Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 60 – Professional Licensure

CHAPTER 06 REGULATIONS GOVERNING LICENSURE OF HEARING AID SPECIALISTS

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Title 15 - Mississippi Department of Health

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CHAPTER 06 REGULATIONS GOVERNING LICENSURE OF HEARING AID SPECIALISTS

100 GENERAL

100.01 **Purpose** The purpose of these regulations is to safeguard the public's health, safety, and welfare by establishing minimum qualifications and creating exclusive titles corresponding to the level of qualifications for individuals who wish to offer hearing aid services to the public. Further, in order to insure the highest degree of professional conduct by those engaged in offering these services to the public, it is the purpose of these regulations to provide and impose disciplinary sanctions, be they civil or criminal, against persons who do not meet or adhere to the procedures, qualifications, and standards set out in these regulations.

100.02 **Legal Authority** The State Board of Health established and empowered by Section 41-3-1 et seq., Mississippi Code of 1972 shall discharge as additional duties and responsibilities the provisions of this chapter in the examination, licensing, and regulation of persons who sell and fit hearing aids and who test hearing while engaged in the selling and fitting of hearing aids.

100.03 **Definitions** (Revised 5/12/96) The following definitions apply as used in this chapter, unless the context otherwise requires:

1. **Board** means the Mississippi State Board of Health.

2. **License** includes a temporary or regular license.

3. **Hearing aid** shall mean any wearable instrument or device designed for or offered for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including ear molds, but excluding such things as telephone devices, batteries and cords.

4. **Hearing aid specialist** means an individual licensed by the board to engage in the practice of dispensing and fitting hearing aids."

5. **Practice of dispensing and fitting hearing aids** means the evaluation or measurement of powers or range of human hearing by means of an audiometer and the consequent selection or adaptation or sale of hearing aids intended to compensate for hearing loss, including the making of an impression of the ear.

6. **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.

7. **Unethical conduct** means:

   a. The obtaining of any fee or the making of any sale by fraud or misrepresentation.

   b. Knowingly employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter.

   c. Representing that the professional services or advice of a physician or audiologist will be used or made available in the selling, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor," "clinic," "clinical," and/or "research audiologist," "audiologic," or any other like words, abbreviations or symbols which tend to connote audiological or professional services, when such use is not accurate.

   d. Permitting another to use his license.

   e. Quoting prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or showing, demonstrating or representing competitive models as being current models when such is not the fact.

   f. Imitating or simulating the trademarks, trade names, brands or labels of competitors with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

   g. Defaming competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely disparaging the products of competitors in any respect, or their business methods, selling prices, values, credit terms, policies or services.

   h. Stating or implying that the use of any hearing aid will restore or preserve hearing, prevent or retard progression of a hearing impairment.

   i. Dispensing and selling a hearing aid to a child under the age of eighteen (18) years who has not been examined and cleared for hearing aid use by a licensed physician within a six-month period immediately prior to dispensing and selling the hearing aid.

   j. Representing himself as being an audiologist as defined in (73-83-3 of the Mississippi Code of 1972, annotated.

k. Not meeting the minimum requirements of test procedures and test equipment to be used in the fitting of hearing aids, as established by the Department, and not retaining all records of fittings, for a period of three years.

8. **Council** means the Advisory Council.

9. **Act** means the Mississippi Hearing Aid Specialist Licensure law.

10. **Department** shall mean the Mississippi State Department of Health.

100.04 **Publication** The Board shall publish, annually, a list of the names and addresses of all persons licensed by the Board as Hearing Aid Specialists and a list of all persons whose licenses have been suspended, revoked, denied renewal, put on probationary status, censured, or reprimanded, pursuant to the sections in these regulations.

101 HEARING AID SPECIALIST COUNCIL OF ADVISORS ("COUNCIL")

101.01 Council Structure and Purpose:

1. The Council shall consist of seven (7) members as set forth in the Act, for the terms indicated therein, and shall serve under the jurisdiction of the State Board of Health.

2. The Council shall serve in an advisory capacity to the Department in matters relating to the administration and interpretation of the Act.

3. The council shall conduct its business according to its operating procedures.

101.02 Meetings:

1. The Council shall meet at least one time each fiscal year at a time and place designated by the Department. Additional special meetings may be held if, at the discretion of the Department, such special meetings are necessary. Meetings may be called by giving 10 days written notice.

2. Four of the seven members of the Council shall constitute a quorum, and if the quorum is not present at the time of such called meeting, same may be adjourned to a date to be designated by the Chairman.

3. Absence from two (2) consecutive meetings without good cause constitutes grounds for removal from the council.

102 STATE BOARD OF HEALTH

102.01 **Duties and Responsibilities** The Board, with the advice of the council, shall:

1. Make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of the Act.

2. Supervise and administer qualifying examinations to test the knowledge and proficiency of applicants for a license.

3. License persons who apply to the Department and meet requirements for licensure as stated in Section 103.01 of these regulations.

4. Establish minimum requirements of test procedures and test equipment to be used in the fitting of hearing aids. Also, the retention of all records of fittings by the dealer must be kept for a period of three (3) years.

5. Name an advisory council as prescribed by law.

6. Establish licensing and renewal of license criteria for applicants.

7. Carry out the periodic inspection of facilities and equipment of persons who practice the fitting and selling of hearing aids.

8. Suspend or revoke licenses pursuant to the provisions of the Act and these regulations.

9. Direct the Department to promulgate and implement rules and procedures to carry out the purpose of the Act.

103 LICENSURE

103.01 **Licensure Requirements** (Revised 5/12/96) An applicant for licensure shall submit to the Department written evidence in form and content satisfactory to the Department that the applicant:

1. is twenty-one (21) years of age or older;

2. minimally, has an education equivalent to a four-year course in an accredited high school;

3. has passed an examination approved by the Department; and

4. has paid the required fee(s).

103.02 **Examination:** (Revised 5/12/96; 5/15/99)

1. Examinations will be administered quarterly on the third Wednesday of January, April, July, and October.

2. The exam consists of three (3) sections: a written exam, a practical exam, and a state law exam.

   a. Written exam scores from other jurisdictions are considered valid for twelve (12) months from the date of examination if the exam is the same as the one used by this jurisdiction.

3. Applicants who fail one or more sections of the initial exam are required to re-test failed sections on the subsequent exam in the following manner:

   a. Written examination section - Retake the entire section.

   b. Mississippi Law section - Retake the entire section.

   c. Practical examination section - requires retesting of each failed subsection only.

4. Applicants are limited to two (2) attempts (1 test and the subsequent re-test) to successfully complete the examination. After an unsuccessful retest to complete the licensure examination, the applicant must take the entire examination at his next sitting with the exception of those applicants who satisfy section 103.02(2)(a) of these regulations.

5. The examinations, written/oral/practical, under this section shall not include questions requiring a medical or surgical education. It is the intent of this section that the exams administered under this chapter be of such a level as to provide, that at a minimum, an individual having a high school level education or its equivalent, and with appropriate study, training and supervision under the direction of a licensee deemed qualified by Section 109 of these regulations, should be able to pass.

6. The practical portion of the examination shall include the following areas of proficiency:

   a. Pre-test procedure

   b. Pure tone air conduction and masking

   c. Pure tone bone conduction and masking

   d. Speech audiometry and masking

   e. Ear Impressions

f. Audiogram Interpretation and Fitting

g. Trouble shooting hearing aids

103.03 **Licensure by Reciprocity**

1. An applicant for licensure by reciprocity shall submit to the Department written evidence in form and content satisfactory to the Department:

   a. That the applicant is currently licensed as a Hearing Aid Specialist under the laws of another state or the District of Columbia.

   b. That the requirements for said license are equivalent to or greater than those required in this state as set forth in Section 103.02 of these regulations.

   c. That said license is in good standing and has not been suspended or revoked.

   d. That verification of all licenses that have been issued are on file with the Department.

   e. That the state issuing the current license has a current reciprocity agreement on file with the Department.

2. Applicants who have complaints pending against them in another state will not be granted a Mississippi license until such complaints are resolved and resolution validated by the initial licensing agency.

3. Any person making application for licensure under the provisions of this section may, at the discretion of the Department, be required to pass an examination selected by the Department.

103.04 **Temporary Licensure**

1. A temporary license may be granted to an applicant for licensure meeting the requirements of Section 103.02 of these regulations who has not previously applied to take the approved examination.

2. The Department may issue a temporary license to applicants meeting the requirements in Section 103.02 of these regulations, which shall entitle the applicant to practice the fitting and dispensing of hearing aids for a period ending thirty (30) days after the conclusion of the next examination given after the minimum ninety (90) day training period has elapsed.

3. No temporary license shall be issued by the Department under this section unless the applicant shows to the satisfaction of the Department that he is or will be supervised and trained by a person who holds a current

Mississippi license and meets the supervisory requirements in Section 109 of these regulations.

4. The first regularly scheduled examination after the minimum ninety (90) day training period must be taken by the temporary licensee or the temporary license shall not be renewed, except for good cause shown to the satisfaction of the Department.

5. If a person who holds a temporary license issued under this section fails to pass the next examination given after the minimum ninety (90) day training period, the Department may renew the temporary license for a period ending thirty (30) days after the date of renewal is announced. In no event shall more than one (1) renewal be permitted.

103.05 **Out-of-State Licensure**

1. A person who holds a license or temporary license to practice as a hearing aid specialist in this state but whose principal place of business is not in this state shall certify to the Department that they will:

   a. display their Mississippi license while conducting business in Mississippi; and

   b. make all records regarding clients who are residents of Mississippi available to the licensing authority within seventy-two (72) hours of receiving such a request in writing; and

   c. retain all records of fittings by the dealer for a period of three (3) years.

103.06 **Abandonment** (Revised 5/15/99)

1. An application shall be deemed abandoned by the Department if, after six (6) months from the date of filing, the requirements for licensure have not been completed to the satisfaction of the Department.

104 PROFESSIONAL IDENTIFICATION

104.01 **License Required** No person shall engage in the sale or practice of dispensing and fitting hearing aids or display a sign or in any other way advertise or hold himself out as a person who practices the dispensing and fitting of hearing aids unless he holds a current, unsuspended, unrevoked license issued by the Department, or is exempted pursuant to Section 108.01 of these regulations, or by statute.

104.02 **Production and Display of License** (Revised 2/10/95) A person licensed as a Hearing Aid Specialist in Mississippi shall keep said license conspicuously posted in his office or place of business at all times. The licensee shall carry the

"License Identification Card" at all times when providing services and show said identification card when requested.

104.03 **Duty to Consumer**: (Revised 2/10/95; 5/15/99)

1. Competence in the fitting or selling of hearing aids will include performance of the appropriate work-up to assure adequate satisfaction with the hearing aid(s) by each consumer. Documented evidence in each consumer's record should demonstrate:

    a. Establishment of consumer's needs for hearing aid amplification. This will include an accurate pure-tone air and bone audiogram and speech tests (SRT and SDS) with headphones.

    b. Evaluation of the consumer's hearing function after the dispensing of selected aid(s). This will usually be accomplished by aided tests, using speech material and/or other sound (free) field stimuli, or a customer satisfaction statement.

2. Advertising

    a. A licensee shall not make false, deceptive or misleading public communication about the licensee's service. A public communication is false, deceptive or misleading if it:

        i. contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; or

        ii. is likely to create an unjustified expectation about results the licensee can achieve; or

        iii. compares the licensee's services or fees with other licensees' services or fees.

    b. Any public communication through a written medium shall contain such statement in type no smaller than the largest size type used to list the areas of practice. Any public communication through an electronic medium shall contain such statement at a time and in a tone and manner so as to clearly convey the required information to the listener or viewer.

3. Responsibility

    a. A hearing aid specialist shall deliver to each person supplied with one (1) or more hearing aids a bill of sale that contains, at a minimum:

        i. the licensee(s signature, license number and regular office address

ii. a description of the make and model of the hearing aid(s)

iii. the serial number(s) of the hearing aid(s) - This requirement may be fulfilled when the hearing aid(s) are delivered to the client.

iv. the amount charged

v. the condition of the hearing aid(s), i.e., whether new, used, or rebuilt

105 RENEWAL OF LICENSE

105.01 **General Provisions** (Revised 5/12/96)

1. The Department shall issue licenses which shall be renewed biennially.

2. The licensure period shall be construed as July 1 through June 30.

105.02 **Procedure for Renewal of License** (Revised 5/12/96)

1. The Department shall mail notices, at least thirty (30) days prior to the renewal date, to the last address registered with the Department, to the persons to whom licenses were issued or renewed during the preceding licensure period. The licensee shall:

   a. complete the renewal form;

   b. submit proof of continuing education credit as detailed in Section 106 of these regulations;

   c. enclose the renewal fee;

   d. submit proof of the annual inspection and calibration of audiometric testing equipment;

   e. submit a renewal addendum listing the worksite(s) where the licensee practices; and

   f. file the above with the Department prior to the end of the renewal period.

105.03 **Failure to Renew** (Revised 5/12/96)

1. A grace period extending through July 30 shall be allowed after the expiration of a license, during which a license may be renewed with no penalty. A licensee who does not file, with the Department, his renewal application on or before July 30th will be deemed to have allowed his license to lapse. Failure to submit a renewal application postmarked on or before July 30th shall result in the necessity of the payment of a

reinstatement fee. Said license may be reinstated by the Department, in its discretion, by the payment of the reinstatement fee and the required continuing education hours provided said application for reinstatement is made within one (1) year from the date of lapse of the license.

2. A license may not be reinstated after having lapsed for one (1) year from the date of lapse of the license. A new application must be made and the licensure regulations in effect at that time must be met.

106 CONTINUING EDUCATION

106.01 **Definition and Philosophy**: Each individual licensed as a hearing aid specialist is responsible for optimum service to the consumer and is accountable to the consumer, the employer, and the profession for evidence of maintaining high levels of skill and knowledge. Continuing education is defined as education beyond the basic preparation required for entry into the profession, directly related to the hearing aid specialist's performance and practice.

106.02 **Requirements:** (Revised 5/12/96 & 1/14/09)

1. Regulations set the requirement of twenty (20) contact hours to be accrued during the licensing period (July 1 -June 30). No carryover of continuing education hours from one licensure period to another shall be allowed.

2. A temporary licensee shall not be responsible for accruing continuing education.

3. Failure to accrue the minimum continuing education requirement will result in a license not being renewed. A license that has expired/lapsed because of failure to meet the continuing education requirement, may be renewed or reinstated, at the Department's discretion, upon the presentation of satisfactory evidence of completion of the required hours and upon the payment of all fees due.

106.03 **Content Criteria:** (Revised 1/14/09)

1. The content must apply to the hearing aid specialist profession and must be designed to meet one of the following goals:

   a. Update knowledge and skills required for competent performance beyond entry level.

   b. Allow the licensee to enhance his knowledge and skills.

   c. Extend limits of professional capabilities and opportunities.

   d. Include a minimum of one (1) educational hour per year relating to Ethical Practices specific to the Hearing Aid Specialist as defined in

Section 100.03 (7) "Unethical Conduct" and Section 104.03 (2) "Advertising."

106.04 **Sources of Continuing Education:** (Revised 5/15/99 & 1/14/09)

1. Continuing education hours may be accrued from the following sources, provided the sources include continuing education annually that relate to the hearing aid specialist's fitting and ethical practices as defined in Section 100.09 (7) "Unethical Conduct" and Section 104-03 (2) "Advertising." **PLEASE NOTE:** No more than 50% of the total required hours may be accrued via online or home study courses.

   a. Attendance at educational programs where continuing education credit is given and approved by the National Institute for Hearing Instrument Studies (NIHIS);

   b. Attendance at educational programs where continuing education credit is given and approved by the American Speech-Language-Hearing Association (ASHA) and its state affiliated associations;

   c. Attendance at educational programs where continuing education credit is given and approved by the Mississippi Hearing Aid Association (MHAA) or hearing aid associations of other states;

   d. Attendance at educational programs where continuing education credit is given and approved by the Academy of Doctors of Audiology;

   e. Attendance at educational programs where continuing education credit is given and approved by the American Academy of Audiologists;

   f. Attendance at educational programs where continuing education credit is given and approved by the American Auditory Society; and

   g. Attendance at educational programs where continuing education credit is given and approved by an accredited university.

106.05 **Reporting Procedures**: It is the responsibility of the licensee to insure that the following criteria are met with respect to continuing education credit:

1. Attendance at programs approved by the organizations in Section 106.04 of these regulations is automatically accepted for credit unless sessions are duplicated. Verification of attendance may be made by submission of a continuing education certificate (must include licensee name, source, number of hours and date of attendance).

107 REVOCATION, SUSPENSION, AND DENIAL OF LICENSE

107.01 **Standards of Conduct**: Licensees may, at the discretion of the Board, have their license suspended, revoked, or denied at the time of renewal if the Board determines that the licensee:

1. Was convicted of an offense involving moral turpitude. The record of such conviction, or certified copy thereof from the clerk of the court where such conviction occurred or by the judge of that court, shall be sufficient evidence to warrant revocation or suspension.

2. Is guilty of securing, or attempting to secure a license or certificate through fraud or deceit.

3. Is guilty of unethical conduct, or gross ignorance, or inefficiency in the conduct of his practice.

4. Is guilty of knowingly practicing while suffering with a contagious or infectious disease.

5. Has used a false name or alias in the practice of his profession.

6. Is unfit or incompetent by reason of negligence, habits, or other causes of incompetence.

7. Continued practice although the licensee has become unfit to practice as a hearing aid specialist due to:

   a. failure to keep abreast of current professional theory or practice; or

   b. physical or mental disability; the entry of an order or judgment by a court of competent jurisdiction that a licensee is in need of mental treatment or is incompetent shall constitute mental disability; or

   c. addiction or severe dependency upon alcohol or other drugs which may endanger the public by impairing the licensee's ability to practice.

8. Has practiced as a Hearing Aid Specialist after his license or permit has expired or has been suspended.

9. Has practiced as a Hearing Aid Specialist under cover of any permit or license illegally or fraudulently obtained or issued.

10. Has violated or aided or abetted others in violation of any provision of the Act or regulations promulgated thereto.

11. Has engaged in any conduct considered by the Board to be detrimental to the profession of Hearing Aid Specialists.

12. Has violated the provisions of any applicable federal laws or regulations.

13. Has been disciplined by another jurisdiction if at least one (1) of the grounds for the discipline is the same or substantially equivalent to those set forth in the Act or rules and regulations promulgated pursuant to the Act.

107.02 **Summary Suspensions**:

1. The Department may summarily suspend a license without a hearing, simultaneously with the filing of a formal complaint and notice of hearing, if the Department determines that:

   a. The health, safety, or welfare of the general public is in immediate danger; or

   b. The licensee's physical capacity to practice his profession is in issue; or

   c. The licensee's mental capacity to practice his profession is in issue.

2. If the Department summarily suspends a license, a hearing must begin within twenty (20) days after such suspension begins, unless continued at the request of the licensee.

107.03 **Complaints A**ll complaints concerning a licensee, his business, or professional practice, shall be reviewed by the Department. Each complaint received shall be logged, recording at a minimum the following information:

1. licensee's name;

2. name of the complaining party, if known;

3. date of complaint;

4. brief statement of complaint; and

5. disposition.

107.04 **Investigations** All complaints will be investigated and evaluated by the Department, or its designee(s).

107.05 N**otice of Charges and Hearing**:

1. Following the investigative process, the Department may file formal charges against the licensee. Such formal complaint shall, at a minimum,

inform the licensee of the facts which are the basis of the charge and which are specific enough to enable the licensee to defend against the charges.

2. Each licensee, whose conduct is the subject of a formal charge which seeks to impose disciplinary action against the licensee, shall be served notice of the formal charge at least twenty (20) days before the date of hearing. A hearing shall be presided over by the Board or the Board's designee. Service shall be considered to have been given if the notice was personally received by the licensee, or the notice was mailed certified, return receipt requested, to the licensee at the licensee's last known address as listed with the Department. The notice of the formal hearing shall consist at a minimum of the following information:

   a. The time, place and date of hearing;

   b. That the licensee shall appear personally at the hearing and may be represented by counsel;

   c. That the licensee shall have the right to produce witnesses and evidence in the licensee's behalf and shall have the right to cross-examine adverse witnesses and evidence;

   d. That the hearing could result in disciplinary action being taken against the licensee's license;

   e. That rules for the conduct of these hearings exist and it may be in the licensee's best interest to obtain a copy; and

   f. That the Board, or its designee, shall preside at the hearing and following the conclusion of the hearing shall make findings of facts, conclusions of law and recommendations, separately stated, to the Board as to what disciplinary action, if any, should be imposed on the licensee.

3. The Department may order a licensee to submit to a reasonable physical or mental examination if the licensee's physical or mental capacity to practice safely is at issue in a disciplinary proceeding. Failure to comply with a Department order to submit to a physical or mental examination shall render a licensee subject to the summary suspension procedures described in Section 107.02 of these regulations.

4. The Board or its designee shall hear evidence produced in support of the formal charges and contrary evidence produced by the licensee. At the conclusion of the hearing, the Board shall issue an order, within sixty (60) days.

5. Disposition of any complaints may be made by consent order or stipulation between the Board and the licensee.

6. All proceedings pursuant to this section are matters of public record and shall be preserved pursuant to state law.

107.06 **Board Sanctions** The Board may impose any of the following sanctions, singly or in combination, when it finds that a licensee is guilty of any of the above offenses:

1. Revocation of the license;

2. Suspension of the license, for any period of time;

3. Censure the licensee;

4. Impose a monetary penalty of not more than Two Hundred Dollars ($200.00);

5. Place a licensee on probationary status and require the licensee to submit to any of the following:

   a. report regularly to the Department, or its designee, upon matters which are the basis of probation;

   b. continue to renew professional education until a satisfactory degree of skill has been attained in those areas which are the basis of probation; or

   c. such other reasonable requirements or restrictions as are proper;

6. Refuse to renew a license; or

7. Revoke probation which has been granted and impose any other disciplinary action in this subsection when the requirements of probation have not been fulfilled or have been violated.

8. The Board may reinstate any licensee to good standing under this chapter if, after hearing, the Board is satisfied that the applicant's renewed practice is in the public interest.

9. The Board may seek the counsel of the Council regarding disciplinary actions.

107.07 **Appeal** Any person aggrieved by a decision of the Board shall have a right of appeal in the manner provided for in the Act and the Laws of the State of Mississippi.

108 EXCEPTIONS AND EXEMPTIONS

108.01 **Exceptions** The Act and the regulations promulgated thereto:

1. Is not intended to prevent any person from engaging in the practice of measuring human hearing for the purpose of selection of hearing aids, provided such person or organization employing such person, does not sell hearing aids or accessories thereto, except in the case of ear molds to be used only for the purpose of audiologic evaluation.

2. Shall not apply to any physician or surgeon licensed by the State of Mississippi.

3. Does not apply to a person while he is engaged in the fitting of hearing aids provided it is part of the academic curriculum of an accredited institution of higher education, or part of a program conducted by a public tax-supported institution or agency or nonprofit organization, unless such person or institution or agency sells hearing aids, and/or accessories, except ear molds.

108.02 **Good Samaritan Act**:

(LEFT BLANK ON PURPOSE)

109 SUPERVISION OF A TEMPORARY LICENSEE

109.01 **Credentials of Supervisor** A supervisor of a temporary licensee must hold a current license to practice in Mississippi, and:

1. hold a current and valid document of being National Board Certified in Hearing Instrument Sciences by the International Hearing Society (IHS); or

2. hold a current and valid Certificate of Clinical Competence in Audiology (CCC-A) from the American Speech-Language Hearing Association (ASHA); or

3. have had a minimum of three (3) years experience in the testing of hearing, fitting of hearing aids and dispensing of hearing aids.

109.02 **Supervisor's Responsibilities**: (Revised 5/15/99)

1. The supervision of the temporary licensee must entail the personal and direct involvement of the supervisor in any and all ways that will permit the supervisor to attest to the adequacy of the supervisee's performance in the training experience. Knowledge of the temporary licensee's work may be obtained in a variety of ways such as: conference, audio and video tape recordings, written reports, staffing, and discussions with other persons

who have participated in the training of the temporary licensee. Supervision must include direct observation of the temporary licensee performing puretone air and bone conduction speech audiometric evaluations, interpretation of audiograms, trouble-shooting hearing aids and sound-field testing of subjects, taking case history information, and performing such other activities considered important to the preparation for licensure. Employment of unlicensed personnel may be cause for revocation of a supervisor's license.

2. The supervisor is responsible for the services delivered to the client by the temporary licensee.

3. The Supervisor:

   a. Shall be responsible for the supervision of the trainee with a minimum of one-third (1/3) of supervision to be direct, on-site for the duration of the temporary license.

   b. Shall provide the trainee with materials and equipment necessary for appropriate audiometric and hearing aid evaluation and fitting procedures.

   c. Shall supplement the trainee with background information through reading lists and other references.

   d. Shall conduct in-service training for trainees.

   e. Shall act as consultant to the trainee, i.e., provide time for conferences for the trainee and provide a variety of resource materials, approaches, and techniques which are based on sound theory, successful practice and/or documented research.

   f. Shall submit to the Department a statement verifying trainee has completed one hundred and fifty (150) clock hours of supervised training (fifty (50) hours face-to-face), before sitting for the licensing examination.

   g. Shall notify the Department within ten (10) days following termination of trainee supervision.

   h. Shall be responsible to the Department for disseminating all material and information to the trainee and for returning to the Department all forms relating to the training period for licensure.

109.03 **Elements of Supervision**: (Revised 5/12/96) The supervised training experience is construed to mean direct fitting and dispensing activities performed on consumers as listed below:

1. Twenty-five (25) hours in pure tone air conduction, bone conduction, and speech audiometry.

2. Twenty-five (25) hours in hearing aid evaluation and post-fit counseling.

3. Twenty (20) hours in hearing aid fittings with actual clients.

4. Twenty (20) hours in ear mold orientation, types, uses, and terminology.

5. Fifteen (15) hours in ear mold impressions and otoscopic examination of the ear.

6. Fifteen (15) hours in trouble-shooting of defective hearing aids.

7. Ten (10) hours in case history with actual clients.

8. Three (3) hours in laws governing the licensure of practice, FDA and FTC regulations.

9. Seventeen (17) hours of supplemental work in any of the above areas.

109.04 **Length of Supervision**: (Revised 5/12/96) The training period shall be a minimum of ninety (90) days but no more than nine (9) months.

110 CRIMINAL OFFENSES AND PUNISHMENT

110.01 **Offenses**: It is a misdemeanor for any person to:

1. Secure a license or certificate through fraud or deceit.

2. Use a false name or alias in the practice of his profession.

3. Fail to notify the Department of the suspension, probation or revocation of any past or currently held licenses, required to practice as a Hearing Aid Specialist in this or any other jurisdiction.

4. Make false representations or impersonate or act as a proxy for another person or allow or aid any person to impersonate him in connection with any examination or application for licensing or request to be examined or licensed.

5. Sell, barter or offer to sell or barter a license.

6. Purchase or procure by barter a license with intent to use it as evidence of the holder's qualifications to practice the fitting and dispensing of hearing aids.

7. Alter materially a license with fraudulent intent.

8. Use or attempt to use as a valid license one which has been purchased, fraudulently obtained, counterfeited or materially altered.

9. Willfully make a false material statement in an application for registration or for renewal of a license.

10. Violate any of the provisions of the Act or any rules or regulations promulgated thereto.

110.02 **Punishment**: Violation of any provision of this chapter is a misdemeanor punishable upon conviction by a fine of not less that One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by imprisonment for not more than ninety (90) days in the county jail, or by both.

111 FEES

111.01 **Method of Payment:** In accordance with the Act, the following non-refundable fees, where applicable, are payable to the Department by check or money order.

111.02 **Schedule of Fees**: (Revised 5/12/96)

1. Application and License Fee.....$100.00
2. Application & Temporary License fee $100.00
3. Renewal Fee.....$200.00
4. Temporary License Renewal Fee.....$ 50.00
5. Reinstatement Fee.....$250.00
6. License Replacement Fee .....$ 25.00
7. License Duplication Fee .....$ 25.00
8. ID Card Replacement Fee.....$ 10.00
9. License Verification Fee.....$ 25.00
10. Examination Fee Contact Professional Licensure Branch for current examination fee.

111.03 Examination Fee: Fees for the examination are to be paid to the appropriate examination administrant.

112 ADMINISTRATIVE GRIEVANCE PROCEDURE

112.01 **Administrative Appeals**:

1. Any person aggrieved by a decision regarding the initial application for licensure or the renewal of licensure shall have the right of a second review by the Department or its designee.

2. Any person aggrieved by a decision rendered after the second review shall have the right of administrative appeal and a public hearing to be conducted in accordance with the policies of the Department of Health.

112.02 **Notification** Written notice will be provided to all applicants regarding denial of an original license or a renewal license. Such notice shall contain the reason thereof.

112.03 **Hearing**

1. If requested in writing within the specified time frame a hearing will be provided in which the applicant may show cause why the license should be granted or renewed.

2. Within sixty (60) days of the hearing, or other such time frame as determined during the hearing, written findings of fact, together with a recommendation for action on the license in question, shall be forwarded to the State Health Officer. The State Health Officer shall decide what action will be taken on the recommendation within five days of its receipt. Written notice shall be provided to the applicant.

CERTIFICATION OF REGULATION

This is to certify that the above **Regulations Governing Licensure of Hearing Aid Specialists** was adopted by the Mississippi State Board of Health on January 14, 2009 to become effective February 13, 2009.

F. E. Thompson, Jr., MD, MPH
Secretary and Executive Officer