Regulatory Analysis

Notice of Intended Action to be published: 481—Chapter 2060
"Licensure of Hearing Aid Specialists"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 147.36, 272C.3, 272C.4 and 272C.10

State or federal law(s) implemented by the rulemaking: Iowa Code chapters 17A, 147, 154A and 272C

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

November 20, 2024	6200 Park Avenue
10 a.m.	Des Moines, Iowa

Information on virtual participation will be available on the Department of Inspections, Appeals, and Licensing's website prior to the hearing.

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

These proposed rules comply with 2024 Iowa Acts, Senate File 2385, which eliminates the Hearing Aid Specialist Board and changes that terminology to Department (Department of Inspections, Appeals, and Licensing). Senate File 2385 also extends the temporary permit from one year to two years, allowing licensees additional training time under the supervision of a licensed hearing aid specialist. These proposed rules also made a correction to the number of continuing education hours listed under reactivation since they decreased during the 2023 Red Tape Review and were missed in that section.

These rules set minimum standards for entry into the hearing aid specialist 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 specialist 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 examination requirements.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There is no direct cost to the general public, but there is a cost to the applicant since complying with the minimum requirements to enter into the profession are at the expense of the licensee.

There are no educational requirements to become an Iowa-licensed hearing aid specialist, but applicants must pay applicable fees and pass an examination in order to obtain a license. The examination fees are (1) $225 for the national examination through the International Hearing Society (IHS) or (2) $146 for the Praxis examination in audiology through the Educational Testing Service.

The application fee is $156, and the renewal fee is $60.

These costs are comparable to, or less than, surrounding states. In Nebraska, applicants must pay the $225 fee for the national examination through IHS, and an application fee of $165. In Minnesota, applicants must complete a Hearing Instrument Dispenser examination at a cost of $1,200 and pay an application fee of $772.50.

The Department staff review applications for initial and renewal licenses and for licensure reinstatement. Staff also answer inquiries on licensing and field phone calls. Staff salaries to support the work of managing licensing activities are covered by the Licensing and Regulation Fund established in 2023 Iowa Acts, Senate File 557. It takes roughly 0.33 full-time equivalent (FTE) position to review application materials.

- **Classes of persons that will benefit from the proposed rulemaking:**

The public and professionals benefit from the proposed rulemaking. Establishing minimum licensing requirements ensures that practitioners are competent to practice. Without having an established threshold for entry into the profession, individuals who are not appropriately trained could harm the public. The Department believes the benefits achieved justify the cost to license this profession because licensure ensures that Iowans are treated with competent and qualified hearing aid specialists.

Temporary permit holders will benefit from being able to hold a temporary permit longer, allowing temporary permit holders additional time to work with a licensed hearing aid specialist to gain additional training and expertise. This measure also benefits those who need hearing aids since those who need hearing aids will be treated by competent and experienced providers.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The costs for examination required are $225 or $146, depending on which examination the applicant takes. Licensing fees are $156 for an initial license and $60 for each renewal period.

- **Qualitative description of impact:**

Establishing minimum licensing requirements ensures that practitioners are competent to practice. Without having an established threshold for entry into the profession, individuals who are not appropriately trained could harm the public. The Department believes the benefits achieved justify the cost to license this profession because licensure ensures that Iowans are treated with competent and qualified hearing aid specialists. Allowing temporary permit holders an additional 12 months to gain experience and supervision will benefit both the licensee and the public. Licensing requirements in Iowa are very similar to those in surrounding states.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Costs to the agency are the staff time needed to manage licensing activities, which includes managing applications for initial licenses, renewals, reactivations and reinstatements. Staff salaries to support the work of the managing licensing activities are covered by the fund. It takes roughly 0.33 FTE position to review application materials. Licensing fees go to the fund to cover the operations of the regulated professions.

- **Anticipated effect on state revenues:**

Costs associated with implementing this rulemaking are paid by individual licensees, not the State.

There is no anticipated impact on state revenues.

Staff salaries to support the work of managing licensing activities are covered by the fund. Licensing fees go to the fund to cover the operations of the regulated professions.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

Licensing is the highest form of regulation. Lower forms of regulation could be viable, such as registration. That said, hearing aid specialists are regulated in all 50 states. The Department believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans.

Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Department would be concerned about the public safety of Iowans in that scenario. In addition, the rulemaking provides consistency related to the licensure of hearing aid specialists in other states, which makes obtaining licensure in multiple states simpler for applicants.

The costs to licensees in the state of Iowa are similar to those of surrounding states. The surrounding states all require similar licensing procedures for hearing aid specialists.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

The Department has not identified a more cost-effective alternative to the licensure of hearing aid specialists. The Department believes all current requirements ensure public safety and ensure a minimum competency of care is provided to Iowans. Licensure requirements could be reduced or eliminated for the purpose of lowering the bar of entry into the profession, but the Department would be concerned about the public safety of Iowans in that scenario. In addition, the rulemaking provides consistency related to the licensure of hearing aid specialists in other states, which makes obtaining licensure in multiple states simpler for applicants.

Due to state government alignment this license is regulated under the Department. The Department's Licensing Division continues to assess and implement opportunities to increase efficiencies and standardize board processes across all professional licensing boards.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

The Department and the Hearing Aid Specialist Board were in support of this rulemaking and suggested this change during the 2023 Executive Order 10 Review.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

This is a less restrictive alternative, allowing licensees additional time with this temporary license.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This rulemaking will help small business owners in need of staff who are willing to train to become a hearing aid specialist and later become employed in that business. This rulemaking should have no negative impact on small businesses.

Text of Proposed Rulemaking

ITEM 1. Adopt the following **new** 481—Chapter 2060:

HEARING AID SPECIALISTS

CHAPTER 2060
LICENSURE OF HEARING AID SPECIALISTS

481—2060.1(154A) Definitions. For purposes of these rules, the following definitions apply:

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

"Department" means the department of inspections, appeals, and licensing.

"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 department. 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 481—2060.8(17A,147,272C) by which an inactive license is restored to active status.

"Reinstatement" means the process as outlined in rule 481—506.31(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.

481—2060.2(154A) Temporary permits.

2060.2(1) The applicant will submit a completed online application and pay the nonrefundable licensure fee specified in rule 481—507.7(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.

2060.2(2) A temporary permit is valid for two years and shall not be renewable.

2060.2(3) The department reserves the right to deny an application for a temporary permit or rescind a temporary permit once issued.

481—2060.3(154A) Supervision requirements.

2060.3(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 department-approved form, a supervision report for trainees prior to taking the department-approved examination. A supervision report is required each time the temporary permit holder submits a request to take the examination; and

j. Notify the department within 15 days of the termination of the holder of a temporary permit.

2060.3(2) A trainee with a temporary permit will notify the department 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.

2060.3(3) If a statement by the replacement supervisor is not submitted, the trainee will revert to new trainee status.

481—2060.4(154A) Requirements for initial licensure. The following criteria apply to licensure:

2060.4(1) The applicant will submit a completed online application and pay the nonrefundable licensure fee specified in rule 481—507.7(147,154A).

2060.4(2) The applicant will provide verification of passing one of the following examinations:

a. The national examination through IHS. The applicant may not take the national examination through IHS more than six times without department approval.

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

2060.4(3) Applicants who hold a temporary permit are required to submit a supervisory report in accordance with paragraph 2060.3(1)*"i."*

2060.4(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 department. 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 directly 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.

2060.4(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 481—501.2(272C).

2060.4(6) Incomplete applications that have been on file in the department for more than two years will be considered invalid and destroyed unless requested in writing by the candidate.

481—2060.5(154A) Licensure by endorsement.

2060.5(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 481—2060.4(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 IHS;

(2) A passing score on an examination that the department 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 24 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.

2060.5(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 481—501.1(272C).

481—2060.6(154A) Display of license. Hearing aid specialists will display their original licenses in a conspicuous public place at the primary site of practice.

481—2060.7(154A) License renewal.

2060.7(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.

2060.7(2) A licensee applying for renewal will:

a. Meet the continuing education requirements of rule 481—2061.2(154A) and the mandatory reporting requirements of subrule 2060.7(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.

2060.7(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 481—subrule 507.7(4). To renew a late license, the licensee will complete the renewal requirements and submit the late fee within the grace period.

2060.7(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 department may select licensees for audit of compliance with the requirements in rule 481—2061.2(154A).

2060.7(5) A two-year license will be issued after the requirements of the rule are met. If the department receives adverse information on the renewal application, the department will issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

2060.7(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.

481—2060.8(17A,147,272C) License reactivation. To apply for reactivation of an inactive license, a licensee will:

2060.8(1) Submit a completed online reactivation application and payment of the nonrefundable application fee.

2060.8(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 24 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 48 hours of continuing education within two years of application for reactivation.

481—2060.9(17A,147,272C) License reinstatement. A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive department-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.