

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Board of Hearing Instrument Dealers
Rule No. 445-X-1-.04
Rule Title: Examination For Licensure
_____ New XX _____ Amend _____ Repeal _____ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NA

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Marilyn Fletcher

Date 5/20/16

(DATE FILED)
(STAMP)

Alabama Board of Hearing Instrument Dealers

NOTICE OF INTENDED ACTION

AGENCY NAME: The Alabama Board of Hearing Instrument Dealers

RULE NO. & TITLE: 445-X-1-.02 Definitions
445-X-1-.03 Licensing and Administration
445-X-1-.04 Examination for Licensure
445-X-1-.05 Continuing Education
445-X-1-.06 Requirements for Businesses
445-X-1-.07 Prohibited Acts
445-X-1-.08 Investigations and Hearings

INTENDED ACTION: The Alabama Board of Hearing Instrument Dealers proposes to amend rule 445-X-1-.02 Definitions, 445-X-1-.03 Licensing and Administration, 445-X-1-.04 Examination for Licensure, 445-X-1-.05 Continuing Education, 445-X-1-.06 Requirements for Businesses, 445-X-1-.07 Prohibited Acts, and 445-X-1-.08 Investigations and Hearings

SUBSTANCE OF PROPOSED ACTION:

The proposed action of rule 445-X-1-.02 Definitions is to update the code to define the new definitions listed in Title 34-14, specifically defining an Apprentice, Direct Supervision, Indirect supervision and Hearing Aids which were either not defined earlier or required updating. This rule also changes all previous titles of dispensers, dealers and fitters to the current titles.

The proposed action of rule 445-X-1-.03 Licensing and Administration is to list all fees originally listed in Title 34, Chapter 14. The original law was written in 1975 and updated in 1991, 1994 and 2009. Fees charged to applicants for testing and annual licenses renewal were originally written into the legislation. Although initially adequate, the fees currently charged to the board to purchase standardized tests used for initial licensure and practical examinations exceed the amount we are allowed to charge individuals submitting applications for initial licensure or renewal. This rule establishes the rate for all fees allowed to be charged in Title 34-14. References were also made to a test that is no longer used. The Alabama Board originally wrote the licensure test for applicants. Neither a national or international standardized exam existed at that time. We, along with the majority of other states, have adopted and began using the International Studies for Hearing Instrument Science standardized test and practical for individuals submitting for initial licensure. Alabama adopted both for use in 2008. This change removes reference to the old test and correctly identifies the standards in the test currently used.

The proposed action of rule 445-X-1-.04 Examination for Licensure is to align the titles for Hearing Instrument Dealer, Dispenser and Fitter to the current title. Technical corrections and antiquated language used in the original code were updated.

The proposed action of rule 445-X-1-.05 Continuing Education is to align the titles for Hearing Instrument Dealer, Dispenser and Fitter to the current title. Technical corrections and antiquated language used in the original code were updated.

The proposed action of rule 445-X-1-.06 Requirements for Businesses is to align the titles for Hearing Instrument Dealer, Dispenser and Fitter to the current title. Technical corrections and antiquated language used in the original code were updated.

The proposed action of rule 445-X-1-.07 Prohibited Acts is to align the titles for Hearing Instrument Dealer, Dispenser and Fitter to the current title. Technical corrections and antiquated language used in the original code were updated.

The proposed action of rule 445-X-1-.08 Investigations and Hearings is to align the titles for Hearing Instrument Dealer, Dispenser and Fitter to the current title. Technical corrections and antiquated language used in the original code were updated.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

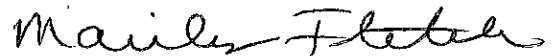
Comments may be submitted in writing or orally at Alabama Board of Hearing Instrument Dealers, 400 S. Union Street. Suite 235B, Montgomery, AL 36104, (334) 593-3777.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

July 6, 2016

CONTACT PERSON AT AGENCY:

Marilyn Fletcher
Executive Secretary
334-593-3777



Marilyn Fletcher
Executive Secretary

445-X-1-.04 Examinations For Licensure

(1) An application for examination shall be accompanied by a check or money order covering the application fee and practical examination fee. In no case, shall the examination fee be refunded.

(2) Failure to complete all forms and provide all requested information may be cause for the application to be rejected.

(3) Furnishing false information or omitting pertinent information shall be cause for denial to sit for the examination. If the applicant has been licensed before such information becomes known to the board, the license shall be subject to revocation or suspension.

(4) Examinations of applicants for licensure shall be conducted a minimum of three times a year, at such times and places as the board may direct.

(5) The examination shall consist of written, practical and state law tests as determined by the board. Test may be based on national examinations, be national examinations, or be designed and promulgated by the board.

(6) The board shall prepare and administer the practical examination to each applicant at the time and place specified for the examination. The examination must be completed within the time allotted. The board, excluding the consumer member, shall examine and grade practical examinations.

(7) The board shall be responsible for inspection and reviewing the grades of practical examinations.

(8) The applicant shall perform the tests of practical skills, within the allotted time, and under the supervision of any board member except the consumer board member.

(9) The applicant shall be notified, in writing, of the test results.

(10) Applicants may, within 30 days after the date of a state-designed exam, request a review of their examinations. The review shall be done in the presence of a monitor. The applicant may not take notes nor copy any portion of the examination.

(11) The board shall issue a license to each applicant who has been certified by the board as having passed all licensing examinations and has met all licensure requirements, and when the applicant has completed the appropriate forms and has paid the licensure fee. Such license shall be effective from the date of issue until January 30 of the succeeding year.

Author: Hearing Instrument Dealers Board

Statutory Authority: Code of Ala.1975 §34-14-11(4)

History: **New Rule:** Filed November 17, 1994; effective December 22, 1994; **Amended:** Filed October 20, 2014; Effective November 24, 2014; **Amended:** May 20, 2016