

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency Board of Hearing Instrument Dealers
Rule No. 445-X-1-.05
Rule Title: Continuing Education
_____ 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 5/20/14

(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:

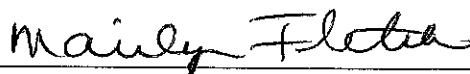
Comments may be submitted in writing or orally at Alabama Board of Hearing Instrument Dealers, 400 S. Union Street, Suite 235B, Montgomery, AL 36104, (334) 593-3777.

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-1.05 Continuing Education

(1) Each person whose qualification to hold a license for the purpose of dealing in and fitting hearing instruments is subject to Code of Ala. 1975, §34-14-1, et seq. and shall attend, or complete an approved substitute for attendance, a minimum of ten (10) hours of approved continuing professional education each calendar year.

(a) Credit shall be given only for continuing education approved by the board. Such approval shall be sought at least thirty days prior to the commencement of the continuing education course, but such credit may be given retroactively.

(b) The number of hours required means that the licensee must actually attend ten (10) instructional hours of continuing education per year with no credit given for introductory remarks, meal breaks even when the instruction occurs during meal periods, or business meetings. An instructional hour will in all events contain no less than sixty

(60) minutes of actual instruction.

(2) The following standards shall govern the approval of continuing education credits by the board.

(a) The activity's primary objective shall be to increase the professional competence of hearing instrument dealers, dispensers, and fitters. It shall not be designed primarily for those outside the profession.

(b) The activity shall deal primarily with areas necessary to the professional competence of licensees, or the professional responsibility and ethical obligations of licensees.

(c) Unless the Board gives written notice to each licensed dispenser prior to the date thereof, courses offered by the following are recognized by the Board as means of acquiring hours to meet the requirement of continuing education for license renewal provided the courses are directly related to the professional growth and development of hearing aid dispensers.

1. International Institute for Hearing Instrument Studies.
2. International Hearing Society.
3. Alabama Society of Hearing Healthcare Providers.
4. American Speech-Language-Hearing Association.
5. Alabama Speech-Language-Hearing Association.
6. American Academy of Otolaryngology, Head and Neck Surgery, Inc.
7. Alabama Academy of Audiology.

8. College courses taken for credit or through official audit or seminars sponsored by such colleges.

(d) All educational opportunities other than those offered by various state approved/sanctioned academies, societies and associations require prior approval from the Board prior to the scheduled date of such program. Applications for approval must include sponsor, date, location, subjects, scope, instructors, qualifications of instructors, and classroom hours for each subject.

(3) A hearing aid dispenser or ~~fitter~~ hearing aid specialist must obtain a minimum of ten (10) hours of continuing education annually. Of these hours, two (2) must be in the medical area, two (2) must be in jurisprudence (Alabama laws and rules) ~~and~~ ethics, two (2) must be in patient management. These hours must be resident hours, with no credit given for non-resident training (elearning or online courses). The remainder of hours may be obtained as product specific or on the topic of practice building and may be obtained either through residence or nonresident training.

(a) Approved areas of study to satisfy the two (2) hours in the medical area are:

1. Anatomy and physiology
2. Diseases of the ear
3. Disease control
4. Otoscopy

(b) Approved areas of study to satisfy the two (2) hours in patient management are:

1. Testing
2. Rehabilitation
3. Counseling
4. Impressions of the ear

(4) The method of reporting continuing education shall be as follows:

(a) Each licensed hearing aid dispenser or ~~fitter~~ hearing aid specialist shall be responsible for maintaining certificates of attendance (and supporting documentation as appropriate) for continuing education courses taken to satisfy the requirements for continuing education for a period of four (4) years from the date of attendance;

(b) Prior to January 30 of each year, originals of Annual Continuing Education Requirements must be forwarded to the Alabama Board of Hearing Instrument Dealers for review.

(c) In the event a licensee fails to submit certificates of continuing education attendance, or other documentation, of having satisfied the continuing education requirements for license renewal, the application will not be processed until all continuing education requirements are met; and

(d) A licensee who fails to meet the continuing education requirements shall be subject to disciplinary actions by the Board.

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