

**NOTICE OF PROPOSED EXPEDITED RULEMAKING**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 16. DEPARTMENT OF HEALTH SERVICES – OCCUPATIONAL LICENSING**

**ARTICLE 3. LICENSING HEARING AID DISPENSERS**

**PREAMBLE**

<b><u>1.</u></b>	<b><u>Article, Part, or Section Affected (as applicable)</u></b>	<b><u>Rulemaking Action</u></b>
	R9-16-301.	Amend
	R9-16-302.	Repeal
	R9-16-302.	New Section
	R9-16-303.	Repeal
	R9-16-303.	New Section
	R9-16-304.	Repeal
	R9-16-304.	New Section
	R9-16-305.	Repeal
	R9-16-305.	New Section
	R9-16-306.	Repeal
	R9-16-306.	New Section
	R9-16-307.	Repeal
	R9-16-307.	New Section
	R9-16-308.	Repeal
	R9-16-308.	New Section
	R9-16-309.	Repeal
	R9-16-309.	New Section
	R9-16-310.	Repeal
	R9-16-310.	New Section
	R9-16-311.	Repeal
	R9-16-311.	New Section
	R9-16-312.	Repeal
	R9-16-312.	New Section

R9-16-313.	Repeal
R9-16-313.	New Section
R9-16-314.	Repeal
R9-16-314.	New Section
Table 3.1.	New Table
R9-16-315.	Repeal
R9-16-315.	New Section
R9-16-316.	Repeal
R9-16-316.	New Section
Table 3.1.	Repeal
R9-16-317.	Repeal

**2. Citations to the agency’s statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific):**

Authorizing statutes: A.R.S. §§ 36-104(3), 36-132(A)(18), and 36-136(G)

Implementing statutes: A.R.S. §§ 36-1901 through 36-1910, 36-1921 through 36-1926; and 36-1934 through 36-1940.02.

**3. Citations to all related notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the proposed expedited rule:**

Notice of Rulemaking Docket Opening: 25 A.A.R. 3321, November 15, 2019

**4. The agency’s contact person who can answer questions about the rulemaking:**

Name: Thomas Salow, Branch Chief

Address: Arizona Department of Health Services

Division of Licensing Services

150 N. 18th Ave., Suite 400

Phoenix, AZ 85007

Telephone: (602) 364-1935

Fax: (602) 364-4808

E-mail: [Thomas.Salow@azdhs.gov](mailto:Thomas.Salow@azdhs.gov)

or

Name: Stephanie Elzenga, Administrative Counsel

Address: Arizona Department of Health Services

Office of Administrative Counsel and Rules  
150 N. 18th Ave., Suite 200  
Phoenix, AZ 85007

Telephone: (602) 542-1020

Fax: (602) 364-1150

E-mail: [Stephanie.Elzenga@azdhs.gov](mailto:Stephanie.Elzenga@azdhs.gov)

**5. An agency's justification and reason why a rule should be made, amended, repealed or renumbered, under A.R.S § 41- 1027, to include an explanation about the rulemaking:**

The five-year-review report (Report) for 9 A.A.C. 16, Article 3 was approved by the Governor's Regulatory Review Council on July 2, 2019. The Report indicated that the rules' effectiveness could be improved to increase understandability by simplifying and clarifying some requirements, updating antiquated language and outdated citations and references, and making technical and grammatical changes. The Report also stated that the Arizona Department of Health Services (Department) plans to amend the rules as identified in the Report. The changes identified will not increase the cost of regulatory compliance, increase a fee, or reduce procedural rights of a regulated person. Amending the rules as identified in the Report meets the criteria for expedited rulemaking and implements a course of action proposed in a five-year-review report. This rulemaking achieves the purpose prescribed in A.R.S. § 41-1027(A)(7) to implement a course of action proposed in a five-year-review report. The Department believes amending these rules will eliminate confusion and reduce regulatory burden to affected persons. The Department received an exception from the rulemaking moratorium, established by Executive Order 2019-1, to amend the rules through expedited rulemaking on September 26, 2019.

**6. A reference to any study relevant to the rule that the agency reviewed and proposes either to rely on or not to rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

The Department did not review or rely on any study for this rulemaking.

**7. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state.**

Not applicable

**8. The preliminary summary of the economic, small business, and consumer impact:**

Under A.R.S. § 41-1055(D)(2), the Department is not required to provide an economic, small business, and consumer impact statement.

**9. The agency's contact person who can answer questions about the economic, small business, and consumer impact statement:**

Not applicable

**10. Where, when, and how persons may provide written comments on the proposed expedited rule:**

Close of record: January 31, 2018 at 4:00 p.m.

A person may submit written comments on the proposed expedited rules no later than the close of record to either of the individuals listed in item 4.

**11. All agencies shall list other matters prescribed by statute applicable to the specific agency or to any specific rule or class of rules. Additionally, an agency subject to Council review under A.R.S. §§ 41-1052 and 41-1055 shall respond to the following questions:**

There are no other matters prescribed by statutes applicable specifically to the Department or this specific rulemaking.

**a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:**

The Department believes the license issued to an individual is a general permit in that the license specifies the individual and the tasks/services the individual is authorized by licensure to provide, but a licensed individual is not limited to providing tasks/services in any one location.

**b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than federal law and if so, citation to the statutory authority to exceed the requirements of federal law:**

There are no federal rules applicable to the subject of the rule.

**c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:**

No such analysis was submitted.

**12. A list of any incorporated by reference material as specified in A.R.S. § 41-1028 and its location in the rules:**

None

**13. The full text of the rules follows:**

**TITLE 9. HEALTH SERVICES**

**CHAPTER 16. DEPARTMENT OF HEALTH SERVICES – OCCUPATIONAL LICENSING**

**ARTICLE 3. LICENSING HEARING AID DISPENSERS**

- R9-16-301. Definitions
- R9-16-302. ~~Individuals to Act for Applicant~~ Examination Requirements
- R9-16-303. ~~Examination Requirements~~ Application
- R9-16-304. ~~Written Hearing Aid Dispenser Examination~~ Requirements for an Initial Hearing Aid Dispenser License
- R9-16-305. ~~Practical Examination~~ Requirements for an Initial Temporary Hearing Aid Dispenser License
- R9-16-306. ~~Application for an Initial License by Examination~~ Application for Examination
- R9-16-307. ~~Application for an Initial License by Reciprocity~~ Initial Application for a Business Hearing Aid Dispenser License
- R9-16-308. ~~Application for an Initial License to a Business Organization~~ License Renewal
- R9-16-309. ~~Application for a Temporary License~~ Continuing Education
- R9-16-310. Sponsors
- R9-16-311. ~~License Renewal~~ Responsibilities of a Hearing Aid Dispenser
- R9-16-312. ~~Continuing Education~~ Equipment and Records
- R9-16-313. ~~Responsibilities of a Hearing Aid Dispenser~~ Enforcement
- R9-16-314. ~~Equipment and Records~~ Time-frames
- Table 3.1. Time-frames (in calendar days)
- R9-16-315. ~~Disciplinary Actions~~ Change Affecting a License or a Licensee; Request for Duplicate License
- R9-16-316. ~~Time frames~~ Fees
- Table 3.1. Time frames (in calendar days)
- R9-16-317. ~~Change Affecting a License or a Licensee; Request for Duplicate License~~

**R9-16-301. Definitions**

In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:

1. "Applicant" means an individual or a business organization that submits ~~to the Department an approval to test, or initial, renewal or temporary license~~ an application packet and required documentation for approval to practice as a hearing aid dispenser.
- ~~2.~~ "Application packet" ~~means the information, documents, and fees required by the Department to apply for a license.~~
- ~~3.~~2. "Business organization" means an entity identified in A.R.S. § 36-1910.
- ~~4.~~3. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day, or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
- ~~5.~~4. "Continuing education" means a course that provides instruction and training that directly relates to the practice of fitting and dispensing hearing aids ~~as specified in A.R.S. § 36-1904.~~
- ~~6.~~ "Continuing education hour" ~~means 50 minutes of continuing education.~~
- ~~7.~~ "Controlling person" ~~has the same meaning as in A.R.S. § 36-881.~~
- ~~8.~~ "Course" ~~means a workshop, seminar, lecture, conference, or class.~~
- ~~9.~~ "Department designated written hearing aid dispenser examination" ~~means one of the following that has been identified by the Department as complying with the requirements in A.R.S. § 36-1924:~~
  - ~~a. The International Licensing Examination for Healthcare Professionals, administered by the International Hearing Society; or~~
  - ~~b. A test provided by the Department or other organization.~~
- ~~10.~~5. "Designated agent" means an individual who is:
  - a. Is authorized by an applicant or hearing aid dispenser [a person] to receive communications from the Department, including legal service of process; and to
  - b. file May file or sign documents on behalf of the applicant or hearing aid dispenser;
  - c. Is a U.S. citizen or legal resident;
  - d. Has an Arizona address; and
  - e. Is a controlling person of the business organization, if applicable.

- ~~44-6.~~ "Disciplinary action" means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or ~~a state licensing entity~~ a state specified in R9-16-311(A)(2) and (3) R9-16-308(A)(2).
7. "GED" means a general education development test.
8. "Hearing aid dispenser examination" means one of the following that has been identified by the Department as complying with the requirements in A.R. S. § 36-1924:
- a. The International Licensing Examination for Hearing Health Professionals, administered by the International Hearing Society; or
  - b. A test provided by the Department or other organization.
- ~~12.~~ "In service education" means organized instruction or information that is provided to a licensed hearing aid dispenser.
- ~~9.~~ "Jurisprudence and ethics examination" means a test:
- a. Designated by the Department that demonstrates an applicant's knowledge of the state's laws and rules specific to the practice of fitting and dispensing of hearing aids, and
  - b. Compliant with A.R.S. § 36-1922(A).
9. "Practical examination" means a test:
- a. Designated by the Department that demonstrates an applicant's proficiency in the practice of fitting and dispensing of hearing aids, and
  - b. Compliant with A.R.S. § 36-1924(A)(4).
10. "State licensing entity" means a state agency or board that approves licensure and takes disciplinary action of individuals or businesses that practice as a hearing aid dispenser.
11. "Temporary hearing aid dispenser" means a person who is licensed under A.R.S. Title 36, Chapter 17 and this Article for a specified period of time under the sponsorship of a hearing aid dispenser also licensed under A.R.S. Title 36, Chapter 17 and this Article.

**~~R9-16-302.~~ Individuals to Act for Applicant**

~~When an applicant or a hearing aid dispenser is required by this Article to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or hearing aid dispenser:~~

- ~~1. If the applicant or the hearing aid dispenser is an individual, the individual; or~~
- ~~2. If the applicant or hearing aid dispenser is a business organization, the designated agent who:~~
  - ~~a. Is a controlling person of the business organization;~~
  - ~~b. Is a U.S. citizen or legal resident, and~~

- e. ~~Has an Arizona address.~~

**R9-16-302. Examination Requirements**

- A.** Within two years after the date an applicant receives the approval notification in R9-16-306(B), or a temporary hearing aid dispenser receives the approval in R9-16-305(B), the applicant or temporary hearing aid dispenser shall take and obtain a passing score on the Department-designated:
  - 1. Written hearing aid dispenser examination required in subsection (B), and
  - 2. Practical examination required in subsection (B).
- B.** An applicant approved to take the Department-designated practical examination or a temporary hearing aid dispenser approved to take the Department-designated practical examination shall:
  - 1. Arrive on the scheduled date and time of the examination,
  - 2. Provide proof of identity by a government-issued photographic identification card that is provided by the applicant or temporary hearing aid dispenser upon the request of the individual administering the examination, and
  - 3. Exhibit ethical conduct during the examination process.
- C.** After the Department receives an applicant's Department-designated written hearing aid dispenser examination results, the Department shall notify the applicant of:
  - 1. A passing score and approval to take the practical examination; or
  - 2. A failing score that includes, as applicable, approval to retake the written hearing aid dispenser examination.
- D.** An applicant or temporary hearing aid dispenser who does not comply with subsection (B)(1) or (B)(2) is ineligible to take the examination on the scheduled date and time.
- E.** An applicant or temporary hearing aid dispenser taking the examination will receive a passing score on the examination if the applicant or temporary hearing aid dispenser demonstrates the proficiencies in A.R.S. § 36-1924, as determined by the Department.
- F.** After the Department receives an applicant's practical examination results, the Department shall notify the applicant whether the applicant received:
  - 1. A passing score; or
  - 2. A failing score and, as applicable, approval to retake the Department-designated practical examination for the examination sections that the applicant failed.
- G.** The Department shall notify an applicant or temporary hearing aid dispenser that the applicant or temporary hearing aid dispenser may apply for an initial hearing aid dispenser license when the applicant or temporary hearing aid dispenser has received a passing score on both of the examinations in subsection (A).



**R9-16-303. Examination Requirements**

- A. ~~Within two years after the date an applicant receives the approval notification in R9-16-304(C)(1), or a hearing aid dispenser with a temporary license receives the approval in R9-16-309(C), the applicant or hearing aid dispenser with a temporary license shall take and obtain a passing score on the Department designated:~~
  - 1. ~~Written hearing aid dispenser examination required R9-16-304, and~~
  - 2. ~~Practical examination required in R9-16-305.~~
- B. ~~An applicant approved to take the Department designated practical examination according to R9-16-304(C)(1), the examination required in R9-16-307(E), or a hearing aid dispenser with a temporary license approved to take the Department designated practical examination according to R9-16-309 (F)(1) shall:~~
  - 1. ~~Arrive on the scheduled date and time of the examination,~~
  - 2. ~~Provide proof of identity by a government issued photographic identification card that is provided by the applicant or hearing aid dispenser with a temporary license upon the request of the individual administering the examination, and~~
  - 3. ~~Exhibit ethical conduct during the examination process.~~
- C. ~~An applicant or hearing aid dispenser with a temporary license who does not comply with subsection (B)(1) or (B)(2) is ineligible to take the examination on the scheduled date and time.~~
- D. ~~An applicant or hearing aid dispenser with a temporary license taking the examination:~~
  - 1. ~~Required in R9-16-307(E), will receive:~~
    - a. ~~A passing score if 75% or more of the responses are correct, as determined by the Department; or~~
    - b. ~~A failing score if fewer than 75% of the responses are incorrect, as determined by the Department; and~~
  - 2. ~~Required in R9-16-304(C)(1) or R9-16-309 (F)(1) will receive a passing score on the examination if the applicant or hearing aid dispenser with a temporary license demonstrates the proficiencies in A.R.S. § 36-1924(A)(4), as determined by the Department.~~
- E. ~~The Department shall notify an applicant or hearing aid dispenser with a temporary license that the applicant or hearing aid dispenser with a temporary license may apply for an initial hearing aid dispenser license when the applicant or hearing aid dispenser with a temporary license has received a passing score on both of the examinations in subsection (A).~~

**R9-16-303. Application**

- A. An applicant for licensure shall submit to the Department:

1. An application in a Department-provided format that contains:
  - a. The applicant's name, home address, telephone number, and e-mail address;
  - b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;
  - c. The applicant's current employment, if applicable, including:
    - i. The employer's name,
    - ii. The licensee's position,
    - iii. Dates of employment,
    - iv. The address of the employer,
    - v. The supervisor's name,
    - vi. The supervisor's email address, and
    - vii. The supervisor's telephone number;
  - d. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
  - e. If the applicant was convicted of a felony or misdemeanor:
    - i. The date of the conviction,
    - ii. The state or jurisdiction of the conviction,
    - iii. An explanation of the crime of which the applicant was convicted, and
    - iv. The disposition of the case;
  - f. Whether a hearing aid dispenser license issued to the applicant has been suspended or revoked;
  - g. Whether the applicant is currently ineligible to apply for a hearing aid dispenser license due to a prior revocation or suspension of the applicant's hearing aid dispenser license;
  - h. Whether the applicant has been disciplined by any state, territory or district in this country for an act upon the applicant's hearing aid dispenser license;
  - i. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-314;
  - j. An attestation that the information submitted as part of the application is true and accurate; and
  - k. The applicant's signature and date of signature;
2. Documentation of the applicant's citizenship or alien status that complies with A.R.S. § 41-1080;

3. Documentation that the applicant received a high school diploma, a high school equivalency diploma, an associate degree, or a higher degree;
  4. Whether a professional license or certificate has been revoked or suspended by another state or jurisdiction;
  5. If a license for an applicant has been revoked or suspended by any state, documentation that includes:
    - a. The date of the revocation or suspension,
    - b. The state or jurisdiction of the revocation or suspension, and
    - c. An explanation of the revocation or suspension;
  6. If an applicant is currently ineligible for licensing in any state because of a license revocation or suspension, documentation that includes:
    - a. The date of the ineligibility for licensing,
    - b. The state or jurisdiction of the ineligibility for licensing, and
    - c. An explanation of the ineligibility for licensing;
  7. If an applicant has been disciplined by any state, territory or district, in this country for an act upon the applicant's hearing aid dispenser license, documentation that includes:
    - a. The date of the disciplinary action,
    - b. The state or jurisdiction of the disciplinary action,
    - c. An explanation of the disciplinary action, and
    - d. Any other applicable documents, including a legal order or settlement agreement;  
and
  8. A nonrefundable application fee specified in R9-16-316.
- B.** The Department shall review an application and documentation for approval according to R9-16-314 and Table 3.1.

**~~R9-16-304. Written Hearing Aid Dispenser Examination~~**

- ~~A. An applicant applying for an approval to take the Department designated written hearing aid dispenser examination shall submit to the Department:~~
- ~~1. An application in a format provided by the Department that contains:~~
    - ~~a. The applicant's name, home address, telephone number, and e-mail address;~~
    - ~~b. The applicant's Social Security number, as required under A.R.S. §§ 25-320 and 25-502;~~
    - ~~c. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;~~

- d. ~~Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction; and~~
  - e. ~~If the applicant was convicted of a felony or misdemeanor:~~
    - i. ~~The date of the conviction;~~
    - ii. ~~The state or jurisdiction of the conviction;~~
    - iii. ~~An explanation of the crime of which the applicant was convicted, and~~
    - iv. ~~The disposition of the case;~~
  - f. ~~Whether within the two years before the application date, a hearing aid dispenser license issued to the applicant was suspended or revoked;~~
  - g. ~~Whether the applicant is currently ineligible to apply for a hearing aid dispenser license due to a prior revocation or suspension of the applicant's hearing aid dispenser license;~~
  - h. ~~Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-316;~~
  - i. ~~An attestation that the information submitted as part of the application is true and accurate; and~~
  - j. ~~The applicant's signature and date of signature;~~
  - 2. ~~A copy of the applicant's:~~
    - a. ~~U.S. passport, current or expired;~~
    - b. ~~Birth certificate;~~
    - c. ~~Naturalization documents; or~~
    - d. ~~Documentation of legal resident alien status;~~
  - 3. ~~Documentation that the applicant:~~
    - a. ~~Received a high school diploma from an accredited high school;~~
    - b. ~~Passed the general education development tests;~~
    - c. ~~Completed an associate degree or higher from an accredited college or university; or~~
    - d. ~~Continuously engaged in the practice of fitting and dispensing hearing aids during the three years before August 11, 1970;~~
  - 4. ~~If the applicant was issued a hearing aid dispenser license in another state or jurisdiction, where the applicant was issued a hearing aid dispenser license; and~~
  - 5. ~~A nonrefundable \$100 application fee.~~
- B. ~~The Department shall review an application for an approval to take the Department-designated written hearing aid examination according to R9-16-316 and Table 3.1.~~

C. ~~Within five calendar days after the Department receives the applicant's Department-designated written hearing aid dispenser examination results, the Department shall provide written notification to the applicant of:~~

- ~~1. A passing score that includes approval to take the Department-designated practical examination in R9-16-305; or~~
- ~~2. A failing score that includes, as applicable, approval to retake the Department-designated written hearing aid dispenser examination.~~

**R9-16-304. Requirements for an Initial Hearing Aid Dispenser License**

**A.** An applicant for initial licensure shall submit an application to the Department that includes:

1. The information and documents required in R9-16-303;
2. Documentation of passing the:
  - a. Written hearing aid dispenser examination, and
  - b. Practical examination; and
3. The fees specified in R9-16-316.

**B.** In addition to complying with subsections (A)(1) and (A)(3), an applicant that may be eligible for licensure under A.R.S. § 36-1922 shall submit documentation to the Department that includes:

1. The name of each state that issued the applicant a current hearing aid dispenser license, including:
  - a. The license number of each current hearing aid dispenser license, and
  - b. The date each current hearing aid dispenser license was issued;
2. Documentation of the professional license or certification issued to the applicant by each state in which the applicant holds a professional license or certification;
3. For each state named in subsection (B)(1), a statement, signed and dated by the applicant, attesting that the applicant:
  - a. Has been licensed or certified in another state for at least one year, with a scope of practice consistent with the scope of practice for which licensure is being requested;
  - b. Has met minimum education requirements according to A.R.S. § 36-1923(A);
  - c. Has not voluntarily surrendered a license or certification in any other state or country while under investigation for unprofessional conduct; and
  - d. Does not have a complaint, allegation, or investigation pending before another regulatory entity in another state or country related to unprofessional conduct.

**C.** An initial hearing aid dispenser license is valid for two years from the date of issue for licensure by examination or licensure by reciprocity.

D. If the Department does not issue an initial hearing aid dispenser license to an applicant, the Department shall return the license fee to the applicant.

**R9-16-305. Practical Examination**

~~A.~~ ~~After an applicant takes the Department designated practical examination required in R9-16-303(A), the Department shall provide written notification to the applicant within five calendar days after the Department receives the applicant's examination results whether the applicant received:~~

- ~~1. A passing score; or~~
- ~~2. A failing score and, as applicable, approval to retake the Department designated practical examination.~~

~~B.~~ ~~The Department shall administer the Department designated practical exam that complies with A.R.S. § 36-1924(A)(4):~~

- ~~1. In October each calendar year, and~~
- ~~2. According to A.R.S. § 36-1923.~~

**R9-16-305. Requirements for an Initial Temporary Hearing Aid Dispenser License**

A. In addition to complying with R9-16-303, an applicant for a temporary hearing aid dispenser license shall submit to the Department:

1. The sponsor's:
  - a. Name,
  - b. Business address,
  - c. Business telephone number, and
  - d. Arizona hearing aid dispenser license number.
2. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905.

B. If the Department issues a temporary license to the applicant, the Department shall notify the applicant of approval to take the hearing aid dispenser examination as specified in R9-16-302.

C. A temporary hearing aid dispenser may renew a temporary license according to A.R.S. § 36-1926.

D. A temporary license is no longer valid on the date the Department receives notice from the sponsor that the sponsor is terminating sponsorship.

E. A hearing aid dispenser whose temporary license is terminated according to subsection (D):

1. Shall not practice until issued a new license.

2. May apply for an initial or temporary license as a hearing aid dispenser according to this Article; and
3. May choose to:
  - a. Complete the two-year test period issued to the applicant with a previous temporary license, or
  - b. Restart the two-year test period on the date the Department approves the hearing aid dispenser's temporary license in subsection (E)(2); and
4. If the applicant chooses to restart the two-year test period in subsection (3)(b), the previous test result obtained will not apply.

**F.** An initial hearing aid dispenser license is valid for 12 months from the date of issue for a temporary license or in compliance with A.R.S. § 36-1928(D).

**R9-16-306. Application for an Initial License by Examination**

~~A. Within six months after receiving the written notice in R9-16-303(E), an applicant for an initial license by examination shall submit to the Department:~~

- ~~1. An application in a format provided by the Department that contains:
 
  - a. The applicant's name, home address, telephone number, and e-mail address;
  - b. An attestation that the information submitted as part of the application for approval to take the Department designated written hearing aid dispenser examination required in R9-16-304 is currently true and accurate; and
  - e. The applicant's signature and date signed; and~~
- ~~2. A license fee of \$200.~~

~~B. The Department shall review an application for an initial hearing aid dispenser license by examination according to R9-16-316 and Table 3.1.~~

~~C. If the Department does not issue an initial hearing aid dispenser license by examination to an applicant, the Department shall return the license fee to the applicant.~~

~~D. An initial hearing aid dispenser license is valid for two years from the date of issue.~~

**R9-16-306. Application for Examination**

**A.** In addition to complying with R9-16-303, an applicant for initial licensure by examination shall submit an application to the Department that includes:

1. Information and documentation required in R9-16-303, and
2. The fee in R9-16-316.

**B.** If the Department approves the application, the Department shall notify the applicant of approval to take the written hearing aid dispenser examination as specified in R9-16-302.

C. If the Department approves an application, the applicant shall not practice fitting and dispensing hearing aids without a license issued by the Department.

**~~R9-16-307. Application for an Initial License by Reciprocity~~**

~~A.~~ ~~An applicant for an initial license by reciprocity shall submit to the Department:~~

- ~~1.~~ ~~An application in a format provided by the Department that contains:~~
  - ~~a.~~ ~~The information required in R9-16-304(A)(1)(a) through (A)(1)(j);~~
  - ~~b.~~ ~~The name of each state that issued the applicant a current hearing aid dispenser license;~~
  - ~~c.~~ ~~The license number of each current hearing aid dispenser license, and~~
  - ~~d.~~ ~~The date each current hearing aid dispenser license was issued;~~
- ~~2.~~ ~~The documents required R9-16-304(A)(2) through (A)(5);~~
- ~~3.~~ ~~For each state named in subsection (A)(1)(b):~~
  - ~~a.~~ ~~A statement, on the letterhead of the state licensing entity that issued the hearing aid dispenser license and signed by an official of the state licensing entity, that the applicant holds a current hearing aid dispenser license in good standing;~~
  - ~~b.~~ ~~A copy of the written and practical portions of the Department-designated hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;~~
  - ~~c.~~ ~~The state licensing entity's statement of:~~
    - ~~i.~~ ~~The applicant's score on each section of the hearing aid dispenser examination taken by the applicant,~~
    - ~~ii.~~ ~~The minimum passing score for each section of the hearing aid dispenser examination taken by the applicant, and~~
    - ~~iii.~~ ~~The minimum passing score for the hearing aid dispenser examination taken by the applicant;~~
  - ~~d.~~ ~~A copy of the applicant's current license;~~
  - ~~e.~~ ~~An attestation that the information submitted as part of the application for an initial license by reciprocity is true and accurate; and~~
  - ~~f.~~ ~~The applicant's signature and date of signature; and~~
- ~~4.~~ ~~A \$200 license fee.~~

~~B.~~ ~~Based on the information submitted under subsections (A)(1) through (A)(3), the Department shall determine whether:~~

- ~~1.~~ ~~The content of the examination taken by the applicant is substantially the same as the content of the Department's examinations in:~~



- a. ~~The Department designated written hearing aid dispenser examination, and~~
- b. ~~The Department designated practical examination;~~
- 2. ~~The applicant's scores on the examinations in (A)(3)(c) meet the requirements in R9-16-303 for passing; and~~
- 3. ~~The applicant complies with A.R.S. §§ 36-1922 and 36-1923(A), and this Article.~~
- C. ~~The Department shall review an application for an initial license by reciprocity according to R9-16-316 and Table 3.1.~~
- D. ~~If the Department does not issue an initial license by reciprocity to an applicant, the Department shall return the license fee to the applicant.~~
- E. ~~If the Department issues an initial license by reciprocity to an applicant, the Department shall provide notification to the applicant that the applicant is approved to take and required to pass the examination identified in A.R.S. § 36-1922 within six months after the initial license by reciprocity is issued.~~
- F. ~~After an applicant takes the examination in subsection (E), the Department shall provide written notification to the applicant within five calendar days after the Department receives the applicant's examination results whether the applicant received:~~
  - 1. ~~A passing score; or~~
  - 2. ~~A failing score and, as applicable, approval to retake the examination.~~
- G. ~~An initial license by reciprocity issued to an applicant is valid for two years from the date of issue.~~

**R9-16-307. Initial Application for a Business Hearing Aid Dispenser License**

- A.** An applicant for a business hearing aid dispenser license shall submit to the Department:
  - 1. An application in a Department-provided format that contains:
    - a. The name of the business organization;
    - b. The business organization's Arizona business name, address, e-mail address, and telephone number;
    - c. If the business organization has more than one location, provide the name, address, e-mail address, and telephone number for each location;
    - d. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;
    - e. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization in Arizona;

- f. Whether the business organization or a hearing aid dispenser working for the business organization has had a hearing aid dispenser license suspended or revoked by any state;
- g. Whether the business organization or a hearing aid dispenser working for the business organization is currently ineligible for licensing in any state due to a suspension or revocation;
- h. An attestation that the:
  - i. Business organization allows the Department to make supplemental requests for additional information; and
  - ii. Information required as part of the application has been submitted and is true and accurate; and
- i. The signature and date of signature from the designated agent; and
- 2. An application and license fee specified in R9-16-316.
- B.** A business organization with more than one location shall submit a duplicate license fee for each additional location according to R9-16-315 and R9-16-316.
- C.** The Department shall review an application for an initial business hearing aid dispenser license according to R9-16-314 and Table 3.1.
- D.** A business organization licensed according to this Article shall comply with A.R.S. § 36-1910.
- E.** An initial license issued to a business organization according to this Section is valid for two years from the date of issue.

**~~R9-16-308. Application for an Initial License to a Business Organization~~**

- ~~A. An applicant that is a business organization shall submit to the Department:~~
  - ~~1. An application for an initial hearing aid dispenser license in a format provided by the Department that contains:~~
    - ~~a. The name of the business organization;~~
    - ~~b. The business organization's Arizona business name, address, and telephone number;~~
    - ~~c. The name, address, telephone number, and e-mail address of the individual authorized by the business organization to be the designated agent;~~
    - ~~d. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the business organization in Arizona;~~

- e. ~~Whether the business organization or a hearing aid dispenser working for the business organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;~~
- f. ~~Whether the business organization or a hearing aid dispenser working for the business organization currently is not eligible for licensing in any state due to a suspension or revocation;~~
- g. ~~An attestation that information required as part of the application has been submitted and is true and accurate; and~~
- h. ~~The signature and date of signature from the designated agent;~~
- 2. ~~A nonrefundable \$100 application fee; and~~
- 3. ~~A \$200 license fee.~~
- B. ~~The Department shall review an application for an initial hearing aid dispenser license to a business organization according to R9-16-316 and Table 3.1.~~
- C. ~~If the Department does not issue an initial hearing aid dispenser license to a business organization, the Department shall return the license fee in subsection (A)(3) to the applicant.~~
- D. ~~A business organization licensed according to this Section shall comply with A.R.S. § 36-1910.~~
- E. ~~An initial license issued to a business organization according to this Section is valid for two years from the date of issue.~~

**R9-16-308. License Renewal**

- A. A licensee, except for a temporary hearing aid dispenser, shall submit a renewal application in a Department-provided format that contains:
  - 1. For an individual licensed as a hearing aid dispenser:
    - a. The licensee's name, home address, telephone number, and e-mail address;
    - b. The licensee's current employment, if applicable, including:
      - i. The employer's name,
      - ii. The licensee's position,
      - iii. Dates of employment,
      - iv. The address of the employer,
      - v. The supervisor's name,
      - vi. The supervisor's email address, and
      - vii. The supervisor's telephone number;
    - c. The licensee's license number and expiration date;

- d. Since the hearing aid dispenser's previous license application, whether the licensee has been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
  - e. If the licensee was convicted of a felony or misdemeanor:
    - i. The date of the conviction,
    - ii. The state or jurisdiction of the conviction,
    - iii. An explanation of the crime of which the licensee was convicted, and
    - iv. The disposition of the case;
  - f. Whether the licensee has had a license revoked or suspended by any state within the previous two years;
  - g. Whether the licensee is currently ineligible for licensure in any state because of a prior license revocation or suspension;
  - h. Whether the licensee agrees to allow the Department to submit supplemental requests for information under R9-16-314;
  - i. An attestation that the licensee completed continuing education required under A.R.S. § 36-1904 and that documentation of completion is available upon request;
  - j. An attestation that the information required as part of the application has been submitted and is true and accurate; and
  - k. The licensee's signature and date of signature;
  - 2. Whether the licensee has, within the two years before the date of the application, had:
    - a. A license issued under this Article suspended or revoked; or
    - b. A professional license or certificate revoked by another state or jurisdiction; and
  - 3. A license renewal fee specified in R9-16-316; or
  - 4. For a business organization licensed as a hearing aid dispenser:
    - a. The information in subsection R9-16-307(A)(1), and
    - b. A license renewal fee specified in R9-16-316.
- B.** A licensee, except for a temporary hearing aid dispenser, who renews a license within 30 calendar days after the expiration date of the license, shall submit to the Department:
- 1. The information and renewal fee required in subsection (A), and
  - 2. A late fee specified in R9-16-316.
- C.** A renewal license issued to a licensee, except for temporary hearing aid dispenser, is valid for two years after the expiration date of the previous license issued by the Department.
- D.** If a licensee does not comply with subsections (A) or (B), the license is nonrenewable and:

1. The hearing aid dispenser may apply for a new license according to subsection (E), or
  2. The business organization may apply for a new license according to R9-16-307.
- E.** A licensee whose license is nonrenewable, according to subsection (D)(1), and is within one year after the expiration date of the hearing aid dispenser's license, the licensee shall submit:
1. The information in R9-16-303(A);
  2. An attestation of continuing education, according to R9-16-309, completed with twenty-four months before the date of the date of application; and
  3. A nonrefundable application fee and a license fee specified in R9-16-316.
- F.** If allowed in R9-16-303, a temporary hearing aid dispenser shall submit at least 30 calendar days before the expiration date on the license, a renewal application to the Department in a Department-provided format that contains:
1. The information in R9-16-303(A);
  2. The applicant's sponsor's:
    - a. Name,
    - b. Business address,
    - c. Business telephone number, and
    - d. Arizona hearing aid dispenser license number;
  3. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
  4. A license renewal fee specified in R9-16-316.
- G.** A renewal license issued to a licensee according to subsection (F) is valid for one year after the expiration date of the previous license issued by the Department.
- H.** The Department shall review a renewal application according to R9-16-314 and Table 3.1.

**R9-16-309. Application for a Temporary License**

- A.** An applicant for a temporary license shall submit to the Department:
1. An application in a format provided by the Department that contains:
    - a. The information in R9-16-304(A)(1)(a) through (A)(5); and
    - b. The applicant's sponsor's:
      - i. Name,
      - ii. Business address,
      - iii. Business telephone number, and
      - iv. Arizona hearing aid dispenser license number;

2. ~~A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and~~
  3. ~~A \$100 license fee.~~
- B. ~~The Department shall review an application for a temporary license according to R9-16-316 and Table 3.1.~~
- C. ~~If the Department issues a temporary license to the applicant, the Department shall also provide written notification to the applicant of approval to take the Department-designated written hearing aid dispenser examination within six months after the temporary license is issued.~~
- D. ~~If the Department does not issue an applicant a temporary license, the Department shall return the license fee in subsection (A)(3) to the applicant.~~
- E. ~~If a hearing aid dispenser with a temporary license takes and fails the Department-designated written hearing aid dispenser examination required in subsection (C), the temporary hearing aid dispenser may:~~
1. ~~Renew the temporary license once according to R9-16-311(F), and~~
  2. ~~Take the Department-designated written hearing aid dispenser examination within the six months after renewal of the temporary license.~~
- F. ~~Within five calendar days after the Department receives an individual's Department-designated written hearing aid dispenser examination results, the Department shall provide written notification to the individual of:~~
1. ~~A passing score that includes approval to take the Department-designated practical examination; or~~
  2. ~~A failing score that includes, as applicable, approval to retake the Department-designated written hearing aid dispenser examination.~~
- G. ~~A temporary license is no longer valid on the date the Department receives notice from the sponsor that the sponsor is terminating sponsorship.~~
- H. ~~A hearing aid dispenser whose temporary license is terminated according to subsection (G), shall:~~
1. ~~Not practice until issued a new license, and~~
  2. ~~May apply for an initial license as a hearing aid dispenser according to this Article or a temporary license according to this Section.~~
- I. ~~A temporary license is valid for 12 months from the date of issue.~~

**R9-16-309. Continuing Education**

- A.** Twenty-four months prior to submitting a renewal application, a licensee shall complete 24 continuing education hours that includes no more than eight continuing education hours provided by a single manufacturer of hearing aids.
- B.** Continuing education shall:
1. Directly relate to the practice of fitting and dispensing hearing aids;
  2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids; and
  3. Consist of courses that include advances within the last five years in:
    - a. Procedures in the selection and fitting of hearing aids,
    - b. Pre- and post-fitting management of clients,
    - c. Instrument circuitry and acoustic performance data,
    - d. Ear mold design and modification contributing to improved client performance,
    - e. Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss,
    - f. Auditory rehabilitation,
    - g. Ethics,
    - h. Federal and state statutes or rules, or
    - i. Assistive listening devices.
- C.** A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (B):
1. Hearing Healthcare Providers of Arizona,
  2. Arizona Speech-Language-Hearing Association,
  3. American Speech-Language-Hearing Association,
  4. International Hearing Society,
  5. International Institute for Hearing Instruments Studies,
  6. American Auditory Society,
  7. American Academy of Audiology,
  8. Academy of Doctors of Audiology,
  9. Arizona Society of Otolaryngology, Head and Neck Surgery,
  10. American Academy of Otolaryngology-Head and Neck Surgery, or
  11. An organization determined by the Department to be consistent with an organization in subsection (B)(1) through (10).

**R9-16-310. Sponsors**

- A.** A sponsor shall:

1. ~~Provide to a hearing aid dispenser with a temporary license a minimum of 64 hours per month of on-site training and supervision that:~~
    - a. ~~Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the hearing aid dispenser with a temporary license; and~~
    - b. ~~Directly relates to the type of training and education needed to pass the licensing examination required in A.R.S. § 36-1924;~~
  2. ~~Maintain a record that:~~
    - a. ~~Is signed by the hearing aid dispenser with a temporary license;~~
    - b. ~~Has the date, time, and content of the training and supervision provided to the hearing aid dispenser with a temporary license, as required in subsection (A)(1); and~~
    - e. ~~Is available for inspection by the Department for at least 12 months after the end of the sponsorship agreement; and~~
  3. ~~Not provide sponsorship to more than two hearing aid dispensers with temporary licenses, at one time.~~
- ~~B. When a sponsor terminates a sponsorship agreement with a hearing aid dispenser with a temporary license:~~
1. ~~The sponsor shall:~~
    - a. ~~Provide a written notice to the hearing aid dispenser with a temporary license indicating termination of the sponsorship agreement; and~~
    - b. ~~Provide a copy of the written notice required in subsection (B)(1)(a), and documentation that the hearing aid dispenser with a temporary license received the written notice, to the Department; and~~
  2. ~~The hearing aid dispenser with a temporary license shall return the temporary license to the Department.~~
- A. A sponsor shall:
1. Provide to a temporary hearing aid dispenser for on-site training and supervision that:
    - a. Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary hearing aid dispenser; and
    - b. Directly relates to the type of training and education needed to pass the licensing examination required in A.R.S. § 36-1924;
  2. Maintain a training record that:
    - a. Is signed by the temporary hearing aid dispenser;



- b. Has the date, time, and content of the training and supervision provided to the temporary hearing aid dispenser, as required in subsection (A)(1); and
- c. Is available for inspection by the Department for at least 12 months after the end of the sponsorship agreement; and
- 3. Not provide sponsorship to more than two temporary hearing aid dispenser licensees at one time.

**B.** When a sponsor terminates a sponsorship agreement with a temporary hearing aid dispenser, the sponsor shall:

- 1. Provide to the temporary hearing aid dispenser a:
  - a. Written notice indicating termination of the sponsorship agreement, and
  - b. Copy of the hearing aid dispenser's records in subsection (A)(2); and
- 2. Provide to the Department documentation of the notice required in subsection (B)(1)(a).

**R9-16-311. License Renewal**

~~A. A licensee, except for a hearing aid dispenser with a temporary license, shall submit a renewal application in a format provided by the Department that contains:~~

- ~~1. For an individual licensed as a hearing aid dispenser:~~
  - ~~a. The applicant's name, home address, telephone number, and e-mail address;~~
  - ~~b. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;~~
  - ~~c. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;~~
  - ~~d. The applicant's license number and expiration date;~~
  - ~~e. Since the hearing aid dispenser's previous license application, whether the applicant has been convicted of a felony or a misdemeanor involving moral turpitude in this or another state or jurisdiction;~~
  - ~~f. If the applicant was convicted of a felony or misdemeanor involving moral turpitude:~~
    - ~~i. The date of the conviction;~~
    - ~~ii. The state or jurisdiction of the conviction;~~
    - ~~iii. An explanation of the crime of which the applicant was convicted, and~~
    - ~~iv. The disposition of the case;~~
  - ~~g. Whether the applicant has had a license revoked or suspended by any state within the previous two years;~~

- h. ~~Whether the applicant is currently ineligible for licensure in any state because of a prior license revocation or suspension;~~
- i. ~~Whether any disciplinary action has been imposed by any state, territory or district in this country for an act upon the applicant's hearing aid dispenser license;~~
- j. ~~An attestation that information required as part of the application has been submitted and is true and accurate; and~~
- k. ~~The applicant's signature and date of signature;~~
- 2. ~~In addition to the requirements in subsection (A)(1) an individual shall submit:~~
  - a. ~~Documentation of 24 continuing education hours completed within the 24 months before the expiration date on the license, including:~~
    - i. ~~The name of the organization providing the course;~~
    - ii. ~~The date and location where the course was provided;~~
    - iii. ~~The title of each course attended;~~
    - iv. ~~A description of each course's content;~~
    - v. ~~Whether the course was taught in person;~~
    - vi. ~~The name of the instructor;~~
    - vii. ~~The instructor's education, training, and experience background, if available; and~~
    - viii. ~~The number of continuing education hours earned for each course; and~~
  - b. ~~A \$200 license renewal fee; or~~
- 3. ~~For a business organization licensed as a hearing aid dispenser:~~
  - a. ~~The information in subsection R9-16-308(A)(1), and~~
  - b. ~~A \$200 license renewal fee.~~
- B. ~~A licensee, except for a hearing aid dispenser with a temporary license, who renews a license within 30 calendar days after the expiration date of the license, shall submit to the Department:~~
  - 1. ~~The information and renewal fee required in subsection (A), and~~
  - 2. ~~A \$25 late fee.~~
- C. ~~A renewal license issued to a licensee, except for a hearing aid dispenser with a temporary license, is valid for two years after the expiration date of the previous license issued by the Department.~~
- D. ~~If a licensee does not comply with subsections (A) or (B), the license is nonrenewable and:~~
  - 1. ~~The hearing aid dispenser may apply for a new license according to subsection (E), or~~
  - 2. ~~The business organization may apply for a new license according to R9-16-308.~~

- E. ~~A licensee whose license is nonrenewable according to subsection (D)(1) and it is within one year after the expiration date of the hearing aid dispenser's license:~~
1. ~~The applicant shall submit an application in a format provided by the Department that contains:~~
    - a. ~~The information required in R9-16-304(A)(1) through (A)(4), and~~
    - b. ~~Documentation of continuing education according to R9-16-312; and~~
  2. ~~A nonrefundable \$100 application fee and a \$100 license fee.~~
- F. ~~If allowed in R9-16-309(E)(1), a hearing aid dispenser with a temporary license shall submit at least 30 calendar days before the expiration date on the license, a renewal application in a format provided by the Department that contains:~~
1. ~~The information in R9-16-304(A)(1) through (A)(4);~~
  2. ~~The applicant's sponsor's:~~
    - a. ~~Name,~~
    - b. ~~Business address,~~
    - c. ~~Business telephone number, and~~
    - d. ~~Arizona hearing aid dispenser license number;~~
  3. ~~A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and~~
  4. ~~A \$100 license renewal fee.~~
- G. ~~A renewal license issued to a licensee according to subsection (F) is valid for one year after the expiration date of the previous license issued by the Department.~~
- H. ~~The Department shall review a renewal application according to R9-16-316 and Table 3.1.~~

**R9-16-311. Responsibilities of a Hearing Aid Dispenser**

- A.** A hearing aid dispenser licensed shall:
1. Upon licensure, notify the Department in writing of the address where the hearing aid dispenser practices the fitting and dispensing of hearing aids;
  2. Conspicuously post the license received in the hearing aid dispenser's office or place of business;
  3. Except as specified in subsections (A)(4) or (A)(5), conduct audiometric tests before selecting a hearing aid for a client that provides detailed information about the client's hearing loss, including:
    - a. Type, degree, and configuration of hearing loss;

- b. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and
    - c. The client's most comfortable and uncomfortable loudness levels in decibels;
  - 4. Have the option to conduct audiometric testing required in subsection (A)(3) before selling a client a hearing aid if the client provides to the dispenser the information required in subsection (A)(3) from a licensed professional and the information was:
    - a. Obtained within the previous 12 months for an adult, or
    - b. Within the previous six months for an individual under the age of 18;
  - 5. Have the option to conduct audiometric testing required in subsection (A)(3) if the tests cannot be performed on the client due to:
    - a. The client's young age, or
    - b. A physical or mental disability;
  - 6. Evaluate the performance characteristics of the hearing aid as it functions on the client's ear for the purpose of assessing the degree of audibility provided by the device and benefit to the client;
  - 7. Provide a bill of sale to a client according to A.R.S. § 36-1909(A) that contains:
    - a. Information required in A.R.S. § 36-1909;
    - b. A complete description of:
      - i. Warranty information, and
      - ii. The conditions of any offer of a trial period with a money back guarantee or partial refund; and
    - c. The client's signature and date of signature; and
  - 8. Not:
    - a. Practice without a license according to A.R.S. § 36-1907,
    - b. Commit unlawful acts according to A.R.S. § 36-1936, or
    - c. Commit actions described in A.R.S. § 36-1934(A).
- B.** The trial period described in subsection (A)(7)(b)(ii) shall not include any time that the hearing aid is in the possession of the hearing aid dispenser or the manufacturer of the hearing aid.

**R9-16-312. Continuing Education**

- A. Continuing education shall:
  - 1. Directly relate to the practice of fitting and dispensing hearing aids;
  - 2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids; and
  - 3. Consist of courses that include advances within the last five years in:

- a. ~~Procedures in the selection and fitting of hearing aids,~~
- b. ~~Pre and post fitting management of clients,~~
- c. ~~Instrument circuitry and acoustic performance data,~~
- d. ~~Ear mold design and modification contributing to improved client performance,~~
- e. ~~Audiometric equipment or testing techniques that demonstrate an improved ability to identify and evaluate hearing loss,~~
- f. ~~Auditory rehabilitation,~~
- g. ~~Ethics,~~
- h. ~~Federal and state statutes or rules, or~~
- i. ~~Assistive listening devices.~~

**B.** ~~A continuing education course developed, endorsed, or sponsored by one of the following meets the requirements in subsection (A):~~

- 1. ~~Hearing Healthcare Providers of Arizona,~~
- 2. ~~Arizona Speech Language Hearing Association,~~
- 3. ~~American Speech Language Hearing Association,~~
- 4. ~~International Hearing Society,~~
- 5. ~~International Institute for Hearing Instrument Studies,~~
- 6. ~~American Auditory Society,~~
- 7. ~~American Academy of Audiology,~~
- 8. ~~Academy of Doctors of Audiology,~~
- 9. ~~Arizona Society of Otolaryngology Head and Neck Surgery,~~
- 10. ~~American Academy of Otolaryngology Head and Neck Surgery, or~~
- 11. ~~An organization determined by the Department to be consistent with an organization in subsection (B)(1) through (10).~~

**C.** ~~A hearing aid dispenser shall comply with the continuing education requirements in A.R.S. § 36-1904.~~

**R9-16-312. Equipment and Records**

**A.** A licensee shall maintain an audiometer and other hearing devices according to the manufacturer's specifications.

**B.** If a licensee uses equipment that requires calibration, the licensee shall ensure that:

- 1. The equipment is calibrated at least every 12 months and according to the American National Standard Institution/Acoustical Society incorporated by reference and on file with the Department, with no future additions or amendments, and available from the American National Standards Institution at <http://webstore.ansi.org>; and

2. A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.

**C.** A licensee shall maintain a record according to A.R.S. § 32-3211 for each client with the following documents for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of fitting and dispensing hearing aids:

1. The name, address, and telephone number of the individual to whom services are provided;

2. A written statement from a licensed physician that the client has medical clearance to use hearing aids or a medical waiver signed by the client who is 18 years of age or older;

3. For each audiometric test conducted for the client, the:

a. Audiometric test results by date and procedure used in evaluating hearing disorders or determining the need for dispensing a product or service,

b. Name of the individual who performed the audiometric tests, and

c. Signature of the individual who performed the audiometric tests;

4. A copy of the bill of sale required in R9-16-311(A)(7);

5. Documented verification of the effectiveness of the hearing aid required in R9-16-311(A)(6); and

6. The contracts, agreements, warranties, trial periods, or other documents involving the client.

**R9-16-313. Responsibilities of a Hearing Aid Dispenser**

~~A. A hearing aid dispenser licensed according to subsections R9-16-306 or R9-16-307 shall:~~

~~1. Upon licensure, notify the Department in writing of the address where the hearing aid dispenser practices the fitting and dispensing of hearing aids;~~

~~2. Conspicuously post the license received according to subsections R9-16-306 or R9-16-307 in the hearing aid dispenser's office or place of business;~~

~~3. Except as specified in subsections (A)(4) or (A)(5), conduct audiometric tests before selecting a hearing aid for a client that provides detailed information about the client's hearing loss, including:~~

~~a. Type, degree, and configuration of hearing loss;~~

~~b. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and~~

~~e. The client's most comfortable and uncomfortable loudness levels in decibels;~~

4. ~~Have the option to conduct audiometric testing required in subsection (A)(3) before selling a client a hearing aid if the client provides to the dispenser the information required in subsection (A)(3) from a licensed professional and the information was:~~
    - a. ~~Obtained within the previous 12 months for an adult, or~~
    - b. ~~Within the previous six months for an individual under the age of 18;~~
  5. ~~Have the option to conduct audiometric testing required in subsection (A)(3) if the tests cannot be performed on the client due to:~~
    - a. ~~The client's young age, or~~
    - b. ~~A physical or mental disability;~~
  6. ~~Maintain documentation for three years from the date of receipt of the information, that supports the exclusion of specific audiometric tests according to subsections (A)(4) and (A)(5);~~
  7. ~~Evaluate the performance characteristics of the hearing aid as it functions on the client's ear for the purpose of assessing the degree of audibility provided by the device and benefit to the client;~~
  8. ~~Provide a bill of sale to a client according to A.R.S. § 36-1909(A) that contains:~~
    - a. ~~Information required in A.R.S. § 36-1909;~~
    - b. ~~A complete description of:~~
      - i. ~~Warranty information, and~~
      - ii. ~~The conditions of any offer of a trial period with a money back guarantee or partial refund; and~~
    - c. ~~The client's signature and date of signature; and~~
  9. ~~Not:~~
    - a. ~~Practice without a license according to A.R.S. § 36-1907,~~
    - b. ~~Commit unlawful acts according to A.R.S. § 36-1936, or~~
    - c. ~~Commit actions described in A.R.S. § 36-1934(A).~~
- B. ~~The trial period described in subsection (A)(8)(b)(ii) shall not include any time that the hearing aid is in the possession of the hearing aid dispenser or the manufacturer of the hearing aid.~~

**R9-16-313. Enforcement**

**A. The Department may, as applicable:**

1. Deny, revoke, or suspend a license under A.R.S. § 36-1934,
2. Request an injunction under A.R.S. § 36-1937, or
3. Assess a civil money penalty under A.R.S. § 36-1939.

**B.** In determining which disciplinary action specified in subsection (A), the Department shall consider:

1. The type of violation,
2. The severity of the violation,
3. The danger to the public health and safety,
4. The number of violations,
5. The number of clients affected by the violations,
6. The degree of harm to the consumer,
7. A pattern of noncompliance, and
8. Any mitigating or aggravating circumstances.

**C.** A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.

**R9-16-314. Equipment and Records**

**A.** ~~A licensee shall maintain an audiometer that performs the audiometric tests as described in R9-16-313 according to the manufacturer's specifications.~~

**B.** If a licensee uses equipment that requires calibration, the licensee shall ensure that:

1. ~~The equipment is calibrated at least every 12 months and according to the American National Standard—Specifications for Audiometers, S3.6-2010, Standards Secretariat, c/o Acoustical Society of America, 1305 Walt Whitman Road, Suite 300, Melville, New York, 11747-4300, November 2, 2010, incorporated by reference and on file with the Department and the Office of the Secretary of State, with no future additions or amendments; and~~
2. ~~A written record of the calibration is maintained in the same location as the calibrated equipment for at least 36 months after the date of the calibration.~~

**C.** ~~A licensee shall maintain a record according to A.R.S. § 32-3211 for each client with the following documents for at least 36 months after the date the licensee provided a service or dispensed a product while engaged in the practice of fitting and dispensing hearing aids:~~

1. ~~The name, address, and telephone number of the individual to whom services are provided;~~
2. ~~A written statement from a licensed physician that the client has medical clearance to use hearing aids or a medical waiver signed by the client who is 18 years of age or older;~~
3. ~~For each audiometric test conducted for the client, the:~~
  - a. ~~Audiometric test results by date and procedure used in evaluating hearing disorders or determining the need for dispensing a product or service,~~



- b. ~~Name of the individual who performed the audiometric tests, and~~
- e. ~~Signature of the individual who performed the audiometric tests;~~
- 4. ~~A copy of the bill of sale required in R9-16-313(A)(8);~~
- 5. ~~Documented verification of the effectiveness of the hearing aid required in R9-16-313 (A)(7); and~~
- 6. ~~The contracts, agreements, warranties, trial periods, or other documents involving the client.~~

**R9-16-314. Time-frames**

**A.** For each type of license issued by the Department under this Article, Table 6.1 specifies the overall time-frame described in A.R.S. § 41-1072(2).

- 1. An applicant or licensee and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame.
- 2. The extension of the substantive review time-frame and overall time-frame may not exceed 25% of the overall time-frame.

**B.** For each type of license issued by the Department under this Article, Table 6.1 specifies the administrative completeness review time-frame described in A.R.S. § 41-1072(1).

- 1. The administrative completeness review time-frame begins on the date the Department receives an application required in this Article.
- 2. Except as provided in subsection (B)(3), the Department shall provide written notice of administrative completeness or a notice of deficiencies to an applicant within the administrative completeness review time-frame.
  - a. If an application and required documentation is not complete, the notice of deficiencies shall list each deficiency and the information or documentation needed to complete the application.
  - b. A notice of deficiencies suspends the administrative completeness review time-frame and the overall time-frame from the date of the notice until the date the Department receives the missing information or documentation.
  - c. If the applicant does not submit to the Department all the information or documentation listed in the notice of deficiencies within 30 calendar days after the date of the notice of deficiencies, the Department shall consider the application withdrawn.
- 3. If the Department issues a license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.

- C.** For each type of license issued by the Department under this Article, Table 6.1 specifies the substantive review time-frame described in A.R.S. § 41-1072(3), which begins on the date the Department sends a written notice of administrative completeness.
1. Within the substantive review time-frame, the Department shall provide written notice to the applicant that the Department approved or denied the application.
  2. During the substantive review time-frame:
    - a. The Department may make one comprehensive written request for additional information or documentation; and
    - b. If the Department and the applicant agree in writing, the Department may make supplemental requests for additional information or documentation.
  3. A comprehensive written request or a supplemental request for additional information or documentation suspends the substantive review time-frame and the overall time-frame from the date of the request until the date the Department receives all the information or documentation requested.
  4. If the applicant does not submit to the Department all the information or documentation listed in a comprehensive written request or supplemental request for additional information or documentation within 30 calendar days after the date of the request, the Department shall deny the license.
- D.** An applicant who is denied a license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

**Table 3.1** Time-frames (in calendar days)

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-frame</u>	<u>Administrative Completeness Review Time-frame</u>	<u>Time to Respond to Notice of Deficiency</u>	<u>Substantive Review Time-frame</u>	<u>Time to Respond to Comprehensive Written Request</u>
<u>Initial Application for a Hearing Aid Dispenser</u>	<u>A.R.S. §§ 36-1904, 36-1923</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>Initial Application for a Business Organization</u>	<u>A.R.S. § 36-1910</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>
<u>License Renewal</u>	<u>A.R.S. § 36-1910</u>	<u>60</u>	<u>30</u>	<u>30</u>	<u>30</u>	<u>30</u>

**R9-16-315. Disciplinary Actions**

- A. ~~The Department may, as applicable:~~
- ~~1. Take an action under A.R.S. § 36-1934,~~
  - ~~2. Request an injunction under A.R.S. § 36-1937, or~~
  - ~~3. Assess a civil money penalty under A.R.S. § 36-1939.~~
- B. ~~In determining which disciplinary action specified in subsection (A) is appropriate, the Department shall consider:~~
- ~~1. The type of violation,~~
  - ~~2. The severity of the violation,~~
  - ~~3. The danger to the public health and safety,~~
  - ~~4. The number of violations,~~
  - ~~5. The number of clients affected by the violations,~~
  - ~~6. The degree of harm to the consumer,~~
  - ~~7. A pattern of noncompliance, and~~
  - ~~8. Any mitigating or aggravating circumstances.~~
- C. ~~A licensee may appeal a disciplinary action taken by the Department according to A.R.S. Title 41, Chapter 6, Article 10.~~
- D. ~~The Department shall notify a licensee's employer within five days after the Department initiates a disciplinary action against a licensee.~~

**R9-16-315. Change Affecting a License or a Licensee; Request for Duplicate License**

- A. A hearing aid dispenser licensee or temporary hearing aid dispenser licensee shall submit a written notice to the Department in writing within 30 calendar days after the effective date of a change in:
1. The licensee's home address or e-mail address, including the new home address or e-mail address;
  2. The licensee's name, including a copy of one of the following with the licensee's new name:
    - a. Marriage certificate,
    - b. Divorce decree, or
    - c. Other legal document establishing the licensee's new name; or
  3. The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.

**B.** A licensee may obtain a duplicate license by submitting to the Department a request for a duplicate license in a Department-provided format that includes:

1. The licensee's name and address,
2. The licensee's license number and expiration date,
3. The licensee's signature and date of signature, and
4. A duplicate license fee specified in R9-16-316.

**C.** A business hearing aid dispenser licensee shall submit a written notice to the Department within 30 calendar days after the licensee:

1. Has a change in the information provided in R9-16-307(A)(1)(b).
2. Closes a location specified in R9-16-307(A)(1)(b) and (c), including the location address.
3. Begins operating at new location, not specified in R9-16-307(A)(1)(c), including the new location address.

**R9-16-316. Time frames**

~~A. The overall time frame described in A.R.S. § 41-1072 for each type of license or approval granted by the Department is specified in Table 3.1. The Department and an applicant may agree in writing to extend the substantive review time frame and the overall time frame. The substantive review time frame and the overall time frame may not be extended by more than 25 percent of the overall time frame.~~

~~B. The administrative completeness review time frame described in A.R.S. § 41-1072 for each type of license or approval granted by the Department is specified in Table 3.1.~~

1. ~~The administrative completeness review time frame begins:~~
  - a. ~~For an applicant submitting an application for approval to take the Department-designated written hearing aid dispenser examination, when the Department receives the application required in R9-16-304(A);~~
  - b. ~~For an applicant submitting an application for initial hearing aid dispenser license by examination, when the Department receives the application required in R9-16-306;~~
  - c. ~~For an applicant submitting an application for initial hearing aid dispenser license by reciprocity, when the Department receives the application required in R9-16-307;~~
  - d. ~~For a business organization submitting an application for an initial hearing aid dispenser license to a business organization, when the Department receives the application required in R9-16-308;~~

- e. For an applicant submitting an application for a temporary license, when the Department receives the application required in R9-16-309;
  - f. For a licensed hearing aid dispenser applying to renew a hearing aid dispenser license, when the Department receives the application required in R9-16-311;
  - g. For a business organization applying to renew a business organization hearing aid dispenser license, when the Department receives the application required in R9-16-311; and
  - h. For a temporary hearing aid dispenser applying to renew a temporary license, when the Department receives the application required in R9-16-311.
2. If an application is incomplete, the Department shall provide a notice of deficiencies to the applicant or licensee describing the missing documents or incomplete information. The administrative completeness review time frame and the overall time frame are suspended from the date of the notice until the date the Department receives the documentation or information listed in the notice of deficiencies. An applicant or licensee shall submit to the Department the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1 for responding to a notice of deficiencies.
  3. If the applicant or licensee submits the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall provide a written notice of administrative completeness to the applicant or licensee.
  4. If the applicant or licensee does not submit the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall consider the application withdrawn.
  5. When an application is complete, the Department shall provide a notice of administrative completeness to the applicant or licensee.
  6. If the Department issues a license or notice of approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time frame described in A.R.S. § 41-1072 is specified in Table 3.1 and begins on the date of the notice of administrative completeness.
1. If an application complies with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall issue a notice of approval to an applicant or a licensee to an applicant or licensee.

2. ~~If an application does not comply with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall make one comprehensive written request for additional information, unless the applicant or licensee has agreed in writing to allow the Department to submit supplemental requests for information. The substantive review time frame and the overall time frame are suspended from the date that the Department sends a comprehensive written request for additional or a supplemental request for information until the date that the Department receives all of the information requested.~~
3. ~~An applicant or licensee shall submit to the Department all of the information requested in a comprehensive written request for additional information or a supplemental request for information within the time specified in Table 3.1.~~
4. ~~If the applicant or licensee does not submit the additional information within the time specified in Table 3.1 or the additional information submitted by the applicant or licensee does not demonstrate compliance with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall provide to the applicant or licensee a written notice of denial that complies with A.R.S. § 41-1092.03(A).~~
5. ~~If the applicant or licensee submits the additional information within the time specified in Table 3.1 and the additional information submitted by the applicant or licensee demonstrates compliance with this Article and A.R.S. Title 36, Chapter 17, Articles 1 through 4, the Department shall issue a license to an applicant or licensee or a notice of approval to an applicant.~~

**R9-16-316. Fees**

- A.** An applicant shall submit to the Department the following fee for:
  1. A nonrefundable initial application, \$100;
  2. An initial license for a regular or business hearing aid dispenser, \$200;
  3. A renewal application for temporary hearing aid dispenser license, \$100.
  4. A regular or business hearing aid dispenser licensee for a renewal license, \$200.
- B.** If a renewal application is submitted within 30 calendar days after the license expiration date, a licensee shall submit with the renewal application a \$25 late fee.
- C.** The fee for a duplicate license is \$25.
- D.** An applicant, who is not a business organization, for initial licensure is not required to submit the applicable fee in subsection (A) if the applicant, as part of the applicable application in R9-16-303 or R9-16-306, submits an attestation that the applicant meets the criteria for waiver of licensing fees in A.R.S. § 41-1080.01.

**Table 3.1. Time frames (in calendar days)**

<b>Type of Approval</b>	<b>Statutory Authority</b>	<b>Overall Time-frame</b>	<b>Administrative Completeness Review Time-frame</b>	<b>Time to Respond to Notice of Deficiency</b>	<b>Substantive Review Time-frame</b>	<b>Time to Respond to Comprehensive Written Request</b>
Approval to take the Department-designated Written Hearing Aid Dispenser Examination	A.R.S. §§ 36-1923, 36-1924	60	30	60	30	30
Initial License by Examination	A.R.S. §§ 36-1904, 36-1923	60	30	30	30	15
Initial License by Reciprocity	A.R.S. § 36-1922	60	30	30	30	15
Initial License to a Business Organization	A.R.S. § 36-1910	60	30	30	30	15
Temporary License	A.R.S. § 36-1926	60	30	30	30	15
Renewal of a Hearing Aid Dispenser License	A.R.S. § 36-1904	60	30	30	30	15
Renewal of a Business Organization License	A.R.S. § 36-1910	60	30	30	30	15
Renewal of a Temporary License	A.R.S. § 36-1926	60	30	30	30	15

**R9-16-317. ~~Change Affecting a License or a Licensee; Request for Duplicate License~~**

A. A licensee shall submit a written notice to the Department in writing within 30 calendar days after the effective date of a change in:

1. ~~The licensee's home address or e-mail address, including the new home address or e-mail address;~~
  2. ~~The licensee's name, including a copy of one of the following with the licensee's new name:~~
    - a. ~~Marriage certificate,~~
    - b. ~~Divorce decree, or~~
    - c. ~~Other legal document establishing the licensee's new name; or~~
  3. ~~The place or places where the licensee engages in the practice of hearing aid dispensing, including the address or addresses of the place or places where the licensee engages in the practice of hearing aid dispensing.~~
- B. A licensee may obtain a duplicate license by submitting to the Department a request for a duplicate license in a format provided by the Department that includes:
1. ~~The licensee's name and address,~~
  2. ~~The licensee's license number and expiration date,~~
  3. ~~The licensee's signature and date of signature, and~~
  4. ~~A \$25 duplicate license fee.~~