

APA-1
07/04

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 8/14/14

(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-.04 Examination for Licensure
445-X-1-.05 Continuing Education

INTENDED ACTION: The Alabama Board of Hearing Instrument Dealers proposes to amend rule 445-X-1-.04 Examination for Licensure and 445-X-1-.05 Continuing Education

SUBSTANCE OF PROPOSED ACTION:

The proposed action of rule 445-X-1-.04 Examination for Licensure is to update the rule to the procedures currently in place for licensure of individuals in the State of Alabama. We have adopted the International Hearing Instrument Studies exam in-lieu of an exam written and administered by board members. Our current procedures outlines procedures used in 1975 rather than current procedures.

The proposed actions of rule 445-X-1-.05 Continuing Education is to change the requirements for continuing education to reflect the changes that have surfaced in the hearing instrument industry that didn't exist in 1975 when this rule was originally written. It also increases the amount of continuing education requirements from 8 hours annually to 10 hours annually. Six hours of training are directed by the Board and must be taken through resident training, rather than through distance learning means.

TIME, PLACE, MANNER OF PRESENTING VIEWS:

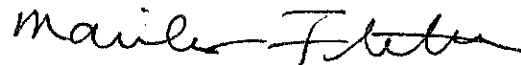
Comments may be submitted in writing or orally at Alabama Board of Hearing Instrument Dealers, 400 S. Union St. #445, Montgomery, AL 36104, (334)242-1925.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

October 9, 2014

CONTACT PERSON AT AGENCY:

Marilyn Fletcher
Executive Secretary
334-242-1925



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 ~~eight (8)~~ ten (10) hours of approved continuing professional education each calendar year.

~~(a) Hearing instrument dealers, dispensers, and fitters who have a physical disability which makes attendance of continuing education programs inordinately difficult may file a request for a substitute program in lieu of attendance and shall therein set out continuing professional education plans tailored to their physical abilities. Such requests shall be accompanied by a physician's statement addressing the necessity for such a program. The board shall review and approve or disapprove such plans on an individual basis. Rejection of any requested substitute for attendance may be reviewed as provided elsewhere herein prior to a sanction being imposed.~~

~~(b) Other requests for substituted compliance, partial waivers, or other exemptions for hardship or extenuating circumstances may be granted by the board upon written application of the licensee. Requests based upon physical limitations shall be accompanied by a physician's statement addressing the licensee's inability to meet the continuing education requirement in the usual manner.~~

~~(e) (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.

~~(d) (b)~~ The number of hours required means that the licensee must actually attend ~~eight (8)~~ 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.

~~(e)~~ The activity shall be offered by a sponsor having substantial, recent experience in offering continuing professional education.

~~(d) The activity shall be conducted by an individual or group qualified by practical or academic experience. The program, including the named advertised participants, shall be conducted substantially as planned, subject to emergency withdrawals and alterations.~~

~~(e) Thorough, high quality, readable and carefully prepared written materials shall be made available to all participants at or before the time the course is presented, unless the absence of such materials is reasonable and approved in advance by the board. A mere outline without explanatory notations shall not be sufficient.~~

~~(f) The activity shall be conducted in a comfortable physical setting, conducive to learning, and equipped with suitable writing surfaces.~~

~~(g) Approval may be given for activities where electronically recorded or reproduced material is used only if a qualified instructor is available to comment and answer questions. Satellite and teleconference programs shall have either telephone hookups to instructors at the broadcast station or an instructor present at the receiving site, to comment and answer questions.~~

~~(h) Sponsors of approved continuing education activities shall refrain from advertising or encouraging the use of their products or services during accredited continuing education activities. Sponsors shall also seek participants' opinions regarding their adherence to this policy. Failure to adhere to this policy shall be grounds for withdrawal of accreditation of the course in question.~~

~~(i) Courses sponsored by hearing instrument dealers, dispensers, and fitters may be approved if the standards for accreditation are met and if the following additional requirements are met. Applications for approval shall, in all cases, be submitted at least thirty days in advance. At least half the instruction shall be provided by persons from outside the business entity owned, operated, or participated in by the hearing instrument dealer, dispenser, and fitter. A qualified instructor from outside the business must be present for audio and video taped presentations.~~

~~(j) Upon request of the board, sponsors of approved programs shall agree to submit a list of licensed Alabama hearing instrument dealers, dispenser, and fitters attending each program.~~

~~(k) Continuing education activities organized by the following professional organizations shall be presumptively approved for credit:~~

- ~~1. National Institute for Hearing Instruments.~~
- ~~2. American Speech Language Hearing Association.~~

~~(l) The board may at any time re-evaluate a program and revoke approval of the provider or of any particular course.~~

~~(m) The provider of an approved continuing education course may announce or indicate the following:~~

~~"This course or a portion thereof has been approved by the Alabama board of hearing instrument dealers for a maximum of _____ hours' credit."~~

~~(3) An annual report of conformity shall be submitted by each dealer or dispenser, subject to the following:~~

~~(a) Before January 30 of each year, each licensed hearing instrument dealer, dispenser, and fitter shall submit, together with his or her license application, a written report to the board, in such form as the board may prescribe, concerning his or her completion of accredited continuing education during the previous calendar year. Such written report shall be attached to and shall accompany the license renewal application and the license renewal application fee.~~

~~(b) A licensee who, for any reason, files the report after January 30 shall pay a \$50 late filing fee. This fee shall be attached to and submitted with the report.~~

~~(c) Any report not postmarked on or before January 30 of a calendar year shall not be considered to be filed in a timely manner, and shall not be accepted unless accompanied by the late filing fee.~~

~~(d) A dealer, dispenser, or fitter who fails to complete eight hours of continuing education in a given calendar year, or who fails to submit a report of continuing education in the required form, shall be considered to be out of compliance with the continuing education requirement.~~

~~(e) A licensee who is out of compliance shall submit to the board, by March 1 of the year following the year for which he or she is out of compliance, a plan for correcting the deficiency in a timely fashion. Such plan must be approved by the board.~~

~~(f) Failure by any licensee who is out of compliance under these regulations to submit and follow an approved deficiency plan shall be grounds for suspension or revocation of his or her license by the board.~~

(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 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)/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 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.

Statutory Authority: Code of Alabama, 1975, § 34-14-11 (4)

Author: Hearing Instrument Dealers Board

History: Filed July 22, 1994; Amend August 14, 2014