

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control No. \_\_\_\_\_ Department or Agency Board of Hearing Instrument Dealers

Rule No. 445-X-1-.06

Rule Title: Requirements for Business

\_\_\_\_\_ 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

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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.

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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 F. Holt

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



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Marilyn Fletcher  
Executive Secretary

445-X-1-.06 Requirements For Businesses

(1) Any established business with a business street address, may sell hearing instruments so long as only individuals properly licensed by the board are directly involved in fitting or selling of hearing instruments.

(2) All businesses which fit or sell hearing instruments shall submit annually, to the board, a Statement of Compliance, indicating the licensure of all hearing aid dispensers, apprentices, and hearing aid specialist fitters employed by the business. The Statement of Compliance shall be in such form as the board directs, and must be signed by the proprietor, a general partner, or the chief executive officer of the business.

(3) All business entities which engage in fitting or selling hearing instruments shall submit a listing to the board annually of all licensed hearing aid dispensers, fitters hearing aid specialist, and apprentices directly or indirectly employed by them.

(4) Business entities shall submit the Statement of Compliance and the listing of hearing aid dispensers, fitters hearing aid specialist, and apprentices to the board not earlier than January 1 and not later than January 31 of each year.

(a) An additional written statement shall also be supplied to the board within 30 days of any changes in the roster of hearing aid dispensers, fitters hearing aid specialist, and apprentices employed by the business.

(5) Any individual or business engaging in the business of fitting or selling hearing instruments shall be equipped with proper physical facilities for conducting hearing tests and servicing hearing instruments.

(a) Proper equipment for servicing hearing instruments and testing shall be maintained and shall include audiometer, tubing, batteries, and impression material, and tools for servicing hearing instruments.

(b) Each individual or business shall maintain established business hours, which shall be clearly posted at any place of business so as to be readily visible to the public.

1. All clients shall have physical access and telephone access to the facility during all posted business hours.

2. Sufficient staff shall be available during posted business hours to adequately address client needs.

(c) Each individual or business shall maintain an established, permanent street address and telephone number which shall be completely spelled out on any business forms or cards which may be given to clients or potential clients.

**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:** May 20, 2016