers with area codes.~~

~~(2) (1) All names used by the applicant, explaining the reason for the name change(s) or use(s).~~

~~(3) (2) Date and place of birth.~~

~~(4) (3) Whether the applicant has ever been issued a student hearing aid dealer certificate and, if so, the name of the sponsor for that certificate and date the certificate was issued.~~

~~(5) Whether the applicant has any communicable disease(s).~~

~~(6) (4) A list of all states, including Indiana, in which the applicant has ever applied for, or held, a certificate to practice as a hearing aid dealer.~~

(5) Whether the applicant is, or has ever been, addicted to any narcotic drugs, alcohol, or other drugs, and if so, the details of such addiction.

~~(8) (6) Whether the applicant has ever had any disciplinary action taken against any hearing aid dealer certificate, registration, and/or license held by the applicant, by a licensing agency of this state, or any other state or jurisdiction and the date(s) and details of such action.~~

~~(9) (7) Whether the applicant has ever been convicted of any violation of law relating to drug abuse, controlled substances, narcotic drugs, or any other drugs, including the date(s) and details of such conviction.~~

~~(10) (8) A statement that the applicant has not been convicted of a criminal offense (excluding minor traffic violations) nor other offenses as specified in IC 25-1-9, or a certified statement listing all criminal offenses (excluding minor traffic violations) of which the applicant has been convicted. This listing must include:~~

~~(A) the offense for which the applicant was convicted;~~

~~(B) the court in which the applicant was convicted; and~~

~~(C) the cause number in which the applicant was convicted.~~

~~(11) (9) Two (2) passport-type photographs taken within sixty (60) days of the date of submission of the application.~~

(d) To be eligible to take the examination, the application must be received no later than forty-five (45) days prior to the date of the examination. *(Medical Licensing Board of Indiana; 844 IAC 9-3-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1178)*

SECTION 5. UNDER IC 4-22-2.5-3, 844 IAC 9-4-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-4-1 Hearing aid dealer certificate renewal

Authority: IC 25-20-1-23

Affected: IC 25-20-1-25

Sec. 1. (a) Every individual holding a certificate to practice as a hearing aid dealer shall renew that certificate biennially.

(b) An application for renewal shall be on a form provided by the bureau and shall be accompanied by the renewal fee specified in 844 IAC 9-1-1.

(c) Any registrant not renewing the certificate to practice as a hearing aid dealer by June 30 of each even numbered year shall be reinstated upon paying the biennial renewal fee, ~~and late fee~~, completing a renewal form supplied by the board or its duly authorized agent, **and submitting proof of meeting the continuing education hour requirements specified in IC 25-20-1-25.** *(Medical Licensing Board of Indiana; 844 IAC 9-4-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179)*

SECTION 6. UNDER IC 4-22-2.5-3, 844 IAC 9-4-2 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-4-2 Student hearing aid dealer certificate renewal

Authority: IC 25-20-1-23

Affected: IC 25-20-1-5

Sec. 2. (a) If a student changes sponsors prior to the expiration of the certificate, any subsequent certificate shall be issued for the remaining period of the initial certificate.

(b) Pursuant to IC 25-20-1-5, a student hearing aid dealer certificate may be renewed at the discretion of the board upon recommendation by the committee. **At Prior** to the time of requesting such a renewal, the student and sponsor ~~may~~ **shall** be required to **appear before the committee and** submit a report outlining the student's training and practical experience. ~~throughout the previous year.~~

(c) If such a renewal is granted, the student will be required to reapply and take all parts of the exam. *(Medical Licensing Board of Indiana; 844 IAC 9-4-2; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179)*

SECTION 7. UNDER IC 4-22-2.5-3, 844 IAC 9-5-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-5-1 Examination

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 1. (a) The examination required for registration shall be designed to demonstrate the applicant's adequate technical and practical qualifications, including, but not limited to, the following:

- (1) Written tests of knowledge in areas such as physics of sound, anatomy and physiology of hearing, and the function of hearing aids, as these areas pertain to the fitting or selection and sale of hearing aids.
- (2) Evidence of knowledge of situations in which it is commonly believed that a hearing aid is inappropriate.
- (3) Practical tests of proficiency in the taking of earmold impressions.
- ~~(4) Practical tests assessing an applicant's working knowledge of hearing aids and their deficiencies.~~

(b) Improper conduct during the examination is reason for dismissal **and failure** of the applicant from the examination.

(c) A student should endeavor to successfully pass all portions of the hearing aid dealer exam within one (1) year. If the student fails the exam two (2) times, he or she may be required to appear before the committee with his or her sponsor before retaking the exam.

(d) If the student has not successfully completed the exam within one (1) year, he or she may reapply for a student hearing aid dealer certification and must retake all portions of the hearing aid dealer exam successfully in that year to become a

hearing aid dealer. (*Medical Licensing Board of Indiana; 844 IAC 9-5-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179*)

SECTION 8. UNDER IC 4-22-2.5-3, 844 IAC 9-6-1 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-6-1 Supervision of student hearing aid dealers

Authority: IC 25-20-1-23

Affected: IC 25-1-9; IC 25-20-1

Sec. 1. (a) Supervision means the direct and regular observation and instruction of the student hearing aid dealer by the sponsoring hearing aid dealer and that the sponsor and student shall be present in the same work setting. All tests and fittings performed by the student shall be personally monitored by the sponsor. The student shall meet at least once each working day with the sponsor to review all work performed by the student. This meeting must include the actual presence of the student and sponsor.

(b) It shall be the joint responsibility of the student and the sponsor to see that all testing and sales documents pertinent to each sale, whether or not the sale was consummated, are submitted to and reviewed by the sponsor for the term of the student certificate.

(c) The committee may require a student or sponsor to show proof of the student's training and/or the sponsor's supervision.

(d) A student hearing aid dealer shall clearly identify himself **or** herself as a student when performing his **or** her duties **prior to any impression taking, testing, or hearing aid fitting.**

(e) A student shall prominently display his **or** her certificate of registration as a student hearing aid dealer in the primary location of his **or** her employment.

(f) Any violation of these requirements and standards shall subject the student and sponsor to disciplinary action as provided in IC 25-1-9. (*Medical Licensing Board of Indiana; 844 IAC 9-6-1; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1179*)

SECTION 9. UNDER IC 4-22-2.5-3, 844 IAC 9-6-3 IS READOPTED AND AMENDED TO READ AS FOLLOWS:

844 IAC 9-6-3 Standards of conduct

Authority: IC 25-20-1-23

Affected: IC 25-20-1

Sec. 3. ~~Standards of conduct~~ **A hearing aid dealer shall include be required,** but not be limited to, **do** the following:

(1) ~~A hearing aid dealer shall~~ Give a truthful, candid, and complete account of the client's condition to the client or to those responsible for the client's care.

(2) ~~A hearing aid dealer shall~~ Exercise reasonable care and diligence in providing services to clients based upon generally accepted scientific principles, methods, and current professional theory and practice.

(3) ~~A hearing aid dealer shall~~ Make reasonable efforts to obtain a consultation with a physician or audiologist whenever requested to do so by a client or by those responsible for a client's care.

(4) ~~Any registrant or student having knowledge of the unlawful activity of any other registrant or student shall~~ Report such conduct **unlawful activity of any other registrant or student** to the committee or medical licensing board.

(5) **Maintain appropriate audiometric measurement equipment to assess hearing loss to include air conduction, bone conduction, speech reception thresholds, speech discrimination, MCLs and UCLs, and masking capability. He or she will also have appropriate tools to evaluate the condition of the external auditory canal and visualize the tympanic membrane. All evaluation equipment must be calibrated yearly if indicated.**

(6) **Maintain an appropriate laboratory for the modification, repair, and/or cleaning of hearing aids and accessories.**

(7) **Maintain an appropriate filing system, which includes a client's personal and appropriate medical history, audiometric results, and hearing aid information (including warranties and spec sheets) as well as appropriate medical clearances or medical waivers.**

(*Medical Licensing Board of Indiana; 844 IAC 9-6-3; filed Mar 1, 1990, 4:55 p.m.: 13 IR 1180*)

SECTION 10. 844 IAC 9-5-2 IS REPEALED.

Notice of Public Hearing

Under IC 4-22-2-24 and IC 4-22-2.5-3, notice is hereby given that on September 27, 2001 at 10:00 a.m., at the Indiana Government Center-South, 402 West Washington Street, Conference Center Rooms 4 and 5, Indianapolis, Indiana the Medical Licensing Board of Indiana will hold a public hearing to readopt rules.

Requests for any part of this readoption to be separate from this action must be made in writing within 30 days of this publication. Send written comments to:

*Mark Bina, Director
Health Professions Bureau
402 West Washington Street, Room W041
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Copies of these rules are now on file at the Indiana Government Center-South, 402 West Washington Street, Room W041 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Beth Anne Compton
Executive Director
Health Professions Bureau