

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-.02

Rule Title: Definitions

_____ 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-.02 Definitions

(1) In addition to those definitions adopted in the Code of Ala. 1975, §34-14-1, et seq. the following definitions apply in connection with these rules.

(a) "Board" means the Board of Hearing Instrument Dealers.

(b) "Business" means any corporation, partnership, trust, association, or other legal business venture not acting as a sole individual.

(c) "Hearing Aid Dispenser, Apprentice, Hearing Aid Specialist Dealer, and Fitter" means any person licensed under these rules who undertakes to fit, test, sell, or service hearing instruments.

(d) "~~Hearing Instrument~~" ~~means any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing excluding assistive listening devices.~~ Hearing Aid or Hearing Instrument. Any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing.

(e) "License" means the certificate issued by the Board to individuals meeting qualifications to fit and sell hearing instruments.

(f) "May" indicates permission.

(g) "Place of Business" means the permanent street address of the office in which a licensed ~~dealer, hearing aid dispenser, fitter hearing aid specialist,~~ or apprentice exercises the practices of dispensing and fitting of hearing instruments and which is the hearing aid dispenser's or dealer's base of business.

(h) "Practice of Fitting and Dispensing in Hearing Instruments" means the measurement of human hearing by means of an audiometer or by other means approved by the board solely for the purpose of making selections, adaptations, or sale of hearing instruments. The term also includes the making of impressions for earmolds. A licensee or permit holder at the request of a physician or a member of related professions, may make audiograms for the professional's use in consultation with the hard-of-hearing.

(i) "Rules" means Alabama Administrative Code Rules.

(j) "Sell or Sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers.

(k) "Servicing" means but is not limited to modification, adaptation and repair of the hearing instrument. Servicing does not include cleaning, retubing, and battery changes.

(l) "Shall" indicates mandatory requirements.

(m) "Statement of Compliance" means a form approved by the board which businesses shall file annually with the board and which lists all licensed Alabama hearing ~~instrument dealers, aid dispensers, apprentices, and fitters~~ hearing aid specialist directly or indirectly employed by them and which certifies compliance with rules and regulations of the board and Code of Ala. 1975, §34-14, et seq.

(n) "Apprentice Permit" means the certificate issued while the applicant is in training or is qualifying to become a licensed ~~fitter~~ hearing aid specialist.

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