

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-.03  
Rule Title: Licensing and Administration  
\_\_\_\_\_ New XX \_\_\_\_\_ Amend \_\_\_\_\_ Repeal \_\_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NA

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

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Does the proposed rule have an economic impact? Yes

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**FISCAL NOTE**

Act #2016-112 removes the current fee amounts established by statute for licensees of the Alabama Board of Hearing Instrument Dealers and authorizes the Board to establish license and other fees by rule. The Act establishes new application, replacement license, license verification, returned check, late filing, and special assessment fees and would increase the receipts of the Board.

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Maile Flett

Date 7/10/17

(STAMP) (DATE FILED)

APA-2  
07/04

**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-.03 Licensing and Administration

**INTENDED ACTION:** The Alabama Board of Hearing Instrument Dealers proposes to amend rule 445-X-1-.03 Licensing and Administration.

**SUBSTANCE OF PROPOSED ACTION:**

The proposed action of rule 445-X-1-.03 Licensing and Administration is to list all fees originally listed in Title 34, Chapter 14 . Language for Apprentice requirements in Alabama Code 445 is being reworded to align with wording used in Title 34.

**TIME, PLACE, MANNER OF PRESENTING VIEWS:**

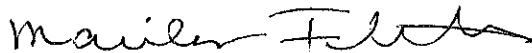
Comments may be submitted in writing or orally at Alabama Board of Hearing Instrument Dealers, 400 S. Union Street. Suite 235B, Montgomery, AL 36104, (334) 593-3777.

**FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:**

September 4, 2017

**CONTACT PERSON AT AGENCY:**

Marilyn Fletcher  
Executive Secretary  
334-593-3777

  
\_\_\_\_\_  
Marilyn Fletcher  
Executive Secretary

Licensing And Administration.

## (1) Qualifications for Licensure.

(a) In addition to meeting all other requirements of the licensure examination and of the rules, the applicant shall complete an application, on forms prescribed by the board, and shall meet the following requirements:

1. Be a minimum of 19 years of age.
2. Be of good moral character.
3. Have a minimum of a high school diploma or a GED.
4. Be free of any contagious or infectious disease.
5. Be a citizen or have status as a legal alien.

## (2) Types of License.

(a) A hearing aid dispenser license shall be effective for a period beginning January 1, or from date of issue, and ending January 30 on the succeeding year.

(b) Apprentice Permit. Any individual meeting requirements specified in 445-X-1-.03 and has completed the International Institute for Hearing instrument Studies distance learning program may apply to the board for an apprentice permit.

1. An apprentice permit shall be effective for a period of one year from date of issue. An apprentice permit may be renewed for an additional year, provided that the permit holder has sat and failed the hearing aid specialist's examination during the first initial permit period. An applicant may not be issued a second permit certificate within a five-year period following the expiration date of the initial permit.

2. Any individual applying for an apprentice permit shall provide proof of sponsorship by an active, licensed Alabama hearing aid dispenser with an established business address. ~~Must also provide proof of initial 80 hours of training, and proof of completion of the International Institute for Hearing Instrument Studies (IIHIS) Distance learning program.~~

(i) The sponsor shall have been licensed for a minimum of one year.

(ii) A licensed hearing aid dispenser shall not sponsor more than 4 apprentice at any given time.

~~(iii)~~ The sponsor shall provide guidance and supervision to adequately prepare an apprentice permitted individual to perform as a fully licensed hearing aid dispenser or designated hearing aid specialist. The sponsor shall provide direct supervision and immediate observation ~~for a minimum of 80 hours prior to allowing~~ of the apprentice permeate to fit, select, dispense, or service a hearing instrument. After ~~receiving the 80 hours of documented academic completion of IHIS Distance Learning program and practical instructions~~, the apprentice may perform the functions of a hearing aid specialist, but only under the direct supervision and physical observation of a licensed hearing aid dispenser, or hearing aid specialist when specifically designated by the hearing aid dispenser. The hearing aid dispenser or designated hearing aid specialist shall review and give final approval to work performed by the apprentice including all audiometric results. The hearing aid dispenser or designated hearing aid specialist must review and approve all ear impressions, and orders for hearing aids and earmolds before submission to the manufacturer. The hearing aid dispenser or designated hearing aid specialist shall be physically present at the time the hearing aid(s) is delivered to the client.

~~(iii)~~ ~~(iv)~~ The sponsor shall be responsible for all sales and service of the apprentice permeate.

(3) Withdrawal of Sponsorship.

(a) The sponsor may withdraw from the agreement upon providing a maximum of 10 days written notification to the apprentice and to the board. At that time the sponsor shall surrender the apprentice permit to the board.

(b) It shall be the apprentice permittee's responsibility to provide proof of sponsorship by another qualified licensee. The board shall forward the apprentice permit to the new sponsor. Failure to provide proof of sponsorship shall result in suspension of the apprentice permit.

(c) The apprentice permit holder may request transfer to another sponsor, upon written notification to the sponsor and to the board, and upon verification from the sponsor.

(4) All legal requirements which apply to licensees shall apply with equal force to apprentice permits and violation of any portion of these rules subjects apprentice permit holders to the same disciplinary action as licensees.

(5) Renewal of Licenses.

(a) The board shall renew an active license for each licensee who has completed the appropriate application

and paid the licensure fee.

(b) After expiration of the 30 day grace period, the board may renew licenses upon payment of a reinstatement fee plus the regular renewal fee.

(c) A license may be renewed within two years of the expiration date upon payment of a reinstatement fee plus the regular renewal fee. Within the two year renewal period, the person shall not be required to submit to any examination as a condition for renewal.

(d) Any active license which is not renewed by the end of the 30 day grace period shall become null and void, and the privilege of fitting and selling hearing instruments in Alabama becomes invalid.

(e) All licensees shall provide a current permanent business street address upon application for renewal. The address will be printed on the license. The license shall be valid only if the business street address is correct or the licensee has notified the board of any change of address within 15 days of such change.

(f) Application for renewal of a hearing aid dispenser or hearing aid specialist license or for an apprentice permit shall be denied so long as any suspension or revocation is imposed by the board, such suspension or revocation has been appealed to any court, and such suspension or revocation remains in litigation.

(6) Licensure Suspension.

(a) Any license may be suspended for violation of these rules or Alabama hearing instrument laws. A suspension of license will be contingent on proceeds in 445-X-1-.08 and with consideration of the following conditions:

1. When the board has reason to believe the operation of a hearing aid dispenser or hearing aid specialist is in violation of the law or rules.

2. When the board has reason to believe the hearing aid dispenser or hearing aid specialist or apprentice is not making specific plans or efforts to comply with the law or these rules.

3. A license may be suspended for a period not to exceed one year at which time the license will be

reinstated or revoked based on action of the board.

(7) Licensure Fees.

(a) All fees shall be made payable to the Board of Hearing Instrument Dealers. Licensure fees shall not be refunded.

1. Initial application fee of two hundred fifty dollars (\$250.00) is required to apply for a license with the Board.
2. Initial licensure or renewal fee is two hundred dollars (\$200) for a hearing aid specialist and two hundred fifty dollars (\$250) for a hearing aid dispenser.
3. Examination fee is two hundred dollars (\$200).
4. Late fee (during grace period) is fifty dollars (\$50) in addition to the license fee.
5. Apprentice permit fee is one hundred twenty-five dollars (\$125.00).
6. Apprentice permit renewal fee is one hundred twenty-five dollars (\$125.00).
7. Duplicate license fee is twenty five (\$25.00) per additional license.
8. Replacement License Fee, if original is lost or the office moves within the calendar year is twenty five (\$25).
9. Verification Fee of twenty five (\$25.00) to verify certificates of any licensed individual.
10. Reinstatement fee of two hundred (\$200) is required for reinstatement of any license approved for reinstatement that is beyond the allowed grace period.
11. Late filing fee of twenty five (25.00) for a business statement of compliance.
12. Mail list fee of twenty five (\$25.00) for a list of licenses issued by the Board.

(8) Licensing.

(a) Issuance of License. The license shall be issued by the board. It shall set forth the name and business address of the dispenser, fitter, or apprentice.

1. A duplicate license shall be displayed at each business location when the licensee is operating from more than one business address.

2. Any change of address, place of business, or sponsor shall be submitted in writing to the board within 30 days after the change has occurred. Replacement certificates shall be issued by the board upon the payment of the appropriate fee.

(b) Basis for denial of license.

1. The board shall consider the following to be sufficient reason to deny a license to any person making application for or renewal of a hearing aid dispenser, or hearing aid specialist license:

(i) Falsification of any information or record required in the application for license.

(ii) Change of personal name, corporate name, charter, entity or partnership name of composition to avoid the imposition of liens or court action.

(iii) Conviction of a felony in any state for physical, mental or financial abuse of consumers or the general public within the past five years.

(iv) Revocation of a hearing aid dispenser, or hearing aid specialist license within the last five years by administrative or court action in the state of Alabama.

(v) Conviction of fraud in any state or in any federal jurisdiction within the past five years.

(vi) Failure to comply with 445-X-1-.03(3).

2. The board reserves the right to make inquiries of any other person or agency to determine whether the above reasons for denial exist.

**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:** Filed October 11, 2001; effective November 15, 2001. **Amended:** Filed July 12, 2016; effective August 26, 2016. **Amended:** Filed July 20, 2017