

CHAPTER 121  
LICENSURE OF HEARING AID DISPENSERS  
[Prior to 5/29/02, see 645—120.2(154A) to 120.6(154A) and 120.10(154A)]

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

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

“*Board*” means the board of examiners for the licensing and regulation of hearing aid dispensers.

“*Department*” means the department of public health.

“*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 dispenser, 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. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“*Hearing aid dispenser*” means any person engaged in the fitting, dispensing and the sale of hearing aids and providing hearing aid services or maintenance by means of procedures stipulated by Iowa Code chapter 154A or the board.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

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

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

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

“*National examination*” means the written licensing examination of the International Hearing Society or its successor organization.

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

“*Reciprocal license*” means the issuance of an Iowa license to practice as a hearing aid dispenser to an applicant who is currently licensed in another state that has a mutual agreement with the Iowa board of examiners for licensing and regulation of hearing aid dispensers to license persons who have the same or similar qualifications to those required in Iowa.

“*Reinstatement*” means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. 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 dispenser.

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

**645—121.2(154A) Temporary permits.**

**121.2(1)** An applicant shall send a completed application and fee to the board office. The application must be accompanied by a statement from the employer, which includes the following information:

- a. The type of supervision which shall 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 be followed in preparing 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.

**121.2(4)** The licensed hearing aid dispenser employing the holder of a temporary permit shall be responsible for the following:

- a. Training of the temporary permit holder;
- b. Evaluating the audiograms and determining which hearing aid and ear mold will best compensate for hearing loss of a particular person; and
- c. Notifying the board within 15 days of the termination of the holder of a temporary permit.
- d. Submitting a report on a board-approved form verifying completion of the supervision and training requirements in accordance with 121.2(1).

**645—121.3(154A) Supervision requirements.** The supervisor's report must provide assurance of completion of training pursuant to 121.2(1).

**121.3(1)** Supervision of temporary permit holders. The supervisor(s) shall:

- a. Have a current hearing aid dispenser license that has been valid for the immediately preceding 24 months;
- b. Have two years of actual experience in testing, fitting, and dispensing of hearing aids;
- c. Supervise not more than three trainees with temporary permits at the same time;
- d. For the first 90 days, provide a minimum of 20 hours of direct supervision per week in the physical presence of the trainee;
- e. Provide direct supervision of the trainee before completion of the first 90 days for any client activity that would require dispensing of hearing aids, including evaluation, selection, fitting or selling of hearing aids; and
- f. Cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit.
- g. Submit, on a board-approved form, a final, completed supervision report for trainees prior to taking the board-approved examination.

**121.3(2)** A trainee with a temporary permit must notify the board in writing within ten days of an interruption of training due to loss of supervision. The trainee shall, within 30 days, obtain a replacement supervisor for continuance of the training period and shall obtain and submit to the board a statement signed by the replacement supervisor, which states that the training program will be maintained.

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

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

**121.4(1)** The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office. All applications shall be sent to Board of Hearing Aid Dispensers, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

**121.4(2)** The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

**121.4(3)** Each application shall be accompanied by the appropriate fees, which include the following:

- a. Application fee payable to the Board of Hearing Aid Dispensers; and
- b. Examination fee payable to the International Hearing Society.

**121.4(4)** Examination score results must be received from the testing service.

**121.4(5)** Each applicant must successfully pass the national examination.

**121.4(6)** Examination candidates who hold a temporary permit are required to have a completed supervisory report in accordance with paragraph 121.3(1) "g."

**121.4(7)** Licensees who were issued their licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal month two years later.

**121.4(8)** Incomplete applications that have been on file in the board office for more than two years shall be:

- a. Considered invalid and shall be destroyed; or

*b.* Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

**121.4(9)** Notification of eligibility for licensure shall be sent to the licensee by the board.

**645—121.5(154A) Examination requirements.**

**121.5(1)** The following criteria shall apply to the written examination:

*a.* The supporting data and documentation must be received at least ten business days prior to the examination with check or money order made payable to the International Hearing Society in the amount specified in the application for the examination fee;

*b.* Applicants must pass the national examination. The passing score is set by the International Hearing Society.

**121.5(2)** Applicants who fail the national examination three times must apply to the board to retake the examination.

**645—121.6(154A) Licensure by endorsement.** An applicant who has been a licensed hearing aid dispenser under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

**121.6(1)** Submits to the board a completed application;

**121.6(2)** Pays the licensure fee;

**121.6(3)** Shows evidence of licensure requirements that are similar to those required in Iowa;

**121.6(4)** Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. 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.

**121.6(5)** Provides official verification of one of the following:

*a.* A passing score on the national examination. For the ten-part examination, the passing score is 70 percent on each subject or 75 percent overall. The International Hearing Society sets the passing score for the five-part competency examination;

*b.* A passing score on an examination that the board determines is equivalent to the national examination; or

*c.* Current certification from the National Board for Certification in Hearing Instrument Sciences; and

**121.6(6)** Provides evidence of:

*a.* Completing a minimum of 32 continuing education hours within the 24 months prior to application; or

*b.* 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; or

*c.* Current certification from the National Board for Certification in Hearing Instrument Sciences.

**645—121.7(154A) Licensure by reciprocal agreement.** The board may enter into a reciprocal agreement with the District of Columbia or any state, territory, province or foreign country with equal or similar requirements for licensure of hearing aid dispensers.

**645—121.8(154A) Display of license.** Persons licensed as hearing aid dispensers shall display their original licenses in a conspicuous public place at the primary site of practice.

**645—121.9(154A) License renewal.**

**121.9(1)** The biennial license renewal period for a license to dispense hearing aids shall begin on January 1 of each odd-numbered year and end on December 31 of the next even-numbered year. All

licensees shall renew on a biennial basis. The board shall send a renewal notice by regular mail to each licensee at the address on record at least 60 days prior to the expiration of the license. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive the notice does not relieve the licensee of the responsibility for renewing the license.

**121.9(2)** A licensee seeking renewal shall:

*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.

**121.9(3)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 125.1(5). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

**121.9(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e."

*c.* A licensee who, in the scope of professional practice or in the course of employment, examines, attends, counsels or treats both adults and children in Iowa shall indicate on the renewal application completion of training in abuse identification and reporting for dependent adults and children in the previous five years or condition(s) for waiver of this requirement as identified in paragraph "e." Training may be completed through separate courses as identified in paragraphs "a" and "b" or in one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse. The course shall be a curriculum approved by the Iowa department of public health abuse education review panel.

*d.* The licensee shall maintain written documentation for five years after mandatory training as identified in paragraphs "a" to "c," including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 122.

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs "a" to "e."

**121.9(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**121.9(6)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in

Iowa, but may not practice as a hearing aid dispenser in Iowa until the license is reactivated. A licensee who practices as a hearing aid dispenser in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

**645—121.10(272C) Exemptions for inactive practitioners.** Rescinded IAB 8/31/05, effective 10/5/05.

**645—121.11(272C) Lapsed licenses.** Rescinded IAB 8/31/05, effective 10/5/05.

**645—121.12(154A,147) Duplicate certificate or wallet card.**

**121.12(1)** A duplicate wallet card or duplicate certificate shall be required if the current wallet card or certificate is lost, stolen or destroyed.

**121.12(2)** A duplicate wallet card or duplicate certificate shall be issued upon receipt of the completed application and receipt of the fee as specified in rule 645—125.1(147).

**121.12(3)** If the board receives a completed application stating that the wallet card or certificate was not received within 60 days after being mailed by the board, no fee shall be required for issuing the duplicate wallet card or duplicate certificate.

**645—121.13(272C) License denial.**

**121.13(1)** When the board denies an applicant licensure, the board shall notify the applicant of the denial in writing by certified mail, return receipt requested, or in the manner of service of an original notice, and shall cite the reasons for which the application was denied.

**121.13(2)** An applicant who has been denied licensure by the board may appeal the denial and request a hearing on the issues related to the licensure denial by serving a written notice of appeal and request for hearing upon the board by certified mail, return receipt requested, not more than 30 days following the date of mailing of the notification of licensure denial to the applicant. The request for hearing shall specifically describe the facts to be contested and determined at the hearing.

**121.13(3)** If an applicant who has been denied licensure by the board appeals the licensure denial and requests a hearing pursuant to this rule, the hearing and subsequent procedures shall be held pursuant to the process outlined in Iowa Code chapters 17A and 272C and 645—Chapter 11.

**645—121.14(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**121.14(1)** Submit a reactivation application on a form provided by the board.

**121.14(2)** Pay the reactivation fee that is due as specified in 645—subrule 125.1(6).

**121.14(3)** Provide verification of current competence to practice as a hearing aid dispenser by satisfying one of the following criteria:

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

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. 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 every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly

from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
  2. Date of initial licensure;
  3. Current licensure status; and
  4. 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—121.15(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 121.14(17A,147,272C) prior to practicing as a hearing aid dispenser in this state.

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

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<sup>◇</sup> Two or more ARCs