

HEARING INSTRUMENT SPECIALIST

AMENDMENTS

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Afton B. Bradshaw**

**This act amends the Hearing Instrument Specialist Licensing Act. This act modifies the qualifications for licensure, the term and renewal of a license, and provides additional definitions of "unprofessional conduct." This act makes technical amendments. This act has an effective date of July 1, 2002.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**58-46a-302**, as last amended by Chapter 28, Laws of Utah 1995

**58-46a-306**, as enacted by Chapter 28, Laws of Utah 1994

**58-46a-501**, as last amended by Chapter 249, Laws of Utah 1998

ENACTS:

**58-46a-302.5**, Utah Code Annotated 1953

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **58-46a-302** is amended to read:

**58-46a-302. Qualifications for licensure.**

(1) Each applicant for licensure as a hearing instrument specialist shall:

(a) submit to the division an application in a form prescribed by the division;

(b) pay a fee as determined by the ~~[department]~~ division pursuant to Section 63-38-3.2;

(c) be of good moral character;

(d) (i) have successfully completed ~~[2,000]~~ 4,000 hours of practice as a hearing instrument intern within the state ~~[of which the first 1,000 hours shall be under direct]~~ under supervision by a supervising hearing instrument specialist ~~[and the remaining 1,000 hours under direct or indirect supervision by a supervising hearing instrument specialist]~~ in accordance with Section 58-46a-302.5 or an equivalent as approved by the division; or

(ii) demonstrate successful practice for the equivalent of two years of full-time practice

as a licensed hearing instrument specialist in another state requiring licensure and practice in conformity with defined lawful and professional standards of practice;

(e) have qualified for and currently hold board certification by the National Board for Certification - Hearing Instrument Sciences, or an equivalent certification approved by the division in collaboration with the board;

(f) have passed the Utah Law and Rules Examination for Hearing Instrument Specialists; and

(g) if the applicant holds a hearing instrument intern license, surrender the hearing instrument intern license at the time of licensure as a hearing instrument specialist.

(2) Each applicant for licensure as a hearing instrument intern shall:

(a) submit to the division an application in a form prescribed by the division;

(b) pay a fee as determined by the [department] division pursuant to Section 63-38-3.2;

(c) be of good moral character;

~~[(d) have successfully completed the National Institute for Hearing Studies education and examination program designated for individuals entering the field of hearing instrument sciences as approved by the division in collaboration with the board, or an equivalent education and examination program approved by the division in collaboration with the board;]~~

~~[(e)]~~ (d) have passed the Utah Law and Rules Examination for Hearing Instrument Specialists; and

~~[(f)]~~ (e) present evidence acceptable to the division and the board that the applicant, when licensed, will practice as a hearing instrument intern only under supervision of a supervising hearing instrument specialist as required under Subsection (1)(d).

Section 2. Section **58-46a-302.5** is enacted to read:

**58-46a-302.5. Supervision requirements -- Hearing instrument interns.**

(1) (a) A hearing instrument intern shall complete 4,000 supervised hours of practice as a hearing instrument specialist intern.

(b) The 4,000 hours required in Subsection (1)(a) shall be under the direct supervision of a licensed hearing instrument specialist, until the intern:

(i) receives a passing score on a practical examination demonstrating acceptable skills in the area of hearing testing as approved by the division in collaboration with the board; and

(ii) completes the National Institute for Hearing instrument studies education and examination program, or an equivalent college level program as approved by the division in collaboration with the board.

(c) Upon satisfaction of the direct supervision requirement of Subsection (1)(b) the intern shall:

(i) complete the balance of the 4,000 supervised hours under indirect supervision; and

(ii) receive a passing score on the International Licensing Examination of the hearing instrument dispenser or other tests approved by the division.

Section 3. Section **58-46a-306** is amended to read:

**58-46a-306. Holders of license under predecessor law.**

(1) An individual who has been issued a Utah license as a hearing aid specialist prior to July 1, 1994, under any predecessor licensing act may renew or reinstate that license in accordance with the provisions of Section 58-1-308, under the classification of hearing instrument specialist without meeting the qualifications for licensure under Subsection 58-46a-302(1) until September 30, 1996. After September 30, 1996, an individual may renew or reinstate a license as a hearing instrument specialist only if the individual meets the qualification for licensure provided in Subsection 58-46a-302(1).

(2) An individual who has been issued a Utah temporary license as a hearing aid specialist under any predecessor licensing act prior to and current as of July 1, 1994, shall be issued a hearing instrument intern license for a term of two years and shall be regulated in accordance with all provisions of this chapter relating to a hearing instrument intern license. After expiration of the license, that individual may not practice as a hearing instrument specialist unless that person qualifies and is licensed as a hearing instrument specialist or exempted from licensure in accordance with the provisions of this chapter.

(3) An individual holding a hearing instrument intern license, prior to and current as of July 1, 2002:

(a) is subject to the provisions of Sections 58-46a-302 and 58-46a-302.5; and  
(b) will receive full credit for the number of direct and indirect hours of supervision prior to July 1, 2001.

Section 4. Section **58-46a-501** is amended to read:

**58-46a-501. Unprofessional conduct.**

"Unprofessional conduct" includes:

- (1) testing the hearing of a patient for any purpose other than to determine whether a hearing loss will be improved by the use of a hearing instrument;
- (2) failing to make an appropriate referral to a qualified health care provider with respect to a condition detected in a patient examined by a licensee under this chapter if the condition is generally recognized in the profession as one that should be referred;
- (3) designating a hearing instrument for a patient whose hearing will not be sufficiently improved to justify prescribing and selling of the hearing instrument;
- (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to practice under this chapter and specifically with respect to the benefits of a hearing instrument or the degree to which a hearing instrument will benefit a patient;
- (5) failing to exercise caution in providing a patient a prognosis to assure the patient is not led to expect results that cannot be accurately predicted;
- (6) failing to provide appropriate follow-up care and consultation with respect to a patient to whom a hearing instrument has been prescribed and sold upon being informed by the patient that the hearing instrument does not produce the results represented by the licensee;
- (7) failing to disclose in writing to the patient the charge for all services and hearing instruments prescribed and sold to a patient prior to providing the services or hearing instrument;
- (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon a determination by the division in collaboration with the board that the patient has not obtained the recovery of hearing represented by the licensee in writing prior to designation and sale of the hearing instrument;
- (9) paying any professional person any consideration of any kind for referral of a patient;

(10) failing, when acting as a supervising hearing instrument specialist, to provide ~~[direct]~~ supervision ~~[to a]~~ and training in hearing instrument ~~[intern during the first 1,000 hours the intern is engaged]~~ sciences in accordance with Section 58-46a-302.5;

(11) engaging in the practice as a hearing instrument intern ~~[and indirect or direct supervision during the remaining hours; (11) engaging in the practice as a hearing instrument intern when not under the direct]~~ when not under the supervision of a supervising hearing instrument specialist ~~[during the first 1,000 hours as a hearing instrument intern and engaging in the practice as a hearing instrument intern when not under the indirect or direct supervision of a supervising hearing instrument specialist during the remaining hours]~~ in accordance with Section 58-46a-302.5;

(12) failing to describe the circuitry in any advertisement, presentation, purchase, or trial agreement as being either "digital" or "analog"; or other acceptable terms as determined by the division in collaboration with the board;

(13) failing to follow the guidelines or policies of the United States Federal Trade Commission in any advertisement;

(14) failing to adhere to the rules and regulations prescribed by the United States Food and Drug Administration as they pertain to the hearing instrument specialist;

~~[(12)]~~ (15) failing to maintain all equipment used in the practice of a hearing instrument specialist properly calibrated and in good working condition; and

~~[(13)]~~ (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or 58-46a-503.

**Section 5. Effective date.**

This act takes effect on July 1, 2002.