

Title 10 – Department of Health

Subtitle 41

Board of Examiners for Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists

Chapter 08 – Hearing Aid Dispensers

.01 Scope.

This chapter governs individuals holding a license or a limited license as a hearing aid dispenser in the State.

.01-1 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) “Accredited 2-year post-secondary program” means:

(a) A college or university located in the United States whose program has been accredited by a national accrediting association recognized by the:

(i) Council for Higher Education Accreditation; or

(ii) The United State Department of Education; or

(b) A college or university located outside of the United States whose program has met the standards for certification of the governing educational body that is regulated by the government of the country where the college or university is located.

(2) "Pro bono work" means work provided within the State within the scope of practice of the licensee that is performed without financial reimbursement or direct financial gain.

02 Application for License.

A. The Board shall forward the necessary form to an individual requesting an application for a license or a limited license as a hearing aid dispenser.

B. The applicant shall provide the Board with the information necessary to satisfy the Board that the requirements are being fulfilled.

C. Failure to complete the forms and to provide the information required may be cause for the application to be rejected by the Board.

D. The applicant shall include with the application:

- (1) A check or money order made payable to the Board in the amount specified; and
- (2) If applying for a full license in hearing aid dispensing or transferring from a limited license in hearing aid dispensing to a full license in hearing aid dispensing, evidence of graduation from an accredited 2-year post-secondary program, as defined in Regulation .01-1B of this chapter.

E. The application fee covers the cost of administration and is not refundable.

F. The Board shall include in the application for a limited license the following statement: "I do hereby affirm, under penalty of perjury, that I am the holder of a valid unrevoked, unsuspended license issued by the Maryland Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech-Language Pathologists and that I have read the above excerpts, and that I fully understand my responsibilities as supervisor for the applicant who will work and train under my supervision and for whose technical training and ethical conduct I am to be responsible. I further affirm that I have read the application of the above-named person and that to the best of my knowledge all answers are true and correct."

G. The holder of a current hearing aid dispenser license who serves as the supervisor for the applicant shall sign the statement quoted in §F of this regulation.

H. False Information.

(1) An applicant furnishing false information in the application may be denied the right to the examination.

(2) If the applicant has been issued a license before the falsity of the information is discovered by the Board, the licensee may be subject to:

- (a) Suspension;
- (b) Revocation; or
- (c) Prosecution for fraud, perjury, or both.

I. The applicant shall demonstrate oral English competency as follows:

(1) Completion of at least 60 credits from an undergraduate college or university where English was the language of instruction throughout the applicant's inclusive dates of attendance; or

(2) Achievement of a minimum score as defined by the Board on the Test of English as a Foreign Language (TOEFL) within the 2 years preceding license application.

.03 Examinations—General.

A. An applicant shall file the examination application with the Board at least 30 days before the date of the examination.

B. Except for an applicant who holds a valid license to provide hearing aid dispenser services in another state or an applicant who holds a valid license to practice medicine in this State or any other state, the applicant shall obtain 6 months training under the supervision of a licensed hearing aid dispenser before taking the examination given by the Board.

C. The Board shall:

(1) Require that an applicant, who holds a valid license to practice medicine in this State or any other state and intends to sell hearing aids at retail, pass the written and law examinations given by the Board; and

(2) Request that an applicant, who holds a valid license to practice medicine in this State or any other state and intends to sell hearing aids at retail, take the practical examination given by the Board to ensure adequate protection to the consumer.

D. The Board shall accept current National Board Certification as a Hearing Instrument Specialist (BC-HIS) instead of the written and practical examinations for licensure, if the applicant:

(1) Is currently licensed in good standing in the state from which the applicant is applying; and

(2) Has practiced 3 years of the last 5 years before applying for a license in this State.

E. Before taking the Hearing Aid Dispensing Examination, a candidate shall provide the Board with a certificate of completion of the International Hearing Society course entitled "Distance Learning for the Professional in Hearing Health Sciences".

.04 Conduct of the Examination.

A. The Board shall select the site for the examination.

B. An applicant may not be examined by an examiner by whom the applicant is employed or with whom the applicant has a contractual relationship.

C. The Board shall ensure that the content and scope of the examination is in accordance with Health Occupations Article, §2-304, Annotated Code of Maryland.

D. The Board shall provide the applicant with up-to-date information as to study or reference material which would be beneficial in preparing for the examination.

E. The Board shall treat cheating or dishonesty by an applicant as grounds for failure.

F. At the time of the examination, the Board shall provide each applicant with an identification number to be used on the examination papers.

.05 Scope of the Examination.

A. The Board shall ensure that the examination consists of a written part and a practical part.

B. The written examination shall utilize the most recent competency model licensing examination from the Education Division of the International Hearing Society.

C. The Board shall ensure that the practical part of the examination tests proficiency in:

- (1) Pure tone audiometry, including testing and recording of air and bone conduction;
- (2) Speech audiometry, including speech reception and speech discrimination testing;
- (3) Masking methodology;
- (4) Choice and adaptation of hearing aids;
- (5) Testing of hearing aids;
- (6) Maintenance and basic repair of hearing aids;
- (7) Taking of ear mold impressions; and
- (8) Other techniques and procedures that may be required to fit hearing aids.

D. Nothing in the examination shall imply that the applicant shall possess the degree of medical competence normally expected of physicians.

E. Passing Score.

(1) Written Examination.

(a) The Board shall determine the passing score for the written examination.

(b) If a candidate does not earn a passing score on the written examination, the candidate shall have to retake the entire written examination.

(2) Practical Examination. An applicant shall obtain a score of at least 80 percent on the practical examination.

(3) If the licensee's limited license has not expired and the licensee passed the examination within the past 2 years, the Board shall accept prior passage of the written examination, the practical examination, or both.

.06 Practice of Limited Licensee.

A. The holder of a limited license shall be familiar with and shall avoid committing any of the acts regarded as unethical practices set forth in COMAR 10.41.02.

B. On obtaining a limited license, the holder of a limited license shall engage in the practice of fitting and dispensing hearing aids for 20 consecutive days under the direct and continuous supervision of a licensee. The licensee shall provide direct supervision subsequently for a minimum of 20 hours per month.

C. Supervision shall include training in those areas of the examination outlined in Regulation .05 of this chapter.

D. The limited licensee shall maintain documentation of supervision and training and shall submit the documentation to the Board upon request.

E. A licensee who supervises an applicant for a limited license shall assume full responsibility for the ethical conduct of the limited licensee.

F. Termination of Supervision.

(1) The supervising licensee may terminate the supervisory responsibility by discharging the limited licensee and returning the license to the Board, together with a letter explaining fully the circumstances under which the limited licensee was separated from the employment of the supervisor.

(2) If the limited license cannot be returned, the supervising licensee shall include a full explanation in the letter.

G. A limited license expires on the first anniversary of its effective date.

H. The Board may renew the limited license once for an additional 1-year term if the limited licensee:

(1) Takes but fails the examination; or

(2) Does not take the examination for a reason acceptable to the Board.

I. If a limited licensee fails to receive a full license within 2 years after the initial limited license was issued, the individual shall wait a minimum of 1 year before the individual may apply for another limited license.

J. The supervisor of a limited licensee:

- (1) Shall hold a valid license issued by the Maryland Board;
- (2) Shall be actively involved in the dispensing of hearing aids;
- (3) Shall have been in practice for a minimum of 2 years after passing the Board examination;
- (4) Shall supervise not more than three limited licensees at one time; and
- (5) May not have been formally disciplined by the Board within the previous 5 years.

.07 Repealed.

.08 Testing Procedures.

A. The licensee or holder of a limited license who is engaged in the fitting and dispensing of hearing aids shall use appropriate testing procedures for a hearing aid fitting.

B. The licensee or holder of a limited license shall perform the following minimum testing procedures on each client seen:

- (1) Air conduction tests at frequencies of 500-1,000-2,000-4,000 hertz, including appropriate masking, if the threshold of the second ear tested appears to differ by 30 decibels at any one frequency from those of the first ear; and
- (2) Bone conduction tests at frequencies of 500-1,000-2,000-4,000 hertz, including appropriate masking, if there is a greater than 10 decibel difference in the bone readings of one ear over the other.

C. The use of speech stimuli is recommended before and during the fitting of the hearing aid.

D. The hearing aid dispenser shall maintain all test results as part of a client's record. Part or all of the tests may be performed by an otologist or clinical audiologist, but copies of the tests given may not be more than 6 months old. The hearing aid dispenser shall retain the test results in the client's record.

E. During the 2-year renewal, a hearing aid dispenser shall furnish evidence that each audiometer in use has been calibrated within the previous 12-month period.

F. Before fitting or selling a hearing aid to a potential client, the licensee shall refer the client to a physician, preferably one specializing in the diseases of the ear, if the licensee determines that the client has any of the following conditions:

- (1) Visible, congenital, or traumatic deformity of the ear;
- (2) Acute drainage from the ear within the previous 90 days;
- (3) Sudden or rapidly progressive hearing loss within the previous 90 days;
- (4) Acute or chronic dizziness;
- (5) Air-bone gap in excess of 15 decibels on more than one frequency; or
- (6) Visible evidence of cerumen (ear wax) accumulation or a foreign body in the ear canal.

.09 Place of Business.

A. A licensee shall display the license conspicuously in the office or place of employment of the licensee.

B. A licensee shall notify the Board in writing of:

- (1) The address of each place where the licensee provides hearing aid services; and
- (2) A change of address within 30 days after the change.

C. If a licensee has more than one place of business, the licensee shall specify on each notice required under this regulation the place to which the Board should mail its notices and other correspondence to the licensee.

.10 Disclosure.

A. A licensee shall deliver to an individual supplied with a hearing aid, a receipt containing:

- (1) The licensee's signature;
- (2) The address of the licensee's regular place of practice;
- (3) The licensee's license number;

- (4) Specifications as to the amount charged;
- (5) Other terms of the sale, stated clearly; and
- (6) The manufacturer, model, and serial number of the hearing aid provided.

B. If a hearing aid is not new, the licensee shall ensure that the receipt is clearly marked "used" or "reconditioned" and state the terms of any guarantee.

.11 Continuing Education Requirements.

A. A licensee applying for renewal of a license shall have successfully completed, within the 2-year licensing period, a total of 30 hours of Board-approved continuing education programs. Of the 30 hours, the licensee shall complete:

(1) 26 or more hours of instruction directly relating to the practice of fitting hearing aids, including the:

- (a) Science of hearing and hearing disorders;
- (b) Structure and function of hearing aids; and
- (c) Psychology of the hearing impaired; and

(2) Not more than:

(a) 4 hours of instruction directly relating to managerial aspects of the practice of fitting hearing aids, including:

- (i) Good business principles; and
- (ii) Customer management principles; or

(b) 5 hours of continuing education credit in a single continuing education cycle by attending regularly scheduled Board meetings where 1 hour of an open session at a Board meeting equals 1 hour of continuing education credit.

B. Pro Bono Work.

(1) CEUs may be earned for pro bono work at the rate of 1 Maryland CEU for every 8 hours of Board-approved CEU activity up to a maximum of 3 CEU credits in any single 2-year period.

(2) The licensee shall obtain approval from the Board for all pro bono work.

(3) The licensee shall provide the Board a written description of the proposed work not later than 60 days before beginning pro bono work. The description shall include:

- (a) The place where the pro bono work will take place;
 - (b) The type of work to be performed;
 - (c) The number of hours of actual work to be performed for which the licensee desires CEU credit;
 - (d) A description of how the work will enhance the licensee's ongoing education; and
 - (e) A statement guaranteeing that the licensee will not receive any financial gain from the work provided.
- (4) The licensee shall submit a written statement to the Board from the facility verifying the number of pro bono work hours completed.
- (5) CEU credit may not be granted for work that did not receive prior approval from the Board.

C. First-Time Renewal of License.

- (1) If a licensee became licensed in an odd-numbered year, the licensee shall meet the requirements of §A of this regulation at the licensee's first renewal.
- (2) If a licensee became licensed in an even-numbered year, the licensee shall complete a total of 10 hours of continuing education at the licensee's first renewal. Of these 10 hours, the licensee shall complete 8 or more hours in areas described in §A(1) of this regulation and not more than 2 hours in areas described in §A(2) of this regulation.