

28 58-46a-302.5 or an equivalent as approved by the division; or

29 (ii) demonstrate successful practice for the equivalent of two years of full-time practice
30 as a licensed hearing instrument specialist in another state requiring licensure and practice in
31 conformity with defined lawful and professional standards of practice;

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

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

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

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

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

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

42 (c) be of good moral character;

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

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

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

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

53 **58-46a-302.5. Supervision requirements -- Hearing instrument interns.**

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

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

58 (i) receives a passing score on a practical examination demonstrating acceptable skills in

59 the area of hearing testing as approved by the division in collaboration with the board; and
60 (ii) completes the National Institute for Hearing instrument studies education and
61 examination program, or an equivalent college level program as approved by the division in
62 collaboration with the board.

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

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

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

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

69 **58-46a-306. Holders of license under predecessor law.**

70 (1) An individual who has been issued a Utah license as a hearing aid specialist prior to
71 July 1, 1994, under any predecessor licensing act may renew or reinstate that license in accordance
72 with the provisions of Section 58-1-308, under the classification of hearing instrument specialist
73 without meeting the qualifications for licensure under Subsection 58-46a-302(1) until September
74 30, 1996. After September 30, 1996, an individual may renew or reinstate a license as a hearing
75 instrument specialist only if the individual meets the qualification for licensure provided in
76 Subsection 58-46a-302(1).

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

84 (3) An individual holding a Hearing Instrument Intern License, prior to and current as of
85 July 1, 2002:

86 (a) is subject to the provisions of Sections 58-46a-302 and 58-46a-302.5; and

87 (b) will receive full credit for the number of direct and indirect hours of supervision prior
88 to July 1, 2001.

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

90 **58-46a-501. Unprofessional conduct.**

91 "Unprofessional conduct" includes:

92 (1) testing the hearing of a patient for any purpose other than to determine whether a
93 hearing loss will be improved by the use of a hearing instrument;94 (2) failing to make an appropriate referral to a qualified health care provider with respect
95 to a condition detected in a patient examined by a licensee under this chapter if the condition is
96 generally recognized in the profession as one that should be referred;97 (3) designating a hearing instrument for a patient whose hearing will not be sufficiently
98 improved to justify prescribing and selling of the hearing instrument;99 (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to
100 practice under this chapter and specifically with respect to the benefits of a hearing instrument or
101 the degree to which a hearing instrument will benefit a patient;102 (5) failing to exercise caution in providing a patient a prognosis to assure the patient is not
103 led to expect results that cannot be accurately predicted;104 (6) failing to provide appropriate follow-up care and consultation with respect to a patient
105 to whom a hearing instrument has been prescribed and sold upon being informed by the patient
106 that the hearing instrument does not produce the results represented by the licensee;107 (7) failing to disclose in writing to the patient the charge for all services and hearing
108 instruments prescribed and sold to a patient prior to providing the services or hearing instrument;109 (8) failing to refund fees paid by a patient for a hearing instrument and all accessories,
110 upon a determination by the division in collaboration with the board that the patient has not
111 obtained the recovery of hearing represented by the licensee in writing prior to designation and sale
112 of the hearing instrument;

113 (9) paying any professional person any consideration of any kind for referral of a patient;

114 (10) failing, when acting as a supervising hearing instrument specialist, to provide [~~direct~~]
115 supervision [~~to a~~] and training in hearing instrument [~~intern during the first 1,000 hours the intern~~
116 ~~is engaged~~] sciences in accordance with Section 58-46a-302.5;117 (11) engaging in the practice as a hearing instrument intern [~~and indirect or direct~~
118 ~~supervision during the remaining hours;~~] when not under the supervision of a supervising hearing
119 ~~intern when not under the direct~~ instrument specialist [~~during the first 1,000 hours as a hearing instrument intern and engaging in~~

121 the practice as a hearing instrument intern when not under the indirect or direct supervision of a
122 supervising hearing instrument specialist during the remaining hours] in accordance with Section
123 58-46a-302.5;

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

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

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

131 ~~[(12)]~~ (15) failing to maintain all equipment used in the practice of a hearing instrument
132 specialist properly calibrated and in good working condition; and

133 ~~[(13)]~~ (16) failing to comply with any of the requirements set forth in Section 58-46a-502
134 or 58-46a-503.

135 Section 5. **Effective date.**

136 This act takes effect on July 1, 2002.

Legislative Review Note
as of 1-17-02 3:08 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel