

PROFESSIONAL LICENSURE DIVISION[645]

Notice of Intended Action

**Proposing rulemaking related to licensure of hearing aid specialists
and providing an opportunity for public comment**

The Board of Hearing Aid Specialists hereby proposes to rescind Chapter 121, “Licensure of Hearing Aid Specialists,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 147.36, 272C.3, 272C.4, and 272C.10.

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code chapters 17A, 147, 154A, and 272C.

Purpose and Summary

These proposed rules set minimum standards for entry into the hearing aid dispenser profession. Iowa residents, licensees and employers benefit from the rules since the rules articulate the processes by which individuals apply for licensure as a hearing aid dispenser in the state of Iowa, as directed in statute. This includes the process for initial licensure, renewal, and reinstatement. These requirements ensure public safety by ensuring that any individual entering the profession has minimum competency. Requirements include the application process and examinations.

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

A waiver provision is not included in this rulemaking because all administrative rules of the professional licensure boards in the Professional Licensure Division are subject to the waiver provisions accorded under 645—Chapter 18.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Department of Inspections, Appeals, and Licensing no later than 4:30 p.m. on January 31, 2024. Comments should be directed to:

Jessica O’Brien
Iowa Department of Inspections, Appeals, and Licensing
6200 Park Avenue
Des Moines, Iowa 50321
Phone: 515.281.6352
Email: jessica.o'brien@dia.iowa.gov

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

January 30, 2024
10:50 to 11:10 a.m.

6200 Park Avenue
Des Moines, Iowa
Video call link: meet.google.com/jji-jaoj-uqy
Phone number: 904.330.1060
PIN: 744 558 427#

January 31, 2024
10:50 to 11:10 a.m.

6200 Park Avenue
Des Moines, Iowa
Video call link: meet.google.com/jji-jaoj-uqy
Phone number: 904.330.1060
PIN: 744 558 427#

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking. In an effort to ensure accuracy in memorializing a person's comments, a person may provide written comments in addition to or in lieu of oral comments at a hearing.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Board and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 645—Chapter 121 and adopt the following **new** chapter in lieu thereof:

HEARING AID SPECIALISTS

- CHAPTER 121 LICENSURE OF HEARING AID SPECIALISTS
- CHAPTER 122 CONTINUING EDUCATION FOR HEARING AID SPECIALISTS
- CHAPTER 123 PRACTICE OF HEARING AID DISPENSING
- CHAPTER 124 DISCIPLINE FOR HEARING AID SPECIALISTS

CHAPTER 121
LICENSURE OF HEARING AID SPECIALISTS

645—121.1(154A) Definitions. For purposes of these rules, the following definitions apply:

“Active license” means a license that is current and has not expired.

“Board” means the board of hearing aid specialists.

“Dispense” or “sell” means a transfer of title or of the right to use by lease, bailment, or any other means, but excludes a wholesale transaction with a distributor or hearing aid specialist, and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration.

“Grace period” means the 30-day period following expiration of a license when the license is still considered to be active.

“Hearing aid specialist” means any person engaged in the fitting, dispensing and sale of hearing aids and providing hearing aid services or maintenance by means of procedures stipulated by Iowa Code chapter 154A or the board. These rules are not intended to regulate unlicensed people who sell, dispense,

market, use, distribute, or provide customer support to over-the-counter hearing aids, as regulated by the U.S. food and drug administration.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period.

“*License*” means a license issued by the state to a hearing aid specialist.

“*Licensee*” means any person licensed to practice as a hearing aid specialist in the state of Iowa.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice as a hearing aid specialist to an applicant who is or has been licensed in another state.

“*National examination*” means the standardized licensing examination of the International Hearing Society (IHS) or its successor organization.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 645—121.14(17A,147,272C) by which an inactive license is restored to active status.

“*Reinstatement*” means the process as outlined in rule 645—11.31(272C). Once the license is reinstated, the licensee may apply for active status.

“*Temporary permit*” means a permit issued while the applicant is in training to become a licensed hearing aid specialist.

“*Trainee*” means the holder of a temporary permit.

645—121.2(154A) Temporary permits.

121.2(1) The applicant will submit a completed online application and pay the nonrefundable licensure fee specified in rule 645—5.7(147,154A). The application will be accompanied by a statement from the employer, which includes the following information:

- a. The type of supervision to be provided to the trainee;
- b. A list of the subjects to be covered;
- c. The books and other training materials to be used for training; and
- d. An outline of the training program to prepare the trainee for examination.

121.2(2) A temporary permit is valid for one year and shall not be renewable.

121.2(3) The board reserves the right to deny an application for a temporary permit or rescind a temporary permit once issued.

645—121.3(154A) Supervision requirements.

121.3(1) The supervisor(s) of temporary permit holders will:

- a. Have a current hearing aid specialist license valid for the preceding 24 months;
- b. Have two years of actual experience in testing, fitting, and dispensing of hearing aids;
- c. Supervise no more than three trainees at the same time;
- d. Be responsible for training the temporary permit holder;
- e. For the first 90 days, provide a minimum of 20 hours of direct supervision;
- f. Provide direct supervision for any client activity that would require dispensing of hearing aids, including evaluation, selection, fitting or selling of hearing aids in the first 90 days;
- g. Evaluate the audiograms and determine which hearing aid and ear mold will best compensate for hearing loss;
- h. Cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit;
- i. Submit, on a board-approved form, a supervision report for trainees prior to taking the board-approved examination. A supervision report is required each time the temporary permit holder submits a request to take the examination; and
- j. Notify the board within 15 days of the termination of the holder of a temporary permit.

121.3(2) A trainee with a temporary permit will notify the board in writing within ten days of an interruption of training due to loss of supervision and within 30 days, obtain a replacement supervisor for continuance of the training period. A statement will be signed by each supervisor.

121.3(3) If a statement by the replacement supervisor is not submitted, the trainee will revert to new trainee status.

645—121.4(154A) Requirements for initial licensure. The following criteria applies to licensure:

121.4(1) The applicant will submit a completed online application and pay the nonrefundable licensure fee specified in rule 645—5.7(147,154A).

121.4(2) The applicant will provide verification of passing one of the following examinations:

a. The national examination through the International Hearing Society. The applicant may not take the national test through IHS more than six times without board approval.

b. The Praxis Examination in audiology through the Educational Testing Service.

121.4(3) Applicants who hold a temporary permit are required to submit a supervisory report in accordance with paragraph 121.3(1) “i.”

121.4(4) An applicant who has been licensed in another state will provide verification of license from the jurisdiction in which the applicant has most recently been licensed, sent directly from the jurisdiction to the board office. The applicant must also disclose any public or pending complaints against the applicant in any other jurisdiction. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

a. Licensee’s name;

b. Date of initial licensure;

c. Current licensure status; and

d. Any disciplinary action taken against the license.

121.4(5) An applicant who has relocated to Iowa from a state that did not require licensure to practice the profession may submit proof of work experience in lieu of educational and training requirements, if eligible, in accordance with rule 645—19.2(272C).

121.4(6) Incomplete applications that have been on file in the board office for more than two years will be considered invalid and destroyed unless requested in writing by the candidate.

645—121.5(154A) Licensure by endorsement.

121.5(1) Applicants who have been a licensed hearing aid specialist under the laws of another jurisdiction may apply for licensure by endorsement by submitting the following:

a. Verification the applicant meets the requirements of rule 645—121.4(154A);

b. Evidence of licensure requirements that are similar to those required in Iowa;

c. Official verification of one of the following:

(1) A passing score on the national examination determined by the International Hearing Society;

(2) A passing score on an examination that the board determines is equivalent to the national examination; or

(3) Current certification from the National Board for Certification in Hearing Instrument Sciences; and

d. Evidence of:

(1) Completing a minimum of 32 continuing education hours within the 24 months prior to application; or

(2) Continuing education certificates that verify that the minimum hours of continuing education required by a state(s) in which the licensee is currently licensed have been met.

121.5(2) A person who is licensed in another jurisdiction but who is unable to satisfy the requirements for licensure by endorsement may apply for licensure by verification, if eligible, in accordance with rule 645—19.1(272C).

645—121.6(154A) Display of license. Hearing aid specialists will display their original licenses in a conspicuous public place at the primary site of practice.

645—121.7(154A) License renewal.

121.7(1) The biennial license renewal period for a hearing aid specialist license will begin on January 1 of each odd-numbered year and end on December 31 of the next even-numbered year. The licensee is responsible for renewing the license prior to its expiration.

121.7(2) A licensee applying for renewal will:

a. Meet the continuing education requirements of rule 645—122.2(154A) and the mandatory reporting requirements of subrule 121.9(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

b. Submit the completed renewal application and renewal fee before the license expiration date.

An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

121.7(3) Late renewal. The license will become late when the license has not been renewed by the expiration date on the renewal. The licensee will be assessed a late fee as specified in 645—subrule 5.7(5). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

121.7(4) Mandatory reporter training requirements.

a. A licensee who examines, attends, counsels, or treats children, dependent adults or both in the scope of the licensee’s professional practice will complete the applicable department of health and human services training relating to the identification reporting of child abuse, dependent adult abuse, or both. Written documentation of training completion should be maintained for three years. The training is not required if the licensee is engaged in active duty military service or holds a waiver demonstrating a hardship in complying with these training requirements.

b. The board may select licensees for audit of compliance with the requirements in rule 645—122.2(154A).

121.7(5) A two-year license will be issued after the requirements of the rule are met. If the board receives adverse information on the renewal application, the board will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

121.7(6) Inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice until the license is reactivated.

645—121.8(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee will:

121.8(1) Submit a completed online reactivation application and payment of the nonrefundable application fee.

121.8(2) Provide verification of current competence to practice as a hearing aid specialist by satisfying one of the following criteria:

a. If the license has been on inactive status for five years or less, an applicant will provide the following:

(1) Verification of the license(s) from the jurisdiction in which the applicant has most recently been licensed showing the licensee’s name, date of initial licensure, current licensure status and any disciplinary action taken against the license; and

(2) Verification of completion of 32 hours of continuing education within two years of application for reactivation.

b. If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from the jurisdiction in which the applicant has most recently been licensed showing the licensee’s name, date of initial licensure, current licensure status and any disciplinary action taken against the license; and

(2) Verification of completion of 64 hours of continuing education within two years of application for reactivation.

645—121.9(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive board-approved reinstatement of the

license and must apply for and be granted reactivation of the license prior to practicing as a hearing aid specialist in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 154A and 272C.