

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22F .0104

DEADLINE FOR RECEIPT: Friday, March 14, 2014

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 21 reads "and exam..." Line 27 reads "or the exam" One clause includes "the" and one does not. Please make a change for consistency.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, February 28, 2014

1 21 NCAC 22F .0104 is amended with changes as published in 28:12 NCR 1388 as follows:

2

3 **21 NCAC 22F .0104 QUALIFICATIONS TO REGISTER FOR EXAM**

4

5 (a) The Board may require **such** supplemental information **to all for** applications for issuance and renewal of a
6 license or an apprentice registration certificate **as it deems necessary** to determine **the facts governing** the
7 qualifications of each licensee, registered applicant, and registered apprentice, as set forth in these Rules and in
8 Chapter 93D of the General Statutes of North Carolina. Supplemental information may **include, but is not**
9 **necessarily limited to, include** letters of recommendation, affidavits, photographs, official transcripts, and personal
10 appearances before the Board.

11 ~~(b) Any registered apprentice who holds a masters degree in Audiology and any Audiologist who elects to be a~~
12 ~~registered apprentice shall, prior to the next scheduled qualifying examination, submit to 250 clock hours of direct~~
13 ~~supervision by a licensee approved by the Board, whenever such apprentice takes and fails to pass the qualifying~~
14 ~~examination.~~

15 ~~(c) Any registered apprentice who is not an Audiologist and does not hold a masters degree in Audiology shall, for~~
16 ~~each week prior to the next scheduled qualifying examination, submit to 15 clock hours of direct supervision by a~~
17 ~~licensee approved by the Board, whenever such apprentice takes and fails to pass the qualifying examination.~~

18 (b) An apprentice may elect to take Part A, Part **B-B**, or Part C of the licensing exam at any time during the
19 apprenticeship by submitting an application for license and exam registration prior to the registration deadline.

20 (c) An apprentice shall complete 365 days of apprenticeship prior to taking Part D of the licensing exam.

21 (d) The Board shall waive the application for license fee and exam registration fee for an applicant's initial
22 registration to take Part D of the exam only if the applicant took and passed Part A, Part **B-B**, and Part C prior to
23 completing 365 days of apprenticeship.

24 (e) Except as provided in **[subparagraph] Paragraph** (d) of this **[rule,]Rule**, an applicant shall submit a new
25 application for license and exam registration and pay the fees set forth in 21 NCAC 22A .0501 each time the
26 applicant registers for any **[part] parts** of the licensing exam.

27 (f) The Board shall not prorate the application for license fee or the exam registration fee for retesting an applicant
28 who failed any part of the licensing exam.

29

30 *History Note: Authority G.S. 93D-3(c); 93D-5; 93D-6; 93D-9;*

31 *Eff. April 23, 1976;*

32 *Amended Eff. February 1, 1996; April 1, 1989; May 1, 1988;*

33 *Paragraph (d) recodified to 21 NCAC 22F .0122 Eff. May 1, 2013-2013;*

34 *Temporary Amendment Eff. February 10, 2014.*

35 *Amended Eff. April 1, 2014*

1 21 NCAC 22F .0105 is amended with changes as published in 28:12 NCR 1388-1389 as follows:

2

3 **21 NCAC 22F .0105 PASSING ~~GRADES~~ EXAMINATION**

4 (a) The exam ~~shall consist~~ consists of four parts:

5 (1) Part A shall assess applicant's knowledge of hearing testing through a computer simulation
6 ~~program.~~ program;

7 (2) Part B shall assess applicant's practical knowledge and ability to make an ear ~~impression.~~
8 impression;

9 (3) Part C shall assess the applicant's knowledge of relevant laws and regulations governing hearing
10 aid ~~[specialists.]~~ specialists; and

11 (4) Part D shall assess the applicant's knowledge of the following:

12 (A) audiometry;

13 (B) anatomy and physiology pertaining to the dispensing of hearing aids;

14 (C) hearing aids;

15 (D) hearing aid technologies; and

16 (E) the scope of practice for hearing aid specialists.

17 (b) The Board shall annually review the contents and outcome of the previous qualifying examinations and shall
18 determine the minimum performance criteria required for passing the examination. In accordance with G.S.
19 93B-8(a), each registered applicant shall be informed in writing of the requirements for passing the examination
20 prior to ~~his~~ the applicant taking the examination.

21 (c) An applicant ~~may pass the exam in parts but~~ shall pass all parts of the exam within 31 months of the initial
22 issuance of the apprentice registration certificate in order to receive a license.

23

24 *History Note: Authority G.S. 93B-8; 93D-3(c); G.S. 93D-8*

25 *Eff. April 23, 1976;*

26 *Amended Eff. May 1, 1988, 1988;*

27 *Temporary Amendment Eff. February 10, 2014;*

28 *Amended Eff. April 1, 2014.*

1 21 NCAC 22F .0113 - .0116 are repealed as published in 28:12 NCR 1389-90 as follows:

2

3 **21 NCAC 22F .0113 APPRENTICESHIP REQUIREMENTS**

4 **21 NCAC 22F .0114 TRAINING AND SUPERVISION**

5 **21 NCAC 22F .0115 SPONSORS' DUTIES**

6 **21 NCAC 22F .0116 SEPARATION OF APPRENTICE AND SPONSOR**

7

8 *History Note: Authority G.S. 93D-3(c); 93D-5; 93D-9;*

9 *Eff. April 23, 1976;*

10 *Amended Eff. August 1, 2012; February 1, 1996; January 1, 1992; April 1, 1989; May 1, 1988;*

11 *November 4, 1980;*

12 *Repealed Eff. April 1, 2014.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22F .0301

DEADLINE FOR RECEIPT: Friday, March 14, 2014

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In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 1, replace "amended" with "adopted"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, February 28, 2014

1 21 NCAC 22F .0300 and .0301 are adopted with changes as published in 28:12 NCR 1390 as follows:

2

3 **21 NCAC 22F .0300 APPRENTICESHIPS**

4

5 **21 NCAC 22F .0301 APPRENTICESHIP REQUIREMENTS**

6 (a) ~~Each~~An individual who seeks a license under G.S. 93D shall complete ~~one~~“one full year of
7 ~~apprenticeship~~apprenticeship” as defined in 21 NCAC ~~22A-.0401~~22A .0401, unless the individual is eligible for
8 waiver of the apprenticeship requirement under G.S. 93D-5(c).

9 (b) Under the supervision of the proposed sponsor, an individual shall complete the apprentice registration
10 application and pay the fee as set forth in 21 NCAC 22A .0501.

11 (c) An apprentice may perform duties within the scope of practice for a Hearing Aid Specialist under the registered
12 sponsor’s supervision only after the apprentice certificate is approved and posted on the Board’s website.

13 (d) For an apprenticeship issued prior to the effective date of this ~~rule~~,Rule, the registered sponsor shall provide
14 general supervision to the apprentice until the expiration date of the apprentice certificate. For any renewal of an
15 apprenticeship or issuance of an apprenticeship after the effective date of this ~~rule~~,Rule, the registered sponsor shall
16 provide supervision in accordance with 21 NCAC 22F .0302.

17

18 *History Note: Authority G.S. 93D-1.1; 93D-3(c); 93D-5; 93D-9;*

19 *Eff. April 1, 2014.*

1 21 NCAC 22F .0302 is adopted with changes as published in 28:12 NCR 1390 as follows:

2

3 **21 NCAC 22F .0302 SPONSORS' DUTIES**

4 (a) The registered sponsor shall assist the apprentice in submitting all required applications and reports of the
5 apprenticeship experience and shall act as a liaison between the Board and the apprentice.

6 (b) In accepting an apprentice, the registered sponsor shall be responsible for the conduct of the apprentice in his
7 performance of his duties as an apprentice.

8 (c) The registered sponsor shall provide ~~for the personal supervision of an apprentice~~ personal supervision until
9 receiving an Official Notice of Examination Results confirming that the apprentice successfully passed Part A, Part
10 ~~B-B~~, and Part C of the licensing exam, ~~at which time and then~~ the registered sponsor shall provide an apprentice
11 general supervision for the remainder of the ~~apprenticeship, apprenticeship, which may~~ A registered sponsor
12 providing general supervision may incorporate ~~include~~ direct or personal supervision at the discretion of the
13 registered sponsor. General, direct, and personal supervision are specifically defined in 21 NCAC 22A .0401.

14 (d) The registered sponsor shall provide apprentice training and supervision ~~the relevant level of supervision to the~~
15 ~~apprentice as defined in 21 NCAC 22A .0401~~ in the following areas:

16 (1) ~~Anatomy, anatomy,~~ anatomy, physiology, and pathology of the auditory mechanism;

17 (2) ~~Measurement-measurement~~ measurement techniques and test interpretation for assessment of hearing
18 impairment and hearing handicap;

19 (3) ~~Hearing-hearing~~ hearing aid technology including instrument circuitry and acoustic performance data;

20 (4) ~~Design, design,~~ design, selection, and modification of earmold or shell coupling systems;

21 (5) ~~Hearing-hearing~~ hearing aid selection procedures and fitting, verification, and adjustment techniques;

22 (6) ~~Post-delivery-post-delivery~~ post-delivery care including hearing aid orientation and counseling techniques and
23 hearing aid servicing;

24 (7) ~~Ethical-ethical~~ ethical conduct and regulatory issues concerning the fitting and selling of hearing aids; and

25 (8) ~~All-all~~ all areas within the scope of practice as defined in G.S. 93D-1.1.

26 (e) Failure by a registered sponsor to properly train or supervise an apprentice shall be grounds for disciplinary
27 action after proper notice and ~~hearing-hearing~~ hearing as set forth in Subchapter 22L.

28

29 *History Note:* Authority G.S. 93D-1.1; 93D-3(c); 93D-9; 93D-13

30 Eff. April 1, 2014.

1 21 NCAC 22F .0303 is adopted with changes as published in 28:12 NCR 1390-91 as follows:

2

3 **21 NCAC 22F .0303 CERTIFICATE EXPIRATION**

4 (a) The initial apprentice registration certificate, and any subsequently issued replacement certificates issued within
5 the first year of apprenticeship, shall expire after the apprentice has held a valid certificate for a total of 365 days.

6 (b) When an apprentice registers for the licensing examination ~~submits a duly made an application for license and~~
7 ~~exam registration upon completion of 365 days of apprenticeship in accordance with 21 NCAC 22A .0503(d)~~

8 ~~.0503(d),~~ the Board shall extend ~~the expiration date of~~ the initial apprentice registration certificate, at no additional
9 charge to the ~~apprentice,~~ apprentice. ~~The extended certificate shall expire until~~ 30 days after the date on the Official
10 Notice of Examination ~~Results of the next available exam.~~ Results for the apprentice.

11 (c) ~~Each renewal of an apprentice registration certificate shall expire 30 days after the date on the Official Notice of~~
12 ~~Examination Results of the next available exam.~~ An apprentice registration certificate obtained by renewal in
13 accordance with 21 NCAC 22A .0501(2) shall expire 30 days after the date on the Official Notice of Examination
14 Results of the next available exam.

15

16 *History Note: Authority G.S. 93D-3(c); 93D-5; 93D-9;*

17 *Eff. April 1, 2014.*

1 21 NCAC 22F. 0304 is adopted with changes as published in 28:12 NCR 1391 as follows:

2

3 **21 NCAC 22F .0304 SEPARATION OF APPRENTICE AND SPONSOR-EARLY TERMINATION OF**
4 **APPRENTICESHIP**

5 (a) If the apprentice is ~~separated from the~~ or registered sponsor terminates the apprenticeship for any reason, the
6 apprentice certificate shall ~~immediately~~ be invalid and the apprentice shall ~~cease to fit and sell hearing aids to~~
7 perform duties within the scope of practice for a Hearing Aid Specialist until a valid certificate is issued by the
8 Board.

9 (b) If the apprentice fails to work at least 27 hours per week for two consecutive weeks during the apprenticeship
10 period, the registered sponsor shall terminate the apprenticeship and notify the Board as provided in Paragraph (c).

11 ~~(b)~~(c) Within 10 business days of a separation-termination of the apprenticeship the following shall occur:

12 (1) the apprentice and registered sponsor shall return all ~~their~~ copies of the apprentice certificate to the
13 office of the ~~Board,~~ Board;

14 (2) the registered sponsor shall notify the Board in writing of the ~~separation from the apprentice,~~
15 termination of the apprenticeship; and

16 ~~(c)~~-(3) the registered sponsor and apprentice shall submit a ~~final~~ Report of Apprenticeship
17 Experience in accordance with 21 NCAC 22F .0305.

18

19 *History Note: Authority G.S 93D-1.1; 93D-3(c); 93D-5; 93D-9;*

20 *Eff. April 1, 2014.*

21

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Hearing Aid Dealers and Fitters Board

RULE CITATION: 21 NCAC 22F .0305

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Line 5, is the form mandatory and are there repercussions for someone not filing the form? If so, the Rule should provide notice of the content of the form. Consider adding a sentence or list that indicates that the form requires contact name, reasons for the report, reporting period, clock hours, and training.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond
Commission Counsel
Date submitted to agency: Friday, February 28, 2014

1 21 NCAC 22F .0305 is adopted with changes as published in 28:12 NCR 1391 as follows:

2

3 **21 NCAC 22F .0305 REPORT OF APPRENTICESHIP EXPERIENCE**

4 (a) The registered sponsor and the apprentice shall jointly submit a Report of Apprenticeship Experience, using the form
5 ~~provided by the Board,~~ available on the Board's website (www.nchalb.org), no later than ~~ten~~10 business days following
6 the date that any of the following conditions exist:

- 7 (1) ~~The the~~ apprentice ~~has~~ held a valid apprentice registration certificate for 365 days;
8 (2) ~~The the~~ apprentice ~~and or~~ registered sponsor ~~terminates the apprenticeship are separated~~ for any ~~reason~~
9 reason; or
10 (3) ~~The the~~ Board issues a written request for the submission of a Report of Apprenticeship Experience to
11 the registered sponsor or apprentice.

12 (b) If an apprentice or sponsor is not cooperative in ~~timely~~ completing the joint report, the other party shall submit a
13 report ~~individually~~ with an explanation.

14

15 *History Note: Authority G.S. 93D-1.1; G.S 93D-3; G.S. 93D-9; G.S. 93D-13*

16 *Eff. April 1, 2014.*

1 21 NCAC 22F .0306 is adopted with changes as published in 28:12 NCR 1391 as follows:

2

3 **21 NCAC 22F .0306 APPRENTICE DISCIPLINE**

4 (a) Apprentices shall comply with the ~~rules,~~ Rules set forth in this Chapter, including the code of ethics ~~promulgated by~~
5 ~~the Board as set forth in Subchapter 22J,~~ and with the provisions set forth in Chapter 93D of the General Statutes of
6 North Carolina.

7 (b) The Board shall refer all matters on noncompliance to the Committee on ~~Investigations,~~ Investigations as set forth in
8 Subchapter 22L. The Committee on Investigations, ~~which~~ shall determine whether sufficient grounds exist ~~to~~ to:

- 9 (1) invalidate an apprentice registration ~~certificate,~~ certificate;
10 (2) ~~to deny~~ future applications for issuance of an apprentice registration certificate, ~~to deny~~ or renewal of
11 an apprentice registration ~~certificate,~~ certificate; or
12 (3) ~~to deny,~~ suspend or revoke a license or registration of the Registered Sponsor after proper notice and
13 hearing.

14

15 *History Note:* Authority G.S. 93D-1.1; G.S 93D-3; G.S. 93D-9; G.S. 93D-13;

16 Eff. April 1, 2014.