OFFICE OF THE SECRETARY OF STATE
DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

PERMANENT ADMINISTRATIVE ORDER

FILED
06/15/2018 12:19 PM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

HLO 76-2018
CHAPTER 331
OREGON HEALTH AUTHORITY
HEALTH LICENSING OFFICE

FILING CAPTION: Advisory Council on Hearing Aids administrative rules are cleaned up, reorganized and updated.

EFFECTIVE DATE: 07/01/2018

AGENCY APPROVED DATE: 06/15/2018

CONTACT: Anne Thompson
503-373-1904
anne.p.thompson@state.or.us

1430 Tandem Ave. NE Suite 180
Salem,OR 97301

Filed By:
Anne Thompson
Rules Coordinator

RULES:
331-601-0010, 331-620-0005, 331-630-0001, 331-630-0005, 331-630-0006, 331-630-0011, 331-630-0015, 331-630-0020, 331-630-0025, 331-630-0030, 331-630-0035, 331-630-0040, 331-630-0050, 331-630-0060, 331-630-0070, 331-640-0005, 331-650-0005, 331-650-0006, 331-650-0010, 331-650-0011, 331-650-0015, 331-650-0016, 331-650-0020, 331-650-0025, 331-650-0030, 331-650-0035, 331-650-0040, 331-650-0045, 331-650-0050, 331-650-0055, 331-650-0060, 331-655-0005, 331-660-0000, 331-660-0005, 331-660-0010, 331-660-0011, 331-660-0020, 331-660-0030, 331-660-0040, 331-660-0050, 331-660-0060, 331-660-0070, 331-660-0080, 331-670-0005, 331-670-0010, 331-670-0015, 331-670-0020, 331-680-0010

REPEAL: 331-601-0010

RULE TITLE: Fees

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:
(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.
(2) Fees established by the Health Licensing Office are as follows:
(a) Application:
(A) License: $125.
(B) Temporary license: $150.
(C) Trainee registration: $100.
(b) Examination:
(A) Oregon laws & rules: $50.
(B) Written: $150.
(C) Practical: $175.
(D) Audiologist: $50.
(c) Original issuance of license:

(A) License: $125 for one year.
(B) Temporary license: $100.
(d) Renewal of license: $125 for one year.
(e) Delinquent (late) renewal of license: $40 per year, up to three years.
(f) Replacement of license, including name change: $25.
(g) Duplicate license document: $25 per copy with maximum of three.
(h) Affidavit of licensure: $50.
(i) An additional $25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties and charges. Refer to OAR 331-010-0010.

STATUTORY/OTHER AUTHORITY: ORS 676.605, 676.615, 694.155, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 676.605, 676.615, 694.155, 694.185

REPEAL: 331-620-0005

RULE TITLE: Definitions

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) "Agency" means the Oregon Health Licensing Agency.

(2) “Assistive listening device” Assistive listening devices which are exempt from the provisions of ORS Chapter 694 are defined as products designed to solve one or more specific listening problems created by a hearing loss, and include personal or group listening devices, telephone listening devices, or alert/alarm systems. The primary difference between listening devices and hearing aids is that an assistive listening device is designed to assist in only one, or a few, listening environments, and is for temporary use only. A hearing aid is designed for use in a wide range of listening environments and is primarily for full time use. The following criteria shall be considered in categorizing an assistive listening device:

(a) Personal Assistive Listening Device:

(A) Is used for the assistance of only one person;

(B) May be used either hardwired or wireless type;

(C) May be adaptable to particular environments;

(D) May not be fitted to an individual hearing loss;

(E) May not be sold as a standard hearing aid;

(F) May be an external option that will work with a hearing aid either through the telecoil or by direct audio input coupler built into a hearing aid.

(b) Group Assistive Listening Device:

(A) Includes infrared and FM systems and induction loop systems;

(B) Includes auditory trainers that are classified as such by the FDA exemption for group auditory trainers (21 CFR 801.421(e));

(C) May include telecaption decoders.

(c) Telephone Devices for the Hearing Impaired:

(A) Amplified handsets;

(B) In-line amplifiers for modular telephones;

(C) Receiver add-ons;

(D) An external option that will work with a hearing aid.

(d) Telecommunications Devices for the Deaf (TDD):

(A) Typically visually based;

(B) TDD and Teletypewriter for the deaf (TTY) systems.

(e) Alert/Alarm Systems:

(A) Systems that use a form of visual or vibratory stimuli to alert an individual;

(B) May be hardwired or use an acoustic pickup.

(3) "Audiologist" means a person licensed under ORS 681 and who practices audiology as defined by that statute.

(4) "CEU" means a continuing education unit and the numerical value determined by the board to be earned by a renewal applicant by attending a specified training course. The terms "continuing education credit" and "continuing education unit" are synonymous and may be used interchangeably.

(5) "Consummation of sale" means when the purchaser takes delivery or possession of the hearing aid after agreeing to purchase the hearing aid.

(6) "Continuing Education" means post-licensure education related specifically to hearing or hearing aid technology undertaken to maintain professional competency to practice as a hearing aid specialist, in the interest of safety, health and welfare of the people served.

(7) "Demonstration instrument" means a hearing aid that has been worn by a prospective user as part of a bona fide hearing aid evaluation conducted in the presence of the hearing aid specialist.
(8) "Delivery" means, as used in ORS 694.042, acceptance and possession of the hearing aids by the consumer, which starts the 30 calendar day rescission right period. Hearing aids that have been out of the consumer's possession for a period of 72 hours or more for any alternation or adjustment during the 30 calendar day rescission right period may restarts the 30 calendar day rescission right period if both parties agree to the extension in writing. Delivery includes:
(a) The initial fitting and delivery of the hearing aid(s), which must be performed in person by a licensed hearing aid specialist, audiologist or physician pursuant to ORS 694.025(2) including the acceptance and possession of the hearing aid(s); and
(b) The return of a hearing aid by the consumer to the specialist, which may be hand carried or mailed by certified mail to the official place of business of the hearing aid specialist.
(9) "Direct supervision" means a registered supervisor is present in the facility for the purpose of supervising and is in view the procedures performed by a registered trainee, pursuant to OAR 331-630-0030.
(10) “Facility” means physical place of business where services defined in ORS 694.015(4) are conducted, including but not limited to all areas used by hearing aid specialist and client, i.e. testing location, waiting/reception area.
(11) “Hearing aid” as defined in ORS 694.015(3) does not include assistive listening devices as defined in OAR 331-620-0005 (2).
(12) “Hearing aid specialist” means a person licensed pursuant to ORS 694.015 through 694.185.
(13) "Purchase price" means:
(a) The total amount paid or agreed to be paid by or on behalf of the consumer for the cost of the hearing aid(s); and
(b) Professional fees charged for the actual fitting and sale of the hearing aid(s) including:
(A) The evaluation or measurement of the powers or range of human hearing as they relate to hearing aid fitting;
(B) Hearing aid evaluation;
(C) Hearing aid consultation;
(D) Hearing aid recommendation;
(E) Hearing aid selection;
(F) Hearing aid fitting and dispensing;
(G) Adaptation of a hearing aid, if related to the original purchase;
(H) Counseling, if related to the original purchase and done by the person dealing in hearing aids and/or company, firm or facility involved in dispensing of the original hearing aid, and any other fees for service which are charged in regards to a hearing aid being fitted as a therapeutic device; and
(I) Ear impression and ear molds.
(c) Professional fees charged for diagnostic testing for medical use when done by a physician or on a physician's order shall be excluded from this definition of purchase price.
(14) “Temporary licensee supervisor” means a person who has met the requirements of OAR 331-630-0015 and who supervises a temporary licensee who is working under the supervisor’s indirect supervision.
(15) "Trainee" means a person who has met the requirements of ORS 694.065, has registered with the agency and is working under the direct supervision of a licensed hearing aid specialist to obtain the training and experience required for hearing aid specialist licensure.
(16) “Trainee supervisor” means a person who has met the requirements of OAR 331-630-0035 and who directly supervises a trainee working under the supervisor to obtain the training and experience required for hearing aid specialist licensure.
[Publications referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0001

RULE TITLE: Application Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

An individual applying for a license must:

(1) Meet the requirements of OAR 331 division 30.

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0001 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsections (1) and (2) of this rule, an applicant must provide documentation of one of the following pathways:

(a) Licensure Pathway 1 — Qualification through Trainee registration and examination. An applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Examination fees pursuant to OAR 331-640-0005;

(D) Evidence that the applicant, pursuant to OAR 331-630-0005, has qualified to take and has obtained a passing score on the Advisory Council on Hearing Aids (Council) Examination, the Council's Oregon Laws Examination and the Council's Oregon Practical Examination;

(E) Upon passage of all required examinations and before issuance of a license, applicant must pay all license fees.

(b) Licensure Pathway 2 — Qualification through equivalency — American Speech-Language-Hearing Association Certification. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official documentation of certification by the American Speech-Language-Hearing Association or evidence that the applicant has met the requirements of ORS 694.085;

(D) A passing score on the Council's Oregon Laws Examination;

(E) Upon passage of all required examinations and before issuance of a license, applicant must pay all license fees.

(c) Licensure Pathway 3 — Qualification through equivalency — Degree equivalent to requirements for certification by National Board for Certification in Hearing Instrument Sciences. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official transcript from a regionally accredited college or university demonstrating attainment of a degree sufficient to obtain certification by National Board for Certification in Hearing Instrument Sciences;

(D) A passing score on the Council's Oregon Laws Examination;

(E) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

(d) Licensure Pathway 4 — Qualification through equivalency — other state certification. Applicant must submit:

(A) A copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(B) Evidence that the applicant is 18 years old or older;

(C) Official documentation of certification (Affidavit of Licensure) by another state regulatory authority showing that the license was issued by another state or territory of the United States and the licensing requirements are at least equivalent to those in ORS 694.065 and 694.085;

(D) A passing score on the Council's Oregon Laws Examination;

(E) Upon passage of all required examinations and before issuance of license, applicant must pay all license fees.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0005

RULE TITLE: Advisory Council on Hearing Aids Licensure Examination Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

Before an individual seeking Council licensure can take the qualifying examination that individual must either:

(1) Meet training and experience requirements pursuant to OAR 331-630-0040;

(2) Meet training requirements for licensure as an audiologist;

(3) Meet training requirements for certification of a licensed physician by the American Board of Otolaryngology; or

(4) Meet the requirements for certification by the National Board for Certification in Hearing Instrument Sciences.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

ADOPT: 331-630-0006

RULE TITLE: Definitions

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Adopt updated definitions

RULE TEXT:

(1) “Affidavit of Licensure” is defined in OAR 331-030-0040.

(2) "Audiologist" means a person who practices audiology as defined by ORS 681.205(2).

(3) “Client” means a consumer, purchaser, prospective purchaser or hearing-aid wearer.

(4) “Consummation of sale” means when the client takes physical possession of the hearing aid after agreeing to purchase the hearing aid and the licensee has completed all of the required testing and provided the client with a complete and properly formatted Statement to the Prospective Hearing Aid Purchaser pursuant to ORS 694.036.

(5) “Council” has the definition set forth in ORS 694.015(1).

(6) “Demonstration instrument” means a hearing aid that has been worn by a client as part of a hearing aid evaluation conducted in the presence of the hearing aid specialist.

(7) “Direct supervision" means a supervisor is in view of the procedures performed by a registered trainee.

(8) “Hearing aid” means a device as defined in ORS 694.015(3). It does not include:

(a) “Assistive listening device” is a product designed to solve listening problems created by hearing loss, and includes personal or group listening devices, telephone listening devices or alert or alarm systems. It is designed to assist in only one, or a few, listening environments, and is for temporary use. An assistive listening device must:

(A) Be used for the assistance of only one person;

(B) Be hardwired or wireless;

(C) Be adaptable to particular environments;

(D) Have an external option that will work with a hearing aid through the telecoil or by direct audio input coupler built into a hearing aid.

(E) Not be fitted to an individual hearing loss;

(F) Not be sold as a standard hearing aid;

(b) A group assistive listening device:

(A) Includes infrared and FM systems and induction loop systems;

(B) Includes auditory trainers that are classified as such by the FDA exemption for group auditory trainers (21 CFR 801.421(e));

(C) May include telecaption decoders.

(c) Telephone devices for the hearing impaired, which include, but are not limited to:

(A) Amplified handsets;

(B) In-line amplifiers for modular telephones;

(C) Receiver add-ons;

(D) An external option that will work with a hearing aid.

(d) Telecommunications Devices for the Deaf (TDD) which include, but are not limited to:

(A) Visually based devices;

(B) TDD and teletypewriter for the deaf (TTY) systems.

(e) Alert/alarm systems, which include, but are not limited to:

(A) Systems that use visual or vibratory stimuli to alert an individual;

(B) Systems that can be hardwired or use an acoustic pickup.

(f) Personal Sound Amplifiers, which are not intended to make up for impaired hearing, but are intended for non-hearing-impaired consumers to amplify sounds in the environment for a number of reasons, such as for recreational activities.

(9) “IHS” means the International Hearing Society.

(10) “Indirect supervision” means the supervisor is not required to be on-site, but must be available for direct communication, either in person, by telephone, or other electronic means.
(11) “Official transcript” means an original document certified by an accredited college or university indicating hours and types of course work, examinations, and scores that the student has completed, that has been submitted by the accredited college or university by mail or courier to the Office in a sealed envelope.
(12) “Office” means the Health Licensing Office.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

REPEAL: 331-630-0011

RULE TITLE: Temporary Licenses — Application and Issuance

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) A temporary license may be issued to an applicant who meets the application requirements of ORS 694.065(2) and OAR 331-630-0001(1), (2) and (3)(a)(A), (B) and (C) following agency receipt of a completed application and evidence of training and the required fee(s).

(2) The temporary license will be issued for a one-year period, expiring on the last day of the month one year from the date of issuance.

(3) A temporary license holder must work under the indirect supervision of a supervisor as defined in OAR 331-620-0005(14). Indirect supervision means that the supervisor is not required to be on the premises with the person holding a temporary license under this rule while the temporary license holder performs procedures.

(4) Attainment of permanent licensure status by satisfactorily passing the examination supersedes the temporary hearing aid specialist license.

(5) A temporary license holder may change their designated supervisor if a new Declaration of Responsibility form is signed by the new supervisor and submitted with the application fee to the agency within five days of separation from the former designated supervisor.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0015

RULE TITLE: Application for Registration as a Temporary Licensee Supervisor

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

An individual applying for Temporary Licensee Supervisor registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsection (1) and (2) of this rule, a Temporary Licensee Supervisor must:

(a) Hold a current Oregon hearing aid specialist license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency; and

(b) Have been licensed for at least three years.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0020

RULE TITLE: Supervision of Temporary Hearing Aid Specialists

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) An individual acting as a designated supervisor for a temporary licensee must sign and file with the agency a Declaration of Responsibility form prescribed by the agency, before supervising any temporary hearing aid specialist. The form must indicate the name of the supervising hearing aid specialist, place of business, telephone number, current license number, and the name, address, and license number of the temporary hearing aid specialist.

(2) The testing, fitting, or selling of a hearing aid by a temporary hearing aid specialist shall be performed under the authority, control, and indirect supervision of the licensed hearing aid specialist designated as the supervisor.

(3) The designated supervisor must review and approve the temporary hearing aid specialist's work before ordering the recommended hearing aid(s).

(4) A designated supervisor shall exercise management, guidance, and control over the activities of the temporary hearing aid specialist; and shall exercise professional judgment and be responsible for all matters relative to the fitting and selling of a hearing aid.

(5) Approval of a temporary hearing aid specialist's work must be documented by the handwritten signature of the designated supervisor, license number, and date of review placed adjacent to the temporary hearing aid specialist's signature on any audiogram, order form, and office copy of a statement to a prospective hearing aid purchaser as required in ORS 694.036 and 694.042.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0025

RULE TITLE: Application for Registration as a Trainee

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

An individual applying for Trainee registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0030

RULE TITLE: Trainee Registration

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) A trainee, registered under ORS 694.065(1) may deal in hearing aids under the direct supervision of a designated supervisor except that a trainee may not fit or sell hearing aids.

(2) The agency will authorize an Oregon licensed hearing aid specialist to act as designated supervisor of a trainee provided the licensee holds a valid license, has been actively practicing for at least three years, and has not had any disciplinary action or civil penalty imposed by the agency.

(3) A licensed hearing aid specialist must not supervise more than four trainees at any one time.

(4) A designated supervisor will not provide training as outlined in OAR 331-630-0040 until a trainee registration agreement and Declaration of Responsibility has been submitted to the agency.

(5) A designated supervisor must notify the agency in writing within five calendar days if the trainee is no longer being supervised and trained, and must provide a Certification of Training form to the agency showing the number of hours of training completed.

(6) A designated supervisor's authorization may be withdrawn for providing incomplete or inadequate training, falsifying documentation, or allowing the trainee to fit or sell hearing aids.

STATUTORY/OTHER AUTHORITY: 694.115, ORS 376.615, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0035

RULE TITLE: Application for Registration as a Trainee Supervisor

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

An individual applying for a Trainee Supervisor registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the agency, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of the required application fees.

(3) In addition to requirements listed in subsection (1) and (2) of this rule, a Trainee Supervisor must:

(a) Hold a current Oregon hearing aid specialist license with no current or pending disciplinary action, and with no fines, fees, or civil penalties owing to the Agency;

(b) Demonstrate completion of the IHS Distance Learning Program for Professionals in Hearing Health Sciences, or demonstrate three or more years National Board Certification; and

(c) Have been a licensed hearing aid specialist for at least four years.

STATUTORY/OTHER AUTHORITY: 694.185, ORS 376.615, 694.115, 694.170

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0040

RULE TITLE: Trainee Program

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) The Trainee program consists of both practical and theory training.

(2) Practical training consists of 520 hours of training under the direct supervision of a Trainee Supervisor registered pursuant to OAR 331-630-0035 and must include:

(a) 60 hours in audiometric testing;

(b) 60 hours in counseling regarding hearing examination;

(c) 60 hours in hearing aid selection;

(d) 60 hours in ear-mold impressions;

(e) 180 hours in hearing aid fitting and follow-up care;

(f) 60 hours in business practices, including ethics and regulations and sanitation and infection control; and

(g) 40 hours in electives in any of the categories listed in subsections a. through e. above.

(3) Theory training consists of successful completion of the International Hearing Society's Distance Learning Program for Professionals in Hearing Health Sciences.

(4) Training program materials can be reviewed at www.oregon.gov/OHLA/

(5) Trainees who register and are approved to commence their training program before the effective date of this rule may complete their training under the provisions of the rule that was in place at that time. The trainee must complete the training program within 180 days following the effective date of this rule. A trainee failing to complete the program within 180 days must reapply and, if accepted, must begin the program pursuant to provisions of this rule.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0050

RULE TITLE: General Examination Information

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) The board approved examinations for a license include a written examination containing both a national section and a state-specific section, and a practical examination.

(2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.

(3) The examination is administered in English only, unless an agency approved testing contractor or vendor provides the examination in languages other than English.

(4) Examination candidates may be electronically monitored during the course of testing.

(5) The Board will establish a maximum time allowance for each section of the examination.

(6) Notes, textbooks, notebooks, electronic equipment or communication devices, such as personal computers, pagers and cellular telephones or any other devices deemed inappropriate by the agency, are prohibited in the examination area.

(7) A candidate may be immediately disqualified before, during, or after the examination for conduct that interferes with the examination or otherwise violates this rule. At the time of disqualification, the examination may be invalidated and examination fees may be forfeited. Disqualifying conduct includes but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination process;

(b) Violations of subsection (6) of this rule;

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site;

(d) Failing to follow directions relative to the conduct of the examination; and

(e) Exhibiting behavior that impedes the normal progress of the examination.

(8) The applicant may be required to reapply, submit additional examination fees, and request in writing to schedule another examination if applicant is disqualified from taking the examination.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0060

RULE TITLE: Examination Retake

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) All examination retakes are subject to examination fees and an approved examination schedule set by the agency

(2) If after four attempts, an applicant has not passed the state administered practical examination, the applicant must request permission from the Council to retake the examination again. If the applicant does not pass the examination upon the fifth attempt, the applicant may be required to retake training required under this division.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-630-0070

RULE TITLE: License Issuance and Renewal

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) AUTHORIZATION AND RENEWAL: A licensee is subject to the provisions of OAR Chapter 331, division 30 regarding the issuance and renewal of a license, provisions regarding authorization to practice, identification requirements, and requirements for issuance of a duplicate license.

(2) AUTHORIZATION RENEWAL: To avoid delinquency penalties, license renewal must be made prior to the license entering inactive status. The licensee must submit the following:

(a) Renewal application form;

(b) Payment of required renewal fee pursuant to 331-640-0005; and

(c) Documentation of having obtained required annual continuing education under OAR 331-650-0005, on a form prescribed by the agency.

(3) INACTIVE AUTHORIZATION: A license may be inactive for up to three years. When renewing after entering inactive status, the licensee must submit the following:

(a) Renewal application form;

(b) Payment of delinquency and renewal fees pursuant to OAR 331-640-0005;

(c) Documentation of having obtained required annual continuing education under OAR 331-650-0005, on a form prescribed by the agency, whether license has been current or inactive;

(4) EXPIRED AUTHORIZATION: A license that has been inactive for more than three years is expired and the licensee must reapply and meet the requirements listed in OAR 331-630-0001.

(5) A licensee failing to meet continuing education requirements listed under OAR 331-650-0005 must reapply and meet requirements pursuant to OAR 331-630-0001.

(6) A licensee may not practice with an inactive or expired license.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

ADOPT: 331-640-0005

RULE TITLE: Hearing Aid Specialist Training (HAST) Program

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Outline the training program.

RULE TEXT:

The Hearing Aid Specialist Training (HAST) program is the program established for prospective applicants to meet the Office's training and experience requirements under ORS 694.065(1)(a). An individual in the HAST program must complete the program in no less than 6 months and no more than 1 year; it includes:

(1) 520 hours of practical training under the direct supervision of a Registered Trainee Supervisor including:

(a) 60 hours in audiometric testing;

(b) 60 hours in counseling regarding hearing examination;

(c) 60 hours in hearing aid selection;

(d) 60 hours in ear-mold impressions;

(e) 180 hours in hearing aid fitting and follow-up care;

(f) 60 hours in business practices, including ethics and regulations and sanitation and infection control; and

(g) 40 hours in electives in any of the (a-e) categories

(2) Completion of the IHS's Distance Learning Program for Professionals in Hearing Health Sciences.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

REPEAL: 331-650-0005

RULE TITLE: Continuing Education Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) To maintain licensure, hearing aid specialists must complete a minimum of 12 hours of approved continuing education each year. Credit hours obtained in excess of those required for the one-year reporting period may not be carried forward. A licensee's continuing education requirements remain in effect during the time a license is inactive.

(2) Each licensee shall document compliance with the continuing education requirement through attestation on the license renewal application. Licensees are subject to provisions of OAR 331-650-0015 pertaining to periodic audit of continuing education.

(3) Approved continuing education must be obtained by participation in or attendance at a course provided by an accredited college or university, a course or program approved by the International Hearing Society or an agency pre-approved course or program.

(4) Continuing education must address subject matter related to dispensing hearing aids in accordance with ORS 694.015 through 694.185.

(5) CE credit will be awarded based on the following criteria:

(a) Completion and passing of academic courses taken from an accredited college or university are awarded 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned;

(b) Completion of professional courses which meet academic course requirements in content, instruction and evaluation will be assigned 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned; and

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, such as workshops, symposiums, seminars, laboratory exercises, or any applied experience with or without formal classroom work may be assigned credit at the rate of one hour for each hour of attendance.

(6) No more than three hours may be earned in one year for courses in cardiopulmonary resuscitation;

(7) Licensees must complete a two hour course in Safety and infection Control once every two years.

(8) Documentation supporting compliance with continuing education requirements must be maintained for a period of two years following renewal, and must be available to the agency upon request.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

ADOPT: 331-650-0006

RULE TITLE: Trainee Supervisor Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: The requirements to become a trainee superviser

RULE TEXT:

A trainee supervisor is a person who supervises an individual who has a trainee registration. A trainee supervisor must:

(1) Meet the requirements of either (1)(a) or (1)(b) of this section:

(a) Be an audiologist licensed under ORS Chapter 681 who has been licensed and practicing for at least four years; or

(b) Hold an active hearing aid specialist license and who has been actively practicing for at least four years; and

(A) Have no unresolved or outstanding disciplinary actions; and

(B) Attest to completing the IHS Distance Learning Program for Professionals in Hearing Health Sciences; or

(C) Attest to having three or more years of National Board Certification.

(2) Retain all training forms for two years and make them available to the Office upon request.

(3) Not provide direct supervision to more than four trainees.

(4) Not provide training as outlined in OAR 331-640-0005 until the Office has received a trainee registration agreement and Declaration of Responsibility for the trainee being supervised.

(5) Include the supervisor's name, license number, and date of review next to the trainee's signature on any audiogram, order form, chart notes and any other hearing aid service documentation.

(6) Notify the Office in writing within five calendar days if the trainee is no longer being supervised, and must provide a Certification of Training form to the Office showing the number of hours of training completed.

(7) Not allow a trainee to obtain experience and training in connection with the supervisor's practice without a valid trainee registration.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

REPEAL: 331-650-0010

RULE TITLE: Schedule of Civil Penalties for Violations of Laws and Rules

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

The agency has adopted the following presumptive penalty schedule for the violations of the following laws and rules. The following schedule shall apply except as the agency otherwise determines in consideration of the factors referred to in OAR 331-020-0060. For subsequent offenses, the provisions of 331-020-0060 will apply.

(1) Dealing in or purporting to deal in hearing aids with an expired license is a violation of ORS 694.025 and OAR 331-030-0010(4) and shall incur the following penalties:

(a) For 1st offense: $200;

(b) For 2nd offense: $500;

(c) For 3rd offense: $1,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(2) Dealing in or purporting to deal in hearing aids without a license, with a license issued to another person, or a suspended license is a violation of ORS 694.025 and/or 676.612(1)(d) or 676.612(4) and OAR 331-030-0020(1) and shall incur the following penalties:

(a) For 1st offense: $1,000;

(b) For 2nd offense: $5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.

(3) Failing as a licensee to inform the agency within 30-calendar days of a change of information is a violation of OAR 331-010-0040(1) and shall incur the following penalties:

(a) For 1st offense: $50;

(b) For 2nd offense: $100;

(c) For 3rd offense: $150.

(4) Dealing in hearing aids by a trainee when not under the direct supervision of a supervisor is a violation of ORS 694.025 and 694.065(2) and OAR 331-610-0020(1) and shall incur the following penalties:

(a) For 1st offense: $150;

(b) For 2nd offense: $300;

(c) For 3rd offense: $500.

(5) Failing, as a supervisor, to provide direct supervision of a trainee dealing in hearing aids is a violation of ORS 694.065(2), OAR 331-610-0020(1) and (6) and shall incur the following penalties:

(a) For 1st offense: $500;

(b) For 2nd offense: $1,000 and suspension of the authorization to provide supervisory training;

(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(6) Failing, as a supervisor, to exercise management, guidance, and control over the activities of the temporary hearing aid specialist is a violation of ORS 676.612(1)(j) and OAR 331-610-0030(3) shall incur the following penalties:

(a) For 1st offense: $500;

(b) For 2nd offense: $1,000 and suspension of the authorization to provide supervisory training;

(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(7) Failing, as a supervisor, to evaluate and approve all matters involved in the testing, fitting, or in the sale of a hearing aid by a temporary hearing aid specialist before ordering the recommended hearing aid(s) is a violation of ORS 676.612(1)(j) and OAR 331-610-0030(2) and/or (4) and shall incur the following penalties:

(a) For 1st offense: $500;

(b) For 2nd offense: $1,000 and suspension of the authorization to provide supervisory training;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(8) Failing, as a supervisor of a temporary hearing aid specialist, to co-sign and approve the audiogram, order form and office copy of statement, or failing to mail or provide a copy of the statement to the prospective hearing aid purchaser as required in ORS 694.036 and 694.042 is a violation of 676.612(1)(j) and OAR 331-610-0030(4) and shall incur the following penalties:
(a) For 1st offense: $300;
(b) For 2nd offense: $1,000 and suspension of the authorization to provide supervisory training;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(9) Failing to meet continuing education requirements pursuant to OAR 331-630-0000(1), or to provide or retain required documentation is a violation of 331-630-0000(11) and/or 331-630-0010(2) and shall incur the following:
(a) For 1st offense: $500 and suspension or revocation of license;
(b) For 2nd offense: $1,000 and suspension or revocation of license;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.
(10) Failure to correct continuing education deficiencies within prescribed time frames is a violation of OAR 331-630-0010(4) and shall incur the following penalties:
(a) For 1st offense: $500 and suspension or revocation of license;
(b) For 2nd offense: $1,000 and suspension or revocation of license;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.
(11) Disqualification from an examination as a result of conduct is a violation of OAR 331-610-0050(2) and shall incur the following penalties: $1,000, disqualification from reexamination as determined by the agency director and revocation of temporary hearing aid specialists license
(12) Failing to keep the facility clean and sanitary is a violation of OAR 331-640-0010(1) and shall incur the following penalties:
(a) For 1st offense: $100;
(b) For 2nd offense: $300;
(c) For 3rd offense: $1,000.
(13) Failing to disinfect devices after direct contact with client's skin is a violation of OAR 331-640-0010(2) and shall incur the following penalties:
(a) For 1st offense: $100;
(b) For 2nd offense: $300;
(c) For 3rd offense: $1,000.
(14) Failing to wash or sanitize hands before taking an ear mold impression is a violation of OAR 331-640-0010(4) and shall incur the following penalties:
(a) For 1st offense: $100;
(b) For 2nd offense: $300;
(c) For 3rd offense: $1,000.
(15) Failing to calibrate or provide proof of calibration on audiometric testing equipment is a violation of OAR 331-640-0020 and shall incur the following penalties:
(a) For 1st offense: $100;
(b) For 2nd offense: $300;
(c) For 3rd offense: $1,000.
(16) Failing to provide a client with a properly formatted Statement to Prospective Purchaser is a violation of ORS

694.036(1) and OAR 331-640-0030(1) and shall incur the following penalties per violation:
(a) For 1st offense: $300;
(b) For 2nd offense: $500;
(c) For 3rd offense: $1,000.
(17) Failing to obtain a signed medical waiver is a violation of ORS 694.142(6) and OAR 331-640-0040(2) and shall incur the following penalties per violation:
(a) For 1st offense: $300;
(b) For 2nd offense: $500;
(c) For 3rd offense: $1,000.
(18) Failing to respond timely to an agency request for information regarding a complaint is a violation of OAR 331-020-0050 and shall incur the following penalties per violation:
(a) For 1st offense: $300;
(b) For 2nd offense: $500;
(c) For 3rd offense: $1,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(19) Failing to comply with the additional standards of conduct is a violation of ORS 676.612(1)(j) and OAR 331-640-0050(1), (2), (3) and/or (4) and shall incur the following penalties per violation:
(a) For 1st offense: $500;
(b) For 2nd offense: $1,000;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(20) Failing or refusing to rescind the sale of a hearing aid is a violation of ORS 676.612(1)(j) and (2), 694.042(4), and 694.147(2)(a) and shall incur a civil penalty established on a case-by-case basis.
(21) Failing to meet professional standards in dealing in hearing aids in violation of ORS 676.612(1)(j), 694.147(2)(c) or OAR 331-640-0050(3) and shall incur the following penalties per violation:
(a) For 1st offense: $500;
(b) For 2nd offense: $1,000;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(22) Fraud or misrepresentation in the practice of dealing in hearing aids is a violation of ORS 676.612, 694.147(2) or OAR 331-640-0050(3) and shall incur the following penalties per violation:
(a) For 1st offense: $500;
(b) For 2nd offense: $1,000;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(23) Unprofessional conduct is a violation of ORS 676.612(1)(j), 694.147(2)(c) or OAR 331-640-0050(3) and shall incur the following penalties per violation:
(a) For 1st offense: $500;
(b) For 2nd offense: $1,000;
(c) For 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

STATUTORY/OTHER AUTHORITY: ORS 676.615, 676.992, 694.147

STATUTES/OTHER IMPLEMENTED: ORS 676.615, 676.992, 694.147

ADOPT: 331-650-0011

RULE TITLE: Trainee Registration

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Trainee registration requirements

RULE TEXT:

(1) A hearing aid specialist trainee registration authorizes the holder to obtain the experience and training under the direct supervision of a qualified trainee supervisor.

(2) A hearing aid specialist trainee registration is valid for one year, expiring on the last day of the month one year from the date of issuance and cannot be renewed.

(3) A trainee's Declaration of Responsibility form signed by the trainee supervisor must be received by the Office prior to beginning work.

(4) To change trainee supervisors, a trainee's new Declaration of Responsibility form, signed by the new trainee supervisor, must be received by the Office prior to beginning work.

(5) A trainee must notify the Office within five calendar days if they are no longer under supervision.

(6) A hearing aid specialist trainee registration becomes invalid after the training program is completed.

(7) A hearing aid specialist trainee must adhere to all standards of practice and professional conduct listed in 331-670-0005 through 331-670-0020.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

REPEAL: 331-650-0015

RULE TITLE: Continuing Education: Audit, Required Documentation and Sanctions

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) The Oregon Health Licensing Agency will audit a percentage of licensees, as determined by the Board, to verify compliance with continuing education requirements of this rule.

(2) Licensees notified of selection for audit of continuing education attestation shall submit to the agency, within 30 calendar days from the date of issuance of the notification, satisfactory evidence of participation in required continuing education in accordance with OAR 331-650-0005.

(3) If selected for audit, the licensee must provide documentation of the required continuing education, which must include:

(a) For courses provided by an accredited college or university — An official transcript from the accredited college or university;

(b) For International Hearing Society (IHS) approved programs or courses — A certificate of completion that includes the IHS approval number; or

(c) For agency pre-approved programs or courses – A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(4) If documentation of continuing education is incomplete, the licensee has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(5) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include but is not limited to assessment of a civil penalty and suspension or revocation of the license.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

ADOPT: 331-650-0016

RULE TITLE: Trainee Registration Application

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: How to apply to be a trainee

RULE TEXT:

An individual applying for Trainee registration must:

(1) Meet the requirements of OAR 331 division 30;

(2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000, and be accompanied by payment of all required fees.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-650-0020

RULE TITLE: Temporary Licensee Supervisor Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: The requirements to supervise temporary license holders

RULE TEXT:

A temporary licensee supervisor is a person who supervises a temporary license holder who has not yet passed the examination, but who otherwise meets the qualifications for licensure. A temporary licensee supervisor must:

(1) Meet the requirements in either (1)(a) or (1)(b) of this section:

(a) Be an audiologist under ORS Chapter 681 who has been licensed and practicing for at least three years; or

(b) Hold an active Oregon hearing aid specialist license; and

(A) Have no unresolved or outstanding disciplinary actions; and

(B) Have been a licensed hearing aid specialist and actively practicing for at least three years.

(2) Provide indirect supervision over the testing, fitting or selling of a hearing aid by a temporary hearing aid specialist.

(3) Approve the temporary hearing aid specialist's work before ordering the recommended hearing aid(s).

(4) Include the supervisor's name, license number, and date of review next to the temporary license holder's signature on any audiogram, order form, chart notes, statement to prospective hearing aid purchaser, and any other hearing aid service documentation.

(5) Not provide training until the Office has received a temporary license application and Declaration of Responsibility for the temporary licensee being supervised.

(6) Notify the Office in writing within five calendar days if the temporary licensee is no longer being supervised.

(7) Not provide indirect supervision to more than four temporary licensees.

(8) Not allow a temporary license holder to work in connection with the supervisor's practice without a valid temporary license.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, 694.991

ADOPT: 331-650-0025

RULE TITLE: Temporary License

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Temporary hearing aid specialist license details

RULE TEXT:

(1) A temporary hearing aid specialist license authorizes the holder to work under the indirect supervision of a qualified temporary licensee supervisor.

(2) A temporary hearing aid specialist license is valid for one year and expires on the last day of the month one year from the date of issuance and can be renewed once; the renewal notice must be received by the Office prior to the license becoming inactive.

(3) A temporary hearing aid specialist licensee's Declaration of Responsibility form signed by the temporary licensee supervisor must be received by the Office prior to the licensee beginning work.

(4) A temporary hearing aid specialist license becomes invalid upon passage of the three exams listed in OAR 331-650-0045.

(5) To change temporary licensee supervisors, a temporary license holder's new Declaration of Responsibility form, signed by the new temporary licensee supervisor, must be received by the Office prior to the licensee beginning work.

(6) A temporary license holder must notify the Office within five calendar days if the holder is no longer under supervision.

(7) A temporary license holder must not work without a temporary licensee supervisor and without the Office having received a completed Declaration of Responsibility form.

(8) A temporary hearing aid specialist licensee must adhere to all standards of practice and professional conduct listed in 331-670-0005 through 331-670-0020.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, 694.991

ADOPT: 331-650-0030

RULE TITLE: Temporary License Application

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: How to apply for a temporary license

RULE TEXT:

An individual applying for a temporary license must:

(1) Meet the requirements of OAR 331 Division 30;

(2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of all required fees.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-650-0035

RULE TITLE: Hearing Aid Specialist License

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: How to apply for a hearing aid specialist license.

RULE TEXT:

(1) A hearing aid specialist license holder, licensed under ORS 694.085, may deal in hearing aids defined under ORS 694.015 (2) and (3).

(2) A hearing aid specialist license is good for one year, and is eligible for renewal. The license becomes inactive on the last day of the month one year from the date of issuance.

(3) A hearing aid specialist licensee must adhere to all standards of practice and professional conduct listed in 331-660-0005 through 331-660-0020.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-650-0040

RULE TITLE: Hearing Aid Specialist Application

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Hearing Aid Specialist license requirements

RULE TEXT:

An individual applying for a Hearing Aid Specialist license must:

(1) Meet the requirements of OAR 331 Division 30.

(2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of all required fees.

(3) Submit a copy of the applicant's high school diploma or General Educational Development (GED) certificate;

(4) Submit proof of being at least 18 years old;

(5) Provide documentation of one of these licensure pathways:

(a) Pathway 1 — Training and experience. Submit:

(A) Completed HLO Certificate of Training form; and proof that the applicant has passed all exams listed in OAR 331-650-0045 within two years of the application date; or

(B) Proof of HLO-approved training and experience obtained outside of Oregon; and proof the applicant has passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(b) Pathway 2 – Audiologist training requirements

(A) Provide verification from the Board of Examiners for Speech-Language Pathology and Audiology that the applicant would meet the training requirements for an audiology license; and

(B) Provide proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(c) Pathway 3 — American Board of Otolaryngology training requirements

(A) Provide verification that the licensed physician would meet the training requirements for a certification by the American Board of Otolaryngology; and

(B) Provide proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(d) Pathway 4 — National Board for Certification in Hearing Instrument Sciences (NBC-HIS)

(A) Submit verification through the NBC-HIS:

(i) That the applicant holds a current certification; or

(ii) That the applicant would meet requirements for certification; and

(B) Provide proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(e) Pathway 5 — American Speech-Language-Hearing Association certification

(A) Submit verification through the American Speech-Language-Hearing Association:

(i) That the applicant holds a current certification; or

(ii) That the applicant has the equivalent training and education to be certified by the American Speech-Language-Hearing Association; and

(B) Proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-650-0045

RULE TITLE: Examinations

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: The rules around examinations

RULE TEXT:

(1) The Office and Council-approved examinations for licensure are the IHS written examination, the Oregon Laws and Rules written examination, and the Oregon-administered practical examination. The Office may waive the Oregon-administered practical examination if the applicant has passed a practical examination outside of Oregon and that the Office has found to be sufficiently thorough to determine the qualifications, fitness, and ability of the applicant to practice as a hearing aid specialist.

(2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.

(3) Examination candidates may be electronically monitored during testing.

(4) The Council will establish a maximum time allowance for each section of the Office-administered examination.

(5) Only items and materials required by the Office are allowed in the examination area.

(6) A candidate may be disqualified at any point during an examination; the examination may be invalidated and examination fees may be forfeited. Disqualifying conduct includes, but is not limited to:

(a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination.

(b) Violations of subsection (6) of this rule.

(c) Removing or attempting to remove any examination-related information, notes or materials from the examination site.

(7) The applicant may be required to reapply, submit additional examination fees, and submit a written request to schedule another examination if the applicant is disqualified from taking the examination.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-650-0050

RULE TITLE: Office-Administered Practical Examination Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Practical examination requirements

RULE TEXT:

Before an individual can take the Office-administered practical examination, they must:

(1) Complete the training program pursuant to 331-640-0005; or

(2) Meet the requirements in ORS 694.065 (1)(b) or (1)(c).

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-650-0055

RULE TITLE: Office-Administered Practical Examination Retakes

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Practical examination retakes

RULE TEXT:

(1) All practical examination retakes are subject to examination fees and an approved examination schedule set by the Office.

(2) If an applicant has not passed the practical examination after four attempts, the applicant must request permission from the Council to take the examination again.

(3) If the applicant does not pass the examination on the fifth attempt, the applicant may be required to take additional training.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-650-0060

RULE TITLE: License Renewal

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: License renewal requirements

RULE TEXT:

(1) To avoid late-renewal fees, license renewal must be made prior to the license entering inactive status. The licensee must submit:

(a) Renewal application form;

(b) Payment of required renewal-of-license fee pursuant to OAR 331-655-0000; and

(c) Documentation of having obtained required annual continuing education on an Office-approved form.

(2) A license may be inactive for up to three years. When renewing after entering inactive status, the licensee must submit:

(a) Renewal application form;

(b) Payment of renewal of license fee and late renewal of license fee pursuant to OAR 331-655-0000;

(c) Documentation of having obtained required annual continuing education on an Office-approved form; the annual continuing education must be obtained for each year even if the license was inactive.

(3) A license that has been inactive for more than three years is expired; the applicant must reapply and meet the current licensing requirements.

(4) A hearing aid specialist may not practice with an inactive or expired license.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-655-0005

RULE TITLE: Fees

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Fees for applications and licenses

RULE TEXT:

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Office are:

(a) Application:

(A) License: $125.

(B) Temporary license: $150.

(C) Trainee registration: $100.

(b) Examinations:

(A) Oregon laws and rules: $50.

(B) Written: $150.

(C) Practical: $175.

(c) Original issuance of license:

(A) License: $125 for one year.

(B) Temporary license: $100.

(d) Renewal of license:

(A) License: $125 for one year.

(B) Temporary license: $100

(e) Late renewal of license: $40 per year, up to $120 for three years.

(f) Replacement of license, including name change: $25.

(g) Duplicate license document: $25 per copy. The Office will not issue more than three duplicate license documents.

(h) Affidavit of licensure: $50.

(i) An additional $25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties or charges.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

REPEAL: 331-660-0000

RULE TITLE: Standards of Practice

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

In addition to the standards prescribed under ORS 694.142, the Council adopts the following standards of practice to establish and maintain a high standard of integrity and dignity in the profession of hearing aid specialists. A licensee must:

(1) Maintain a clean and safe environment to ensure the health, safety, and welfare of clients and staff in the licensee's facility;

(2) Ensure consistent and high quality services and devices that meets the needs of the hearing aid clients;

(3) Participate, as appropriate, with the ownership, management, or governing body to plan, implement, and evaluate written policies and procedures to allow that provision of hearing aid services are in compliance with all local, state, and federal laws and regulations;

(4) Communicate and problem solve regularly with the staff, co-workers and governing body to allocate resources properly. The hearing aid specialist must foster effective communication and problem solving between staff, co-workers, governing body and clients; and

(5) Plan, implement, and evaluate an integrated financial program to ensure compliance with all local, state, and federal laws and regulations; quality devices and services; and appropriate and accurate billing for devices and services.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

ADOPT: 331-660-0005

RULE TITLE: Continuing Education: Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Continuing education requirements

RULE TEXT:

(1) To maintain licensure, a hearing aid specialist must complete at least 12 hours of continuing education (CE) every year. Credit hours obtained in excess of those required for the one-year reporting period may not be carried forward.

(2) A licensee must document compliance with the CE requirement through attestation on the license renewal application. A licensee is subject to provisions of OAR 331-660-0011 pertaining to periodic audit of continuing education.

(3) CE must be obtained through a course provided by an accredited college or university, a course or program approved by the IHS, or an Office pre-approved course or program.

(4) CE must address subject matter related to dealing in hearing aids as the phrase is defined in ORS 694.015(2) and (3).

(5) CE credit will be awarded as follows:

(a) Academic courses from an accredited college or university are awarded 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned, or 10 hours for each quarter-based credit earned;

(b) Office-approved professional courses will be assigned 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned. The Office will evaluate each course for its academic requirements in content, instruction and evaluation in relation to dealing in hearing aids; and

(c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, are assigned credit at the rate of one hour for each hour of attendance.

(6) Licensees must complete a two-hour course in Safety and infection Control once every two years.

(7) A licensee must maintain documentation supporting the licensee's compliance with CE requirements for two years following renewal, and must make documentation available to the Office upon request. Documentation must meet the requirements stated in OAR 331-660-0011.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

REPEAL: 331-660-0010

RULE TITLE: Standards of Professional Conduct

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

The Council adopts the following standards of professional conduct to protect the public against unprofessional conduct on the part of hearing aid specialists. A licensee must:

(1) Comply with all local, state, and federal laws and regulations concerning the provision of hearing aids. The licensed hearing aid specialist shall cooperate with any investigation of the regulatory bodies;

(2) Exercise appropriate supervision and responsibility over the activities of staff;

(3) Protect client's rights as required by state and federal laws;

(4) Take appropriate steps to avoid discrimination against residents on basis of race, color, sex, religion, age, national origin, disability, marital status, ancestry, sexual orientation or any other factor that may be discriminatory or not related to bona fide requirements of quality service; and

(5) Possess and maintain the competencies necessary to effectively perform the responsibilities as a hearing aid specialist, including but not limited to:

(a) Exercising ethical and professional decision-making and judgment;

(b) Exemplifying a philosophy focused on the provision of accurate and high-quality services and devices, as well as on generally accepted standards;

(c) Abiding by and keeping confidential client information; and

(d) Keeping current with standards of practice.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

ADOPT: 331-660-0011

RULE TITLE: Continuing Education: Audit, Required Documentation and Sanctions

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Continuing education audits

RULE TEXT:

(1) The Office will audit a percentage of licenses to verify compliance with continuing education requirements.

(2) If selected for audit, the licensee must provide documentation of the continuing education obtained. The documentation must include:

(a) For courses provided by an accredited college or university – An official transcript from the accredited college or university, or professional credentialing institution;

(b) For IHS-approved programs or courses – A certificate of completion that includes the IHS approval number; or

(c) For Office pre-approved programs or courses – A certificate of completion or other agency approved documentation that includes the agency pre-approval number.

(3) If continuing education documentation is incomplete, the licensee has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.

(4) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of the license.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

REPEAL: 331-660-0020

RULE TITLE: Safety and Infection Control Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) Each licensee shall keep areas of their facility for otoscopic examination, earmold impression taking, and audiometric examination clean and sanitary.

(2) Impression tools, otoscopic examination equipment and other devices that come in direct contact with the client must be disinfected prior to use. Licensees shall use an EPA registered high-level disinfectant, following the manufacturer's directions, to disinfect nondisposable equipment and tools.

(3) Disposable or disinfected otoscopic specula must be used when examining each ear.

(4) Licensees must wash or sanitize hands prior to taking an earmold impression.

(5) Licensees must observe the Universal Precautions as defined in Oregon Administrative Rule 437-002-0360(26), and 29 CFR 1910.1030 bloodborne pathogen standards, when providing services to consumers. Precautions to reduce the likelihood of exposure include hand washing, gloving, using personal protective equipment, preventing injury, ensuring proper handling and disposal of needles and other sharp instruments and of products or equipment contaminated with blood and body fluids.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-660-0030

RULE TITLE: Audiometric Testing Equipment

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

Licensed hearing aid specialists shall maintain audiometric testing equipment, currently used in the practice of administering evaluations, in proper working order at all times and shall be prepared to provide their record of at least annual calibration to a representative of the agency when so requested, upon inspection, or during an investigation conducted by the agency.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-660-0040

RULE TITLE: Statement to Prospective Purchaser

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) The term "purchaser" as used in ORS chapter 694 and OAR chapter 331, division 660, means any person who purchases or proposes to purchase hearing aid(s) and any person on whose behalf hearing aid(s) are purchased or proposed to be purchased. In the case of a client who is a minor child or other person without legal capacity to contract, the person's parent, legal guardian, or legal representative is the "purchaser."

(2) To assist prospective purchasers in making an informed decision regarding the sale of hearing aid(s), licensees must provide prospective purchasers with complete and accurate disclosure of facts regarding licensee services, the hearing aid(s) purchase price, delivery and consummation of sale defined in OAR 331-620-0005, and information about the purchaser's right to rescind or cancel a sale and the procedures for rescinding the sale and returning the hearing aid(s) according to the provisions of ORS 694.042.

(3) The Statement to Prospective Purchaser (Statement) is a contract prepared and signed by the licensee and agreed to by the purchaser. This Statement contains required information listed in ORS 694.036 regarding licensee and purchaser information, medical observation criteria and referral to physician if medical conditions are present, specifications and conditions of the hearing aid(s), terms of any warranty or expressed guarantee, and how to file a complaint with the agency.

(4) Licensees are required to provide all information and facts specified in this rule before the consummation of the sale, which is the delivery of the hearing aid(s) to the purchaser and the date that starts the 30-day rescission period.

(5) Statement Content. In addition to the information prescribed by ORS 694.036, the Statement must include the following information and facts about the purchase of hearing aid(s):

(a) Date of sale;

(b) Purchaser name, address and signature;

(c) Licensee name, address, telephone number, license number and signature;

(d) The purchase price, which includes the cost of the hearing aid(s) and all related fees;

(e) An accurate description of the hearing aid as new, demonstration instrument, reconditioned, or used;

(f) Delivery date of hearing aid(s);

(g) Date the 30-day rescission period ends;

(h) The portion of the total purchase price that will be retained by the licensee, not to exceed 10% of the contract purchase amount or $250 per hearing aid, whichever amount is less, if the purchaser rescinds the sale under provisions of ORS 694.042 within the 30-day rescission period;

(i) Date and place of post-delivery follow-up session agreed upon by the licensee and hearing aid user as stated in subsection (9) of this rule;

(j) A printed or reproduced copy of ORS 694.042 Right to Rescind A Hearing Aid Purchase in its entirety, which includes the procedures for returning the hearing aid(s) to the licensee;

(k) The following statement, initialed by the purchaser: "Copies of my audiogram and the results of tests or verification procedures were offered to me by the licensee, and I hereby acknowledge receipt of the records or that I declined the offer.";

(l) The following statement about filing complaints: "Complaints regarding the sale, lease, or attempted sale or lease of hearing aids should be directed in writing to: Oregon Health Licensing Agency, 700 Summer Street NE, Suite 320, Salem, OR 97301-1287. Complaint forms may be obtained by calling 503-378-8667 or at the Agency's Web site: http://www.oregon.gov/OHLA/Consumer_help_complaint.shtml"; and

(m) A statement acknowledging that the purchaser has read and understands the information contained in the Statement, signed by the purchaser and dated;

(6) Statement Format. The Statement must be printed on forms measuring no less than 8 ½ inches wide by 11 inches long, with a minimum 10-point typeset, and be legibly written.
(7) Licensees must provide the purchaser a new Statement for each hearing aid or set of hearing aids, unless the hearing aid(s) is an exact replacement of the device listed in a previous Statement provided to the purchaser.
(8) Refund. Any monies paid by or on behalf of the purchaser toward the hearing aid must be refunded to the payer if the delivery of the hearing aid to the purchaser is cancelled. The purchaser shall incur no additional liability for the cancellation.
(9) Post Delivery Follow-Up. Licensees will conduct and document a minimum of one post-delivery follow-up session with the hearing aid user before the expiration of the 30-day rescission period. The follow-up session will take place at the original place of the sale or at a predetermined location agreed upon at the time of initial delivery, or at a time and place agreed to within the 30-day rescission period.
(b) The licensee must document in the hearing aid user's record any change to the agreed-upon location or date of the post-delivery follow-up session, and, if the licensee is unable to contact the hearing aid user or to provide the follow-up session, the reason(s) why.
(10) In Home Sales. Sales of hearing aids made at the purchaser's residence and not at the licensee's place of business, require disclosure of federal guidelines related to "in home sales" and the purchaser's right to cancel the transaction and receive a full refund of monies paid to the licensee. The following federal disclosure statement must be completed and affixed to the Statement to Prospective Purchaser when a licensee sells a hearing aid(s) at the purchaser's home.
[ED. NOTE: Forms referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-660-0050

RULE TITLE: Additional Conditions for Referral

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) In addition to the conditions listed in ORS 694.142 a hearing aid specialist shall not fit or dispense a hearing aid for use without first determining if the following conditions exist and, if so, referring the prospective purchaser to a physician:

(a) Evidence of significant cerumen accumulation in the auditory canal preventing visual inspection of the external auditory canal or external auditory meatus and tympanic membrane or foreign body in the ear canal; or

(b) Pain or discomfort in the ear.

(2) A Waiver of Medical Opinion form as required by ORS 694.142(6) must include the hearing aid specialist's name and license number, the purchaser's name, address and signature with date as well as the following statement: "I do not desire to have a medical evaluation before purchasing a hearing aid."

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-660-0060

RULE TITLE: Standards of Conduct

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) Licensees must comply with the requirements of ORS 694.142, and all other applicable statutes and rules.
(2) Licensees must conform to state or federal laws regulating retail contracts or to any affirmation of fact or promise made in writing by the licensee which relates to the hearing aid or fitting and dispensing services and which becomes a part of the basis of the transaction when the purchaser relies on it or is, in part, induced into making purchase by it.
(3) Licensees must not make inaccurate or misleading representations or statements as to the efficacy of a hearing aid(s) for improving hearing.
(4) Licensees may not use a title or abbreviation that is misleading or may convey that the licensee holds a credential that is not related to hearing instrument sciences, without designating the professional field for which the credential was issued. Hearing instrument sciences includes, but is not limited to, core competencies identified in ORS 694.075.
(5) The Council recognizes and adopts the revised International Hearing Society's Code of Ethics, as adopted October 1983 and revised March 2009, as its professional standards model. A copy of the document is on file at the agency for review, and may be accessed at the following Web site: http://insinfo.org/IhsV2/Resources/020_Code_Of_Ethics.cfm
(6) During the hearing test or evaluation for fitting a client with a hearing aid(s), the following items must be completed. If the case history and tests were completed within the previous six months and there has been no substantial change in the client's hearing, the following tests may be performed at the discretion of the licensee:
(a) Confidential client case history;
(b) Puretone Air Conduction Threshold testing (should include at a minimum, the following frequencies — 250, 500, 1000, 2000, 3000, 4000, and 6000 or 8000 Hz);
(c) Puretone Bone Conduction Threshold testing (should include at a minimum, the following frequencies — 500, 1000, 2000, and 4000 Hz);
(d) Speech Recognition Threshold testing (SRT);
(e) Word Recognition Score (WRS) also known as speech discrimination testing;
(f) Most Comfortable Listening Level (MCL); and
(g) Uncomfortable Listening Level (UCL).
(7) For children who are unable to perform the tests listed in subsection (6) of this rule, an objective measure that meets prevailing professional standards can be used to assess auditory function. The test must be completed by a licensed audiologist or physician.
(8) Licensees must perform one or more of the following verification procedures, within the 30-day rescission period.
(a) Soundfield testing for speech discrimination;
(b) Soundfield testing for puretone thresholds;
(c) Real-ear probe microphone measurements;
(d) Speech mapping; and
(e) Other industry accepted objective measures.
(9) Licensees must post the following statement in public view on the business premises or provide the purchaser with a written notice stating: "Individuals are entitled to a copy of the audiogram used to conduct hearing evaluations and any test results." If copies of the audiogram specified in OAR 331-660-0070, or results of tests or verification procedures conducted under subsections (6) and (8) of this rule are requested, they must be provided to the purchaser.
(10) Licensees who are unable to complete testing for reasons such as a client's medical condition or inability to perform tests or verification procedures are excused from compliance with the relevant parts of subsections (6) and (8) but must document the reasons in the client's record.
(11) Tests listed in subsection (8) of this rule will be used to determine the fitted hearing aid(s) ability to meet current

industry standards in reference to ORS 694.042(1)(c), during investigation of complaints filed with the agency.
(12) Licensees must maintain a record of the technical specifications issued by a manufacturer for the hearing aid(s) that have been delivered to or purchased by their clients. The specifications must be available for inspection by the agency's representatives upon request.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-660-0070

RULE TITLE: Uniform Measurement Standards

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) The Council recognizes and adopts the following uniform set of hearing loss measurement standards required for use when interpreting audiograms using 0 — 110 for degrees of decibel hearing loss (dB HL) and 125 — 8000 Hz for frequency. This set of uniform measurement standards must be used for advising consumers on peripheral or cochlear hearing loss: [Table not included. See ED. NOTE.]

(2) Hearing loss may have a greater effect on children than adults. The degree of hearing loss does not necessarily reflect the degree of impairment.

[ED. NOTE: Tables referenced are available from the agency.]

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

REPEAL: 331-660-0080

RULE TITLE: Client Record Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Repeal old information

RULE TEXT:

(1) For the purpose of clarifying record keeping requirements, the term “client” as used in this rule, means the individual who is a consumer, purchaser, potential purchaser or hearing-aid wearer.

(2) Required Records. Licensees must record, update and maintain documentation for each client relevant to health history, clinical examinations and treatment, and financial data. Documentation shall be written or computerized. Records must include the following information:

(a) Basic client information, including name, address, telephone number and dates of service;

(b) Health history relevant to hearing evaluation or fitting of a hearing aid(s), including referral to a physician or a Waiver of Medical Opinion form required by ORS 694.142(6);

(c) Identification of any conditions that would require referral to a physician licensed under ORS chapter 677, as required in ORS 694.142(1) and OAR 331-660-0050, and a notation that the client was referred;

(d) Audiograms as specified in OAR 331-660-0070 and results of tests or verification procedures as specified in OAR 331-660-0060;

(e) A copy of the Statement to Prospective Purchaser required by ORS 694.036 and OAR 331-660-0040, including client’s signature and date acknowledging that the client has read and understands the information contained in the purchase agreement;

(f) A copy of the Right to Rescind a Hearing Aid Purchase giving notice of rights under ORS 694.042; and

(g) Date and description of services rendered in the form of “chart notes”, including any complications. Chart notes must include the recorder’s initials, license number and professional title if multiple practitioners provide service to the client.

(3) Record Format. Records and documentation must be accurate, complete, and legible, typed or recorded using ink. Legible hand-written or electronic records are acceptable.

(4) Record Identifiers. Client records listed in subsection (1) of the rule, must include the licensee’s name, license number, professional title or abbreviation, and signature or initials somewhere on the documentation as a means of identifying the person who is providing service to the client. This information may be affixed to the record(s) in the form of a professional stamp or handwritten entry.

(5) Record Retention. All client records and documentation, written or archived electronically by computer, must be stored and maintained for a minimum of seven years after the licensee has last seen the client or past the age of minority, so that the records are safeguarded, readily retrievable, and available for inspection by the Oregon Health Licensing Agency’s representative.

STATUTORY/OTHER AUTHORITY: ORS 376.615, 694.115, 694.170, 694.185

STATUTES/OTHER IMPLEMENTED: ORS 694.025, 694.125, 694.185

ADOPT: 331-670-0005

RULE TITLE: Licensee's Duties Pertaining to Service Areas

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Service area requirements

RULE TEXT:

A licensee must:

(1) Ensure all areas where clients receive services are kept clean and in good repair;

(2) Maintain a disinfected area where cleaning of reusable instruments is performed;

(3) Ensure all counters and work surfaces where instruments and equipment that may come in contact with clients are non-absorbent, non-porous, and disinfected after each use.

(4) Ensure that no cross-contamination occurs.

(5) Ensure pets or other animals are not permitted in the service areas. This prohibition does not apply to service animals recognized by the American with Disabilities Act;

(6) Ensure all disinfecting solutions or agents be kept at adequate strengths according to manufacturer's instructions to maintain effectiveness, be free of foreign material and be available for immediate use at all times when the business is open;

(7) Ensure chemicals are stored in labeled, closed containers;

(8) Use equipment and instruments in a manner described in the manufacturer's instructions that is consistent with the manufacturer's intended use of the device by the U.S. Food and Drug Administration.

(9) Calibrate audiometric testing equipment annually, and keep calibration documentation on file and make documentation available to the Office upon request.

(10) Keep audiometric testing equipment in proper working order with a biologic check daily prior to use.

(11) Comply with all applicable rules and regulations of the Office and other federal, state, county and local agencies.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-670-0010

RULE TITLE: Practice Standards

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Practice standards

RULE TEXT:

(1) The Council recognizes and adopts the following uniform set of hearing loss measurement standards required for use when interpreting audiograms: 0-110 for degrees of decibel hearing loss (dB HL) and 125-8000Hz for frequency. A licensee must use the uniform measurement standards for advising clients on peripheral or cochlear hearing loss. The uniform measurement standards are available on the Office website.

(2) A licensee must complete (a)-(f) of the rule before fitting a client with a hearing aid(s). If the tests were completed within the previous six months, (a) must be performed and if (a) shows a threshold shift of 10 decibels or more at any frequency, then (b) through (f) must also be performed. If one or more of these tests cannot be performed, the licensee must document the reason in the client's file and still must verify the client's hearing. If masking is used during any of these tests, then masking must be performed to industry standards.

(a) Puretone Air Conduction Threshold testing (should include at a minimum, the following frequencies – 250, 500, 1000, 2000, 3000, 4000, and 6000 or 8000 Hz);

(b) Puretone Bone Conduction Threshold testing (should include at a minimum, the following frequencies – 500, 1000, 2000, and 4000 Hz);

(c) Speech Recognition Threshold testing (SRT);

(d) Word Recognition Score (WRS) also known as speech discrimination testing;

(e) Most Comfortable Listening Level (MCL); and

(f) Uncomfortable Listening Level (UCL).

(3) A licensee must perform at least one of these verification procedures within the 30-day rescission period:

(a) Soundfield testing for puretone thresholds; or

(b) Real-ear probe microphone measurements; or

(c) Speech mapping.

(4) A licensee must abide by the IHS Code of Ethics (2009).

(5) A licensee must provide the client with the Statement to the Prospective Hearing Aid Purchaser Form, or a form that includes all of the information required in ORS 694.036(1). The licensee must complete the form, and then the form must be signed by both the client and licensee prior to the consummation of the hearing aid sale. The form is available at the Office website.

(6) A licensee must provide the client with a new Statement to the Prospective Hearing Aid Purchaser Form for each hearing aid or set of hearing aids.

(7) A licensee must refund all monies paid by or on behalf of the client if the hearing aid purchase is canceled prior to the consummation of the sale. The client shall incur no additional liability for the cancellation.

(8) The 30-day rescission period begins at the consummation of the sale.

(9) A licensee must conduct and document at least one post-consummation of sale appointment with the client before the 30-day rescission period expires. The licensee must document in the client's record any change to the agreed-upon location or date of the appointment, if the licensee is unable to contact the client, or if the licensee is unable to provide the follow-up appointment.

(10) Under provisions of ORS 694.042(4), a licensee may retain no more than 10 percent of the purchase amount, or $250 per hearing aid, whichever amount is less, if the cancellation of the sale occurs during the 30-day rescission period.

(11) A licensee must have a written recommendation from a licensed physician as defined in ORS 694.142(2) prior to activating or adapting the masking features of a hearing aid when a client has tinnitus or has signs or symptoms of tinnitus. The licensee must provide services within the scope of the written recommendation only. For instance, a licensee cannot activate a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless

the written recommendation recommends activation. A licensee cannot adjust a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless the written recommendation recommends the specific setting needed for adaption of the hearing aid. A licensee shall refer a client back to the licensed physician if the client needs services outside of the written recommendation. A licensee must have obtained manufacturer-specific training on their equipment as well as a comprehensive course on tinnitus and the masking function of a hearing aid prior to activating the masking function of a hearing aid.

(12) A licensee must use the federal disclosure statement available on the Office website for in home sales. This form must be completed and affixed to the Statement to the Prospective Hearing Aid Purchaser.

(13) A licensee must post the following statement in public view on the business premises or provide the client with a written notice stating: “Individuals are entitled to a copy of the audiogram used to conduct hearing evaluations and any test results.”

(14) A licensee must provide a client with a copy of the audiogram used to conduct hearing evaluations and any test results, when requested by the client.

(15) A licensee must abide by the standards of practice set forth in ORS 694.142.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-670-0015

RULE TITLE: Client Record Requirements

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: What client records must contain

RULE TEXT:

(1) Licensees must record and maintain documentation for each client relevant to health history, clinical examinations, treatment, and financial data.

(2) Client records must include:

(a) Client name, address, telephone number and dates of service;

(b) Health history relevant to hearing evaluation or fitting of a hearing aid(s), including referral to a physician or a Waiver of Medical Opinion form required by ORS 694.142(6);

(c) Identification of any conditions that would require referral to a physician and a notation that the client was referred;

(d) Audiograms and results of tests or verification procedures;

(e) A copy of the Statement to the Prospective Hearing Aid Purchaser, including client's signature and date acknowledging that the client has read and understands the information contained in the Statement; and

(f) Date and description of services, including any complications, the recorder's initials, license number and professional title if multiple practitioners provide service to the client.

(g) The technical specifications issued by a manufacturer for the hearing aid(s) that have been delivered to or purchased by the client.

(3) Client records must include the names, license numbers, professional titles or abbreviations, and signatures or initials to identify every person providing service to the client.

(4) A licensee must keep accurate, complete and legible client records. A licensee must maintain client records for at least seven years after the client's last visit and must make client records available to the Office upon request.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-670-0020

RULE TITLE: Additional Conditions For Referral

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Additional conditions for referral

RULE TEXT:

(1) In addition to the conditions listed in ORS 694.142(1), a licensee must refer the client to a physician as required under ORS 694.142(2) for the following:

(a) Cerumen accumulation in the auditory canal preventing visual inspection of the external auditory canal or external auditory meatus and tympanic membrane or foreign body in the ear canal;

(b) Pain or discomfort in the ear;

(c) Tinnitus.

(2) If the client, or the parent or guardian of the client, refuses to seek a medical opinion from a licensed physician as defined in ORS 694.042(1)(a), the licensee must obtain written refusal from the client or the parents or guardian of the client on a Waiver of Medical Opinion form as required by ORS 694.142(6). The licensee must obtain the written refusal prior to the fitting or dispensing of a hearing aid. The Waiver of Medical Opinion form must include:

(a) Licensee's name;

(b) Licensee's license number;

(c) Client's name;

(d) Client's address;

(e) Client contact information;

(f) A statement that the person signing the form is refusing to seek a medical opinion from the physician to whom the client has been referred;

(g) The signature of the person who is refusing; and

(h) The date that the person signed the form.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991

ADOPT: 331-680-0010

RULE TITLE: Civil penalties

NOTICE FILED DATE: 02/16/2018

RULE SUMMARY: Schedule of penalties for violations of statutes and rules

RULE TEXT:

The Office has adopted the following presumptive penalty schedule for violation of statutes and rules. This schedule applies, except at the discretion of the Office pursuant to OAR 331-020-0060. For violations not addressed by this schedule, the provisions of OAR 331-020-0060 apply:

(1) Dealing in, attempting to deal in, or purporting to deal in hearing aids without a license or a trainee registration is a violation.

(a) Never held or expired:

(A) 1st offense: $2,500;

(B) 2nd offense: $5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(b) Inactive:

(A) 1st offense: $200;

(B) 2nd offense: $500;

(C) 3rd offense: $1,000

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(c) Suspended or revoked:

(A) 1st offense: $2,500;

(B) 2nd offense: $5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Failing as a licensee to inform the Office within 30-calendar days of a change of information:

(a) 1st offense: $100;

(b) 2nd offense: $200;

(c) 3rd offense: $500.

(3) Failing to properly supervise, or to adhere to a supervision standard for a trainee dealing in hearing aids:

(a) 1st offense: $500;

(b) 2nd offense: $1,000 and suspension of the authorization to provide supervisory training;

(c) 3rd offense: $5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(4) Failing to adhere to a service area standard in OAR 331-660-0005:

(a) 1st offense: $250;

(b) 2nd offense: $500;

(c) 3rd offense: $1,000.

(5) Failing to calibrate or provide proof of calibration on audiometric testing equipment:

(a) 1st offense: $500;

(b) 2nd offense: $1,000;

(c) 3rd offense: $2,500.

(6) Failing to provide a client with a complete and properly formatted Statement to the Prospective Hearing Aid Purchaser:

(a) 1st offense: $500;

(b) 2nd offense: $1,000;
(c) 3rd offense: $2,500.
(7) Failing to obtain a signed Waiver of Medical Opinion:
(a) 1st offense: $500;
(b) 2nd offense: $1,000;
(c) 3rd offense: $2,500.
(8) Failing to respond timely to an Office request for information regarding a complaint:
(a) 1st offense: $500;
(b) 2nd offense: $1,000;
(c) 3rd offense: $2,500 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(9) Failing or refusing to rescind the sale of a hearing aid, pursuant to ORS 694.042:
(a) 1st offense: $1,500 plus the purchaser price of the hearing aid
(b) 2nd offense: $3,000 plus the purchaser price of the hearing aid
(c) 3rd offense: $5,000 plus the purchaser price of the hearing aid, in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.
(10) Failing to meet professional standards related to testing for a hearing aid in OAR 331-660-0010.
(a) 1st offense: $1,000;
(b) 2nd offense: $2,500;
(c) 3rd offense: $5,000 in addition to any other penalties allowed by law including probation,
(11) Failing to meet continuing education requirements or to provide or retain required documentation:
(a) 1st offense: $500 and suspension or revocation of license;
(b) 2nd offense: $1,000 and suspension or revocation of license;
(c) 3rd offense: $5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.
(12) Failing to maintain client records for each client receiving services, or failing to allow the Office access to review client records upon request:
(a) 1st offense: $500
(b) 2nd offense: $1,000
(c) 3rd offense: $5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991