

TITLE 21 – OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

CHAPTER 22 – HEARING AID DEALERS AND FITTERS BOARD

Notice is hereby given in accordance with G.S. 150B-21.2 that the Hearing Aid Dealers and Fitters Board intends to adopt the rules cited as 21 NCAC 22A .0402-.0404; 22F .0123 and the rules cited as 21 NCAC 22A .0501, .0503; 22F .0104, .0105, .0107, .0108, .0201-.0203, .0208, .0301, .0303, and repeal the rule cited as 21 NCAC 22F .0122.

Link to agency website pursuant to G.S. 150B-19.1(c): www.nchalb.org/regulatory/rulereview.php

Proposed Effective Date: *March 1, 2018*

Public Hearing:

Date: *December 4, 2017*

Time: *1:00 p.m. - 2:00 p.m.*

Location: *3535 Glenwood Ave, Raleigh, NC*

Reason for Proposed Action: *The Board is adopting the above identified rules in order to comply with statutes. The Board is proposing amendment to the above identified rules because the Board desires to improve the rules by: 1) providing clarification and organization so that the rules are clear and unambiguous and 2) eliminating certain requirements so as to reduce the burden upon the licensees who must comply with the rules. The Board is repealing the above identified rule because it is considering the option to allow reciprocity to ease the burden for those who move from out of state.*

Comments may be submitted to: *Caitlin Schwab-Falzone, 3801 Lake Boone Trail, Ste 190, Raleigh, NC 27607; phone (919) 834-3661; email info@nchalb.org*

Comment period ends: *January 16, 2018*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Fiscal impact (check all that apply).

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (\geq \$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4

SUBCHAPTER 22A - BOARD RULES

SECTION .0400 – DEFINITIONS

21 NCAC 22A .0402 ABBREVIATIONS

The Board hereby establishes the following abbreviations to be applied throughout this Chapter:

- (1) IHS - International Hearing Society.
- (2) ILE - International Licensing Examination for Hearing Healthcare Professionals.

Authority G.S. 93D-3.

21 NCAC 22A .0403 FORMS

(a) F1 Form – Apprentice Registration Application. An individual who seeks licensure from the Board and who is required to complete one full year of apprenticeship shall submit a F1 form when submitting an apprentice registration electronic application for a new apprenticeship or to renew or replace an apprenticeship certificate. It requires the following:

- (1) the sponsor last name;
- (2) the reason for application by applicant;
- (3) the sponsor license number and first and last name;

- (4) the applicant first and last name, email address, and name to be printed on certificate;
- (5) the apprentice business location, including business name, address, city, state zip code, county, and phone number;
- (6) the apprentice mailing address;
- (7) the education information including high school/GED school name, city, county, state, and year completed;
- (8) acknowledgement of audiometer calibration certificate;
- (9) acknowledgement of passport photo requirement;
- (10) answering questions regarding the plan of supervision;
- (11) acknowledgement of F1 Affidavit;
- (12) acknowledgement of background check;
- (13) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed and/or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit/dispense hearing aids which was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit or dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit or dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? Include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);
 - (I) to your knowledge, has a complaint ever been filed against you (or a company owned by you) with a hearing aid related board or organization, the Federal Trade Commission, or any consumer protection agency;
 - (J) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability);
 - (K) will you be working under the supervision of a Registered Sponsor for less than 27 hours per week; and
- (11) selection of payment options.

(b) F4 Form – Application for License and Exam Registration. An apprentice or out of state applicant shall submit a F4 form when submitting an application for licensure and exam registration. It requires the following:

- (1) the email address, first, and last name of applicant;
- (2) the reason for application by applicant;
- (3) the name as applicant wishes to have it printed on license;
- (4) selection of exam part, exam period and exam time preference;
- (5) acknowledgement of exam reminders;
- (6) acknowledgement of additional required documents;
- (7) selection of payment options;
- (8) the education information including high school/GED school name, city, county, state, and year completed;
- (9) acknowledgement of background check;
- (10) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed and/or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit/dispense hearing aids which was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit or dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit or dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);
 - (I) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability);
 - (J) will you be engaged in fitting and selling hearing aids for less than 27 clock hours per week;
- (11) the business address information of applicant; and
- (12) attestation of duly made application.

(d) F7 Form – Verification of License. An out of state or military spouse applicant shall submit a F7 verification of license form when submitting an application for licensure and exam registration. It requires the following:

- (1) authorization from the applicant for a state board, other than N.C., having control of any documents, records and other information pertaining to the applicant to furnish to the Board information, including documents, records

regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent information;

- (2) license verification by providing: the applicant first and last name, the board and State, the licensure status, the license number, the issue and expiration date of license;
- (3) education verification if applicant has an audiology degree on file;
- (4) discipline information by answering the following yes or no questions:
 - (A) has the applicant ever been the subject of complaints or charges received by your board;
 - (B) has the applicant ever been warned, censured or disciplined in any manner by your board;
 - (C) has any application by the above applicant for initial licensure or reinstatement ever been denied; and
- (5) board seal, signature and title of person filling out information, and date.

(d) F10 Form - Application for License and Exam Registration for Military-Trained applicant or Military Spouse applicant. An applicant for apprentice registration shall submit a F10 form when submitting an application for licensure and exam registration. It requires the following:

- (1) indication of whether the applicant is new or returning;
- (2) the applicant first and last name, and email address;
- (3) the applicant business location, including business name, address, city, state zip code, county, and phone number;
- (4) the applicant mailing address;
- (5) the reason for application;
- (6) selection of exam part, exam period and exam time preference;
- (7) selection of option to mail or electronically submit required documentation;
- (8) the education information including high school/GED school name, city, county, state, and year completed;
- (9) the military program of training (if applying as military-trained applicant);
- (10) the experience in fitting and selling hearing aids;
- (11) acknowledgement of background check; and
- (12) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed and/or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit/dispense hearing aids which was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit or dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit or dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? Include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);
 - (I) to your knowledge, has a complaint ever been filed against you (or a company owned by you) with a hearing aid related board or organization, the Federal Trade Commission, or any consumer protection agency;
 - (J) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability); and
 - (K) will you be working under the supervision of a registered sponsor for less than 27 hours per week?

Authority G.S. 93B-8.1; 93B-15.1; 93D-3; 93D-5; 93D-6; 93D-8; 93D-9; 93D-11; 93D-13.

21 NCAC 22A .0404 AFFIDAVITS

(a) F1 Apprentice Registration Affidavit. An individual who seeks licensure from the Board and who is required to complete one full year of apprenticeship shall submit an F1 affidavit when submitting an apprentice registration electronic application. It requires the following:

- (1) the date of electronic application;
- (2) the sponsor first and last name, license number or registered sponsor certificate number;
- (3) the apprentice applicant first and last name, social security number, and date of birth of applicant;
- (4) attestation by the applicant and sponsor of the following: I hereby affirm that I have completed the Apprentice Registration Application ("Application"); that I have read and understand the complete Application; and that I declare under penalty of perjury, that all of the information, documents, and materials submitted in response thereto are true, correct, and complete. I understand that falsification or misrepresentation of any item or response in this duly-made application (see 21 NCAC 22A) shall constitute a sufficient basis for the Board to deny the Application, revoke my license or initiate and pursue any other disciplinary action including revoking my license after issuance. I attest that I have read and understand the rules promulgated by the NC State Hearing Aid Dealers and Fitters Board, codified as Title 21, Chapter 22 of the North Carolina Administrative Code and North Carolina General Statute Chapter 93D, and I agree to abide by the same;
- (5) applicant's and sponsor's signature; and
- (6) notarization.

(b) F4 Application for License and Exam Registration Affidavit. An apprentice or out of state applicant shall submit an F4 affidavit when submitting an application for licensure and exam registration. It requires the following:

- (1) the date of electronic application;
- (2) the first and last name, social security number, and date of birth of applicant;
- (3) attestation by the applicant of the following: I hereby affirm that I have completed the Application for License/Exam Registration ("Application"); that I have read and understand the complete Application; and that I declare under penalty of perjury, that all of the information, documents, and materials submitted in response thereto are true, correct, and complete. I understand that falsification or misrepresentation of any item or response in this duly-made application (as defined in 21 NCAC 22A) shall constitute a sufficient basis for the Board to deny the Application, revoke my license or initiate and pursue any other disciplinary action including revoking my license after issuance. I attest that I have read and understand the rules promulgated by the NC State Hearing Aid Dealers and Fitters Board, codified as Title 21, Chapter 22 of the North Carolina Administrative Code and North Carolina General Statute Chapter 93D, and I agree to abide by the same;
- (4) applicant's signature; and
- (5) notarization.

(b) F6 Waiver of Apprenticeship Requirement Affidavit. An out of state applicant or military spouse applicant shall submit an F6 affidavit when submitting an application for licensure and exam registration. It requires the following:

- (1) the date of electronic application;
- (2) the first and last name of applicant;
- (3) attestation by the authorized board representative of the following: I hereby affirm that I am an authorized representative of the Board shown below; that I have reviewed the Board's official records regarding the above-named applicant; that applicant is currently licensed and has been continuously licensed in the state or jurisdiction of (insert jurisdiction) for the past three consecutive years immediately preceding this affidavit; and that a Verification of Licensure form (F7-VOL) has been completed to supplement this affidavit.; and
- (4) the date when giving attestation, first and last name of authorized board representative, title of representative, name of board, and board seal.

Authority G.S. 93B-14; 93B-15.1; 93D-3; 93D-5; 93D-8; 93D-9; 93D-13.

SECTION .0500 – FEES AND APPLICATIONS

21 NCAC 22A .0501 FEE SCHEDULE

The Board hereby establishes the following fees:

(1)	Application for registration as an apprentice	\$100.00
(2)	Renewal of apprentice registration	\$150.00
(3)	Application for registration of a Registered Sponsor not otherwise licensed by the Board	\$150.00
(4)	Application for a license <u>fee</u>	\$250.00 \$425.00
(5)	Examination fee	\$300.00 \$75.00
(6)	Issuance of certificate of license after successfully passing examination	\$ 25.00
(7)	To reissue a suspended license more than 90 days after but not more than two years after license suspended	\$200.00
(8)	Annual license renewal	\$250.00
(a)	Late fee: 60 days or fewer after license expiration (in addition to renewal fee)	\$ 25.00
(b)	Late fee: more than 60 days after license expiration (in addition to renewal fee)	\$ 50.00
(9)	For approval of a continuing education program provider	\$ 40.00
(10)	Verifying and recording attendance at a continuing education program (per program, per person)	\$ 15.00
(11)	For a continuing education make-up class provided by the Board (per person, per day)	\$ 50.00
(12)	For a voluntary apprentice training workshop (per person, per day)	\$ 50.00
(13)	For a license examination preparation course provided by the Board (per person, per day)	\$ 50.00
(14)	Processing fee for a check on which payment has been refused by the payor bank because of insufficient funds or because the drawer did not have an account at that bank	\$ 25.00

Authority G.S. 12-3.1; 25-3-506; 93D-3; 93D-5; 93D-8; 93D-9; 93D-11; 93D-13.

21 NCAC 22A .0503 SUBMISSION OF APPLICATIONS AND FEES

(a) Each applicant for a license shall submit an electronic application for licensure and exam registration located on the Board's website, www.nchalb.org, each time the applicant applies to take any portion of the exam. The application shall be considered a duly made application upon submission and receipt of the following:

- (1) for an out of state applicant: F4 form, F4 affidavit, audiometer calibration, passport style photograph, background check, F6 affidavit, F7 form, ILE score transfer letter from IHS (if applicable), and necessary fees.
- (2) for an apprentice: F4 form, F4 affidavit, audiometer calibration, passport style photograph, background check, and necessary fees.
- (3) for a military trained applicant: F10 form, F4 affidavit, audiometer calibration, passport style photograph, background check, proof of military training, ILE score transfer letter from IHS (if applicable), and necessary fees.
- (4) for a military spouse applicant: F10 form, F4 affidavit, audiometer calibration, passport style photograph, background check, F6 affidavit, F7 form, ILE score transfer letter from IHS (if applicable), and necessary fees.

~~(a)(b)~~ The Board shall accept a digital image of a signed affidavit or other document required as part of an application as the original when submitted electronically in conjunction with the electronic application.

~~(b)(c)~~ If an applicant submits an incomplete application, the Board office shall notify the applicant of the documents or any material otherwise needed in order for the application to be considered a duly made application. The application shall be classified as "abandoned by the applicant" if a duly made application is not submitted to and received by the Board office by the exam registration deadline, if after 14 days of the electronic transmission of the application to the Board the application is not a duly made application, as defined in 21 NCAC 22A .0401. The Board shall not apply any fee paid or document submitted for the abandoned application to any other application. It is the responsibility of the applicant and the sponsor, if any, to ensure that all supplemental documents requested in the application are submitted by the exam registration deadline, within 14 days if all documents are not electronically submitted with the application. This Rule shall not extend an application deadline set forth in any other rule of this Chapter.

~~(c)(d)~~ The exam registration deadline shall be 45 days prior to the examination date. An applicant may be denied admission to an exam if an application is submitted after the registration deadline, based on proximity to examination date, availability of space in the examination, and the applicant or the applicant's sponsor's past history of compliance with the Board's rules. An applicant denied admission to an examination due to late registration shall be registered for the next scheduled examination, if otherwise eligible.

(e) Part D will be the ILE as administered by the IHS. For applicants registering to take Part D of the Board's licensing exam, the applicant will receive electronic notification from the IHS with further instructions on how to register for Part D of the exam, and instructions on how to pay the ILE examination fee. The ILE examination fee shall be paid directly to the IHS.

(f) An applicant shall submit a new application for license and exam registration and pay the fees set forth in 21 NCAC 22A .0501 each time the applicant registers for Parts A, B, C, and D of the licensing exam. However, the Board shall waive the application for license fee and the exam registration fee but not the ILE examination fee for any applicant that is only taking Part D.

(g) All applicants shall reapply for a license by examination within the time prescribed in Paragraph (d) of this Rule each time they take and fail to pass the licensing examination.

~~(d) No later than 14 days after an apprentice has held a valid apprentice registration certificate for 365 days, the apprentice shall make application to take the next scheduled licensing examination. All apprentices shall reapply for a license by examination within the time prescribed in Paragraph (c) of this Rule each time they take and fail to pass the licensing examination.~~

~~(e) No later than 20 days after the date printed on the Official Notice of Examination Results, a registered apprentice who failed to pass the qualifying examination shall make application to renew the apprentice certificate or the sponsor shall submit written notice to the Board that the apprenticeship is being terminated by the current expiration date of the certificate.~~

~~(f)(h)~~ The Board shall deny a late duly made application, except as set forth in Paragraph ~~(e)(d)~~ of this Rule.

~~(g)(i)~~ In computing the time stated in the rules of this Chapter, the day of the act or event shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

Authority G.S. 25-3-506; 93D-3(c); 93D-5; 93D-9.

SUBCHAPTER 22F - LICENSING PROVISIONS

SECTION .0100 - EXAMINATION

21 NCAC 22F .0104 QUALIFICATIONS FOR LICENSURE

In order to be issued a license by the Board:

- (1) Each applicant for licensure shall submit an application for licensure and exam registration as set forth in 21 NCAC 22A .0503;
- (2) Each applicant for licensure shall show to the Board the requirements in G.S. 93D-5a. The Board may require supplemental information for applications to determine the qualifications of each licensee, registered applicant, and registered apprentice, as set forth in these Rules and in G.S. 93D. The Board will require supplemental information on a case-by-case basis including issues raised on the applicant's criminal background check or discrepancies in the application. Supplemental information may include letters of recommendation, affidavits, official transcripts, and personal appearances before the Board;
- (3) The applicant shall pass all parts of the Board's licensing exam as set forth in 21 NCAC 22F .0105. In the event an out of state applicant, military trained applicant, or military spouse applicant has previously taken and successfully passed Part D of the Board's licensing exam, this applicant shall submit an ILE score transfer letter from the IHS so as not to re-take Part D; and

- (4) Each applicant shall complete one full year of apprenticeship, with exception to those eligible for waiver under G.S. 93D-5(c) or those applying for licensure pursuant to 21 NCAC 22F .0123.

~~(a) The Board may require supplemental information for applications to determine the qualifications of each licensee, registered applicant, and registered apprentice, as set forth in these Rules and in Chapter 93D of the General Statutes of North Carolina. Supplemental information may include letters of recommendation, affidavits, photographs, official transcripts, and personal appearances before the Board.~~

~~(b) An apprentice may elect to take Part A, Part B, or Part C of the licensing exam at any time during the apprenticeship by submitting an application for license and exam registration prior to the registration deadline.~~

~~(c) An apprentice shall complete 365 days of apprenticeship prior to taking Part D of the licensing exam.~~

~~(d) The Board shall waive the application for license fee and the exam registration fee for an applicant's initial registration to take Part D of the exam only if the applicant took and passed Part A, Part B, and Part C prior to completing 365 days of apprenticeship.~~

~~(e) Except as provided in Paragraph (d) of this Rule, an applicant shall submit a new application for license and exam registration and pay the fees set forth in 21 NCAC 22A .0501 each time the applicant registers for any parts of the licensing exam.~~

~~(f) The Board shall not prorate the application for license fee or the exam registration fee for retesting an applicant who failed any part of the licensing exam.~~

Authority G.S. 93D-3(c); 93D-5; 93D-6; 93D-9.

21 NCAC 22F .0105 EXAMINATION

~~(a) The exam consists of four parts:~~

- ~~(1) Part A Part A. This part shall assess applicant's knowledge of hearing testing through a computer simulation program;~~
- ~~(2) Part B Part B. This part shall assess applicant's practical knowledge and ability to make an ear impression;~~
- ~~(3) Part C Part C. This part shall assess the applicant's knowledge of relevant ~~laws~~ laws, rules, and regulations governing hearing aid specialists; and~~
- ~~(4) Part D Part D. Part D will be the ILE as administered by the IHS. This part shall assess the applicant's knowledge of the following:
 - ~~(A) patient assessment;~~
 - ~~(B) interpretation and application of assessment results;~~
 - ~~(C) hearing devices;~~
 - ~~(D) the scope of practice of hearing aid specialists; and~~
 - ~~(E) ability to provide continuing care.~~~~

~~(b) The Board shall annually review the contents and outcome of the previous qualifying examinations and shall determine the minimum performance criteria required for passing the examination. In accordance with G.S. 93B-8(a), each registered applicant shall be informed in writing of the requirements for passing the examination prior to the applicant taking the examination.~~

~~(c) An applicant shall pass all parts of the exam in order to receive a license.~~

~~(d) For a registered applicant who completes "one full year of apprenticeship," as defined in 21 NCAC 22A .0401, all exam results shall expire 31 months after the date of initial issuance of the apprentice certificate.~~

~~(e) If a registered applicant is exempt from the apprenticeship requirement, or takes an exam more than 31 months after the date of initial issuance of the apprentice certificate, the exam results shall expire 19 months after the date of the exam.~~

Authority G.S. 93B-8; 93D-1.1; 93D-3(c); 93D-8.

21 NCAC 22F .0107 EXAMINATION RESULTS

~~(a) The Board office shall communicate the examination results as follows:~~

- ~~(1) issue a written notification concerning the applicant's performance on the qualifying examination to each registered applicant by mailing exam results to the mailing address provided by the applicant; and~~
- ~~(2) if applicable, mail a copy of the applicant's exam results to the applicant's Registered Sponsor at the mailing address on file with the Board at the same time the results are mailed to the applicant.~~

~~(a) The office of the Board shall issue written notification concerning the applicant's performance on the qualifying examination to each registered applicant by mailing exam results to the mailing address provided by the applicant.~~

~~(b) A copy of the applicant's exam results shall be mailed to the applicant's Registered Sponsor at the mailing address on file with the Board at the same time the results are mailed to the applicant.~~

~~(c)(b) The deadline for the Board to mail exam results shall be 30 days after the examination. The Board shall mail exam results within 30 days after the examination.~~

~~(c)(c) The written notification shall be titled "Official Notice of Examination Results" with the date of the notice printed below the title.~~

~~(d) For a registered applicant who completes one full year of apprenticeship, all exam results shall expire 31 months after the date of initial issuance of the apprentice certificate.~~

- (e) If a registered applicant is exempt from the apprenticeship requirement, or takes an exam more than 31 months after the date of initial issuance of the apprentice certificate, the exam results shall expire 19 months after the date of the exam.
(f) Notwithstanding Paragraphs (d) and (e) of this Rule, the exam results for Part D shall not expire.

Authority G.S. 93B-8; 93D-3(c).

21 NCAC 22F .0108 REVIEW OF EXAMINATION

- (a) As set forth in ~~G.S. 93B-8(e)~~ G.S. 93B-8(c), each registered applicant who takes and does not pass the qualifying examination shall be granted an opportunity to review the failed portion of the examination that is in the custody and control of the Board in the presence of a representative of the Board, upon written request from the applicant.
- (b) An applicant shall make a written request by completing the electronic form available on the Board website. The written request shall include the applicant's name and Exam ID number, contact phone number, e-mail address, and dates available for a review appointment.
- (c) The deadline to request an exam review shall be 20 days after the date printed on the Official Notice of Examination Results.
- (d) The Board shall conduct exam reviews at the Board's office by appointment.
- (e) Pursuant to G.S. 93B-8(d), an applicant shall not have the privilege to review Part D of the licensing exam.

Authority G.S. 93B-8; 93D-3(c).

21 NCAC 22F .0122 RECIPROCITY

~~Whereas the Board is not compelled to issue any license pursuant to G.S. 93D-6, the Board shall not issue a license by reciprocity.~~

Authority G.S. 93D-3(c); 93D-5; 93D-6; 93D-9.

21 NCAC 22F .0123 MILITARY LICENSURE

- (a) The Board shall issue a license to a military-trained applicant seeking licensure as a hearing aid specialist in North Carolina upon the applicant demonstrating the qualifications as prescribed by the provisions of G.S. 93B-15.1(a).
- (b) The Board shall issue a license to a military-trained applicant seeking licensure as a hearing aid specialist in North Carolina upon the applicant demonstrating the qualifications as prescribed by the provisions of G.S. 93B-15.1(a2).
- (c) The Board shall issue a license to a military spouse applicant seeking licensure as a hearing aid specialist in North Carolina upon the applicant demonstrating the qualifications as prescribed by the provisions of G.S. 93B-15.1(b).
- (d) The Board shall issue a "temporary practice permit" to a military-trained applicant or military spouse applicant while the military-trained applicant or military spouse is satisfying the requirements for licensure. The following provisions apply:
- (1) the applicant may perform duties within the scope of practice for a Hearing Aid Specialist only upon issuance of a temporary practice permit by the Board; and
 - (2) the temporary practice permit shall remain valid for the later of one year or the renewal date for Hearing Aid Specialists or until a license is granted.
- (e) No later than 30 days following receipt of a duly made application for licensure and exam registration under Section (a) and (b), the Board shall notify a military-trained applicant when the applicant's military training or experience does not satisfy the requirements for licensure, and shall specify the criteria or requirements that the Board determined that the applicant failed to meet and the basis for that determination.
- (f) Notwithstanding any other rule in this Chapter, the Board shall not charge a military-trained applicant or a military spouse an initial application fee for a license, registration, or temporary practice permit issued pursuant to this Section. Pursuant to G.S. 93B-15.1, nothing in this Paragraph shall be construed to prohibit the Board from charging its ordinary fee for a renewal application or prohibit a third party from charging actual costs for a service such as a background check.
- (g) The Board shall waive the license renewal fee and continuing education reporting fees and shall grant an extension of time for up to one year for completing and reporting continuing education credits for those licensees currently licensed and in good standing with the Board who are serving in the Armed Forces of the United States, and to whom G.S. 105-249-2 grants an extension of time to file a tax return.

Authority G.S. 93B-15; 93B-15.1; 93D-1.1; 93D-2; 93D-3(c); 93D-5; 93D-8; 93D-9.

SECTION .0200 - CONTINUING EDUCATION

21 NCAC 22F .0201 CONTINUING EDUCATION DEFINITIONS

The following definitions apply to the Rules contained in this Section:

- (1) "CE Program" means a continuing education presentation where attendance is monitored and the participants are required to be present at one or more designated physical locations. The CE Program shall consist of sessions ~~which~~ that may be eligible for Board-approved CEU credit. A CE Program may be televised or conducted via the internet only if participants must be at a designated location where attendance is monitored by the CE Program provider.
- (2) "CEU accrual period" means the calendar year (January 1 through December 31) immediately preceding the March license renewal deadline.
- (3) "CEU reporting deadline" means the tenth day of January ~~which~~ that immediately follows the CEU Accrual Period.
- (4) "CEU Verification Report" means the electronic form available on the Board website (www.nchalb.org) for recording CEU credits earned to satisfy the license renewal requirement.

- (5) "Continuing Education Unit" (CEU) means the reporting unit used in calculating approved continuing education hours. One-tenth of a CEU (0.10) equals one hour of approved instruction. Ten hours of approved instruction equals 1.00 CEU credit. The Board-approved CEU credits are recorded to two decimal points (for example, a session conducted for two hours would be recorded as 0.20 CEU).
- (6) "Educational objective" means a statement of the working knowledge or understanding of presented content that a participant ~~should~~ is expected to attain upon completion of the session.
- (7) "Hour" means a full clock hour (60 minutes) of instruction and learning, excluding any time allowed for any other activity such as meals, breaks, or business or committee meetings.
- (8) "Program application" means the Board's official application for the purpose of program review for Board-approved CEU credit, which is available on the Board website.
- (9) "Presentation format" means the teaching method utilized to impart information to the participants (for example, lecture, panel discussion, demonstration, practicum, or debate).
- (10) "Report of Attendance" means the official attendance verification form entitled "Continuing Education Report of Program Attendance," which is available on the website in generic form and in specific form for approved programs and self-study.
- (11) "Self-study" means independently completed internet-based activities or events provided by the Board, or approved by the International Institute for Hearing Instruments Studies (IIHIS), American Speech-Language-Hearing Association (ASHA), or American Academy of Audiology (AAA), for at least one hour of credit that includes an internet-presented examination ~~pertaining to~~ addressing the content of the self-study session. Self-study may be:
 - (a) live, online presentations;
 - (b) prerecorded, downloaded presentations; or
 - (c) text-based, downloaded readings.
- (12) "Session" means an instructional or learning event, with at least two primary educational objectives ~~pertaining to~~ addressing a single Board topic content category, and a specific amount of time allotted for accomplishing the specified objectives.
- (13) "Topic Content Categories" means a system to separate Board-approved sessions by content. "Category 1" is for amplification, hearing rehabilitation, hearing loss, regulations, and consumer-related issues, ~~amplification and hearing rehabilitation issues~~. "Category 2" is for hearing loss, regulations, and consumer related issues. "Category 0" is assigned to ~~unapproved sessions in a program when other sessions in the program are approved~~.

Authority G.S. 93D-3(c); 93D-11.

21 NCAC 22F .0202 ANNUAL CONTINUING EDUCATION REQUIREMENTS

- (a) A licensee shall complete and record with the Board ~~ten 10~~ hours (1.00 CEU credit) of Board-approved continuing education annually, from sessions assigned to including at least five hours (0.50 CEU credit) classified as Category 1 in accordance with Rule .0203 of this Section.
- (b) The CEU Accrual Period for each license renewal shall be the calendar year preceding license renewal. CEU credit cannot be carried over from one CEU Accrual Period to the next, even if the CEU credit earned exceeds the license renewal requirement.
- (c) An individual who passes the licensing exam during a CEU Accrual Period shall have satisfied the continuing education requirement for the corresponding license renewal.

Authority G.S. 93D-3(c); 93D-11.

21 NCAC 22F .0203 CONTENT CATEGORIES

- (a) Sessions assigned to ~~Category 1~~ Category 1, or ~~Category 2~~, as described ~~herein~~, in this Rule, shall satisfy the continuing education requirement for license renewal. ~~Category 0 sessions, as described herein, do not satisfy any part of the continuing education requirement. Any session not assigned to Category 1 shall not be approved to satisfy the continuing education requirement for license renewal.~~
- (b) Category 1 is for amplification, hearing rehabilitation, hearing loss, regulations, and consumer-related ~~and hearing rehabilitation~~ issues, and shall be assigned to continuing education sessions ~~which that~~ are comprised of the following topics:
 - (1) hearing aid technology: instrument circuitry and acoustic performance data;
 - (2) earmold or shell coupling systems: design, selection, modifications, and ear impressions;
 - (3) hearing aid selection procedures, verification, fitting and adjustment techniques, and servicing or repairs; and
 - (4) aural rehabilitation using amplification: auditory training, hearing aid orientation and counseling techniques, and hearing aid validation techniques; techniques;
 - (5) biological, physical, and behavioral bases underlying normal and pathological hearing processes;
 - (6) detection, assessment, or monitoring of hearing impairment (such as measurement techniques and test interpretation), including intraoperative monitoring;
 - (7) cochlear implants or implantable hearing devices;
 - (8) central auditory processing;
 - (9) assistive listening devices, including FM Systems and ancillary wireless devices;
 - (10) techniques for development of speech and language in children with hearing loss, or augmentative and alternative communication strategies for children or adults with hearing loss;
 - (11) cerumen management, dizziness, or tinnitus as it pertains to persons with hearing loss;
 - (12) hearing impaired consumers' views of the hearing health care industry and consumer complaints;

- (13) infection control issues for the hearing health care profession;
- (14) professional conduct and regulatory issues pertaining to the fitting and selling of hearing aids; and
- (15) hearing aid business practices, such as hearing aid office management, sales contracts, and hearing aid marketing or industry trends.

~~(e) Category 2 is for hearing loss, regulations, and consumer-related issues, and shall be assigned to continuing education sessions which are comprised of the following topics:~~

- ~~(1) biological, physical, and behavioral bases underlying normal and pathological hearing processes;~~
- ~~(2) detection, assessment, or monitoring of hearing impairment (such as measurement techniques and test interpretation), including intraoperative monitoring;~~
- ~~(3) cochlear implants or implantable hearing devices;~~
- ~~(4) central auditory processing;~~
- ~~(5) assistive listening devices, including FM Systems and ancillary wireless devices;~~
- ~~(6) techniques for development of speech and language in children with hearing loss, or augmentative and alternative communication strategies for children or adults with hearing loss;~~
- ~~(7) cerumen management, dizziness, or tinnitus as it directly pertains to persons with hearing loss;~~
- ~~(8) hearing impaired consumers' views of the hearing health care industry and consumer complaints;~~
- ~~(9) infection control issues for the hearing health care profession;~~
- ~~(10) professional conduct and regulatory issues pertaining to the fitting and selling of hearing aids; and~~
- ~~(11) hearing aid business practices such as hearing aid office management, sales contracts, and hearing aid marketing or industry trends.~~

~~(d) Category 0 shall be assigned to all unapproved sessions in a continuing education program, including sessions comprised of the following programs, activities and topics:~~

- ~~(1) financial planning unrelated to the fitting or programming of hearing instruments;~~
- ~~(2) computer training unrelated to the fitting or programming of hearing instruments;~~
- ~~(3) employment contracts;~~
- ~~(4) balance mechanism or tinnitus, if not directly pertaining to persons with hearing loss;~~
- ~~(5) cerumen management, if not directly pertaining to persons with hearing loss;~~
- ~~(6) training designed for license examination preparation;~~
- ~~(7) factory tours, poster sessions, open forum sessions, and poster type sessions conducted at a CE Program where participants are free to determine the amount of time that they interact with multiple presenters; and~~
- ~~(8) all other topics not listed as approved for Category 1 or Category 2.~~

Authority G.S. 93D-3(c); 93D-11.

21 NCAC 22F .0208 SELF-STUDY

- (a) Self-study may be completed to satisfy up to ~~five~~ all 10 hours of the continuing education requirement during each CEU Accrual Period.
- (b) Each self-study event shall be one session and up to ~~five~~ 10 sessions completed in the same CEU Accrual Period may be reported on one self-study Report of Attendance as a self-study program.
- (c) A licensee shall record self-study CEU credit with the Board by submitting all of the following:
 - (1) an electronic CEU Verification Report;
 - (2) a completed self-study Report of Attendance;
 - (3) an official transcript listing the licensee's score of 80 percent or greater on an Internet-presented examination pertaining to the content of the self-study activity; and
 - (4) the recording fee as set forth in Rule 21 NCAC 22A .0501 for each self-study program.
- (d) The Board shall accept electronic images of the self-study Report of Attendance and official transcripts when submitted electronically in conjunction with the CEU Verification Report.

Authority G.S. 93D-3(c); 93D-11.

SECTION .0300 – APPRENTICESHIPS

21 NCAC 22F .0301 APPRENTICESHIP REQUIREMENTS

- (a) Pursuant to G.S. 93D-5 and G.S. 93D-9, an individual who seeks licensure from the Board shall first complete one full year of apprenticeship, with exception of those applicants eligible for waiver pursuant to G.S. 93D-5(c) or applying for licensure pursuant to 21 NCAC 22F .0123. An individual who seeks a license under G.S. 93D shall complete "one full year of apprenticeship" as defined in 21 NCAC 22A .0401, unless the individual is eligible for waiver of the apprenticeship requirement under G.S. 93D-5(e) 1-5.
- (b) In order to complete the one full year of apprenticeship, the applicant shall:
 - (1) be sponsored by a Registered Sponsor; and
 - (2) register with the Board by submitting a complete apprentice registration electronic application. The application shall be considered complete upon submission and receipt of the following: Under the supervision of the proposed sponsor, an individual shall complete the apprentice registration application and pay the fee as set forth in 21 NCAC 22A .0501.
 - (A) F1 form;
 - (B) F1 affidavit;

- (C) audiometer calibration;
- (D) passport style photograph;
- (E) background check; and
- (F) the application for registration as an apprentice fee as set forth in 21 NCAC 22A .0501(1).

(c) The Board shall accept a digital image of a signed affidavit or other document required as part of an application as the original when submitted electronically in conjunction with the electronic application. An apprentice may perform duties within the scope of practice for a Hearing Aid Specialist under the registered sponsor's supervision only after the apprentice certificate is approved and posted on the Board's website.

(d) The Board may require supplemental information for applications to determine the qualifications of each applicant for apprenticeship, as set forth in these Rules and in G.S. 93D. The Board will require supplemental information on a case-by-case basis including issues raised on the applicant's criminal background check or discrepancies in the application. Supplemental information may include letters of recommendation, affidavits, official transcripts, and personal appearances before the Board. For an apprenticeship issued prior to the effective date of this Rule, the registered sponsor shall provide general supervision to the apprentice until the expiration date of the apprentice certificate. For any renewal of an apprenticeship or issuance of an apprenticeship after the effective date of this Rule, the registered sponsor shall provide supervision in accordance with 21 NCAC 22F .0302.

(e) Once an apprentice registration application is complete and approved, the Board shall issue the applicant an initial apprentice registration certificate that allows him or her to perform duties within the scope of practice for a Hearing Aid Specialist under the Registered Sponsor's supervision. The Board shall post all active apprentice information on the Board's website, www.nchalb.org.

(f) An apprentice may elect to take any part of the licensing exam at any time during the apprenticeship by submitting an application for licensure and exam registration as set forth in 21 NCAC 22A .0503 prior to the registration deadline.

(g) An apprentice is under Personal supervision unless and until an apprentice takes and passes Parts A, B, and C of the Board's licensing exam, at which point the apprentice will be under General supervision.

Authority G.S. 93D-1.1; 93D-3(c); 93D-5; 93D-9.

21 NCAC 22F .0303 CERTIFICATE EXPIRATION AND RENEWAL

(a) The initial apprentice registration certificate, and any subsequently issued replacement certificates issued within the first year of apprenticeship, shall expire after the apprentice has held a valid certificate for a total of 365 days.

(b) Within 14 days after the expiration of the initial apprentice registration certification, in order to continue performing duties within the scope of practice for a Hearing Aid Specialist under a Registered Sponsor's supervision, the apprentice shall renew the apprentice registration certificate by submitting an application for licensure and exam registration as set forth in 21 NCAC 22A .0503(a)(2) to take the next scheduled licensing exam. When an apprentice registers for the licensing examination in accordance with 21 NCAC 22A .0503(d), the Board shall extend the apprentice registration certificate, at no additional charge to the apprentice. The extended certificate shall expire 30 days after the date on the Official Notice of Examination Results for the apprentice.

(c) Within 20 days after the date on the Official Notice of Examination Results, if an apprentice who renewed by following Paragraph (b) of this Rule failed to pass all parts of the Board's licensing exam, then in order to continue performing duties within the scope of practice for a Hearing Aid Specialist under a Registered Sponsor's supervision, the apprentice shall renew the apprentice registration certificate by doing the following:

(1) submitting a complete apprentice registration electronic application consisting of:

- (A) F1 form;
- (B) F1 affidavit;
- (C) audiometer calibration;
- (D) passport style photograph;
- (E) background check; and
- (F) the renewal of apprentice registration fee as set forth in 21 NCAC 22A .0501(2); and

(2) submitting an application for licensure and exam registration as set forth in 21 NCAC 22A .0503(a)(2) to take the next scheduled licensing exam.

~~An apprentice registration certificate obtained by renewal in accordance with 21 NCAC 22A .0501(2) shall expire 30 days after the date on the Official Notice of Examination Results of the next available exam.~~

(d) Any subsequent renewal of an apprentice registration certificate after Paragraph (b) or (c) by an apprentice who failed to pass all parts of the Board's licensing exam shall be done by following Paragraph (c) of this Rule.

(e) An apprentice registration certificate obtained by renewal in accordance with Paragraph (b), (c), or (d) of this Rule shall expire 30 days after the date on the latest Official Notice of Examination Results for the apprentice.

(f) A sponsor who no longer wishes to supervise an apprentice shall submit written notice to the Board that the apprenticeship is being terminated at the current expiration date of the certificate.

Authority G.S. 93D-3(c); 93D-5; 93D-9.