

North Carolina State Hearing Aid Dealers and Fitters Board
Frequently Asked Questions: Updated 7.20.2011

**NORTH CAROLINA HEARING AID DEALERS AND
FITTERS BOARD**
FREQUENTLY ASKED QUESTIONS

The Board's posted responses to these frequently asked questions should not be considered to be "law." Chapter 93D of the North Carolina General Statutes and Title 21, Chapter 22 of the North Carolina Administrative Code contain the laws regulating the fitting and selling of hearing aids in North Carolina, and should be reviewed when clarification is sought. The information in the Frequently Asked Questions below is provided by the Board as a guide because many similar questions have been asked. You should always consult with legal counsel of your choice if you do not understand the licensing laws or have questions about how a law or rule would apply to your particular circumstances. The Board office is unable to provide legal advice to individual licensees.

It is the Board's policy that inquiries to the Board office be submitted in writing by e-mail (info@nchalb.org) or by mail (P.O. Box 97833, Raleigh, NC 27624-7833).

For a printable PDF version of the Frequently Asked Questions, please click here: [FAQ.PDF](#)

FAQ UPDATED: 7.20.2011

LICENSING QUESTIONS

Dear Board,

Just to clarify - I have my Au.D. so I am exempt from your licensure requirements? If so do I need to provide documentation of my doctoral degree?

ANSWER:

If you have an active license from the NC Board of Examiners for Speech and Language Pathologists and Audiologists and you also have a doctoral degree in Audiology, you are exempt from the licensure requirements of North Carolina General Statute 93-D.

The Board does not register or track the credentials of individuals who are not licensed by this Board.

If you have been licensed by this Board and wish to voluntarily relinquish your license under 93-D, please send a letter to the Board explaining such.

Individuals who are exempt but currently hold a license may elect to continue to hold their license as a hearing aid specialist under 93-D if they so desire.

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SUBMITTING APPLICATIONS TO THE BOARD

Question: My license renewal application was postmarked March 29th but the postal service didn't deliver it until April 1st. It usually only takes one day to get mail to Raleigh from my location. Can you count the application as on-time and renew my license anyway?

Question: The business I work for is sending in the renewal fee separately. I submitted all my paperwork the first week of March and received a "Notice of Deficiency" on March 8th. It is now March 27th and the business is finally sending payment, do I have to resubmit my application because it is more than 10 business days since receiving the *Notice of Deficiency*?

Answer: Submit your application only when you are sure you have all documentation and fees necessary to meet the standard of a "duly made application." The deadline for payment of license renewal fees is established by North Carolina General Statute 93D-11, as "prior to the first day of April each year." The Board has established a new internal policy to handle any application received which is not a "duly made application." This includes your license renewal application. Please read and understand this policy BEFORE submitting your application to avoid having your application *DENIED FOR INSUFFICIENCY*.

21 NCAC 22 Section .0300 DEFINITIONS

21 NCAC 22A .0309 DULY MADE APPLICATION

"Duly made application" shall mean that the completed application form, including all required documents, photographs, and fees, and any supplemental information requested by the Board pursuant to 21 NCAC 22F .0104(a), is physically received in the office of the Board.

History Note: Authority G.S. 93D3(c);

Eff. May 1, 1988;

Amended Eff. February 1, 1996.

INTERNAL POLICY 2.5 Processing Incomplete Applications

Whenever any application is received in the Board office which is not a "duly made application" as defined in 21 NCAC 22A .0309, the Board office will notify the applicant of the deficiency by electronic mail, read receipt requested, or by certified mail, return receipt requested, and provide the applicant ten (10) business days from receipt of such notice within which to correct any deficiencies and provide a "duly made application" to the Board office. If a "duly made application" is not received within the ten (10) business days provided, the application will be denied for insufficiency.

History Note: Adopted 02/02/2011 Board Minutes

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How does this apply to license renewals specifically?

- The application is not a “duly made application” if required information is left blank on the application for license renewal.
- The application is not a “duly made application” if additional documents, including audiometer calibration certificates, or verification of continuing education hours, are not received with the application.
- The application is not a “duly made application” if proper payment is not submitted.
- The application is not a “duly made application” regardless of the postmark or method of delivery, until all required information and fees are physically in the Board office.
- ***If you have an outstanding deficiency that has not been corrected, you do not have a “duly made application.”***
- ***Any “duly made application” for license renewal received after March 31, 2011 will be subject to a \$25.00 late fee before the license renewal is processed, regardless of when you receive a Notice of Deficiency. It is your responsibility to be sure your application is complete when it is submitted. Due to the high volume of applications received near the deadline, it may not be possible to notify you of the deficiency until after the renewal deadline. Notice received after the deadline does not exempt you from the late fee.***
- ***A supplement to your original application will only be accepted if it is within ten (10) business days of when the Board office notified you of the deficiency.***
- ***Your application will be “DENIED FOR INSUFFICIENCY” if you fail to correct deficiencies within ten (10) business days of notification. You will then need to submit a completely new application, including payment of fee.***

EXAMPLE 1: If you submit a license renewal application, and a \$250.00 check without the calibration certificate, your application is not a “duly made application.” The Board office will notify you by email or certified mail of the deficiency. You will then have ten (10) business days to supplement the original application. If you wait 12 days to send in the calibration certificate, it will not be accepted to supplement the original application. The original application will be marked “denied for insufficiency” by the Board office. You will be required to submit a new “duly made application” – send in a new original application, the audiometer calibration certificate, proof of continuing education, and the proper application fee (a new \$250 payment) – at which time the Board will then consider your application for license renewal.

EXAMPLE 2: If you receive notification on March 25, 2011 that a deficiency needs to be corrected, technically you would have until April 8, 2011 to supplement your application (ten business days). If you correct the deficiency by March 31st, there will be no late fee. If you correct the deficiency between April 1st and April 8th, a \$25.00 late fee will need to be part of your submission. If you attempt to correct the deficiency after April 8th, a new application, new \$250 application fee, new documents, and the late fee are required to process your application.

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CONTINUING EDUCATION

QUESTION:

I want to use Audiology Online to complete my CEU requirements this year. How do I submit this information to the Board without having it “denied for insufficiency” by the Board office?

ANSWER:

Many licensees do not take time to understand the Continuing Education Policy and how to report their continuing education hours, and therefore submit them incorrectly. For this reason, the Board office has added a link to an example of a properly completed Report of Program Attendance for online self-study coursework. If you will print this PDF document and use it as your guide, you will probably avoid the common mistakes of others.

Use this link: <http://www.nchalb.org/education/FAQ.SampleReport.CEU.SelfStudy.pdf>

Self-study hours are reported on a specific Report of Program Attendance:

<http://www.nchalb.org/education/ce/R11-0110.pdf>

This form is available on the website, listed as the [Self-Study Report of Attendance](#) in the Continuing Education section. You may also want to read the [Continuing Education Policy](#) to better understand the reporting of credits.

Remember that the Board requires an original Report of Program Attendance for ANY continuing education event attended. You can always take a generic form with you to an event, but often the Program Provider will have a pre-printed form for you to have signed while attending the sessions. You should contact the program provider if you need an original signed form to submit for license renewal. Each Report requires a \$15.00 reporting fee be submitted with it. The Board will accept Reports for any courses taken between April 1, 2010 and March 31, 2011, even if it is more than 45 days old. You have until April 1, 2011 to submit verification of Continuing Education. This allows you to complete a course on March 31, 2011 and overnight mail the Report to the Board office. Any continuing education reports received after April 1, 2011 shall be marked “late” and the \$25.00 late fee for license renewal will apply before a renewal card will be sent to the licensee, as long as the hours reported were completed by March 31, 2011.

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LICENSE RENEWAL

QUESTION 1:

I recently became unemployed and wondered what form I submit now since I have no place of employment or audiometer calibration form, but want to keep my license current.

ANSWER:

In accordance with 21 NCAC 22I .0113, service after sale is a consumer's right. Please furnish at least one business address within the State of North Carolina where service and fulfillment of guarantees can be obtained by consumers to whom you have sold hearing aids. If this is no longer your principle place of business, please include in a letter to the Board, the name of the business and/or licensee who will provide service and fulfillment of guarantees. On your renewal application you may note "NONE—see attached letter of explanation" for business name/address. You will need to provide a current mailing address as well.

For audiometer calibration certificate requirements, 21 NCAC 22I .0108(c) allows the Board to waive (for up to three years) the requirement to provide proof of audiometer calibration IF you provide an Affidavit attesting that you are not engaged in or being compensated for any activity requiring a North Carolina license to fit and sell hearing aids. Please note that when granted this waiver, the individual shall not engage in or be compensated for any activity requiring a North Carolina license to fit and sell hearing aids until the individual has furnished the Board with proof of audiometer calibration occurring within the preceding 12 consecutive months.

An affidavit is a written sworn statement, given under oath and notarized by a Notary Public, that states you will not engage in or be compensated for any activity requiring a North Carolina license to fit and sell hearing aids. You should also write that you understand that pursuant to 21 NCAC 22I .0108, you shall not engage in or be compensated for any activity requiring a North Carolina license to fit and sell hearing aids until you have furnished the Board with proof of audiometer calibration occurring within the preceding 12 consecutive months.

QUESTION 2:

What happens if I mail my renewal application and it is post marked by March 31, 2011 but arrives in the Board office after March 31, 2011?

ANSWER: Rules define a "duly-made application" as one that is physically received in the office of the Board by the due date. Any application received after March 31, 2011 will be subject to a late fee regardless of the postmark on the envelope. You may want to submit your application by certified mail or overnight delivery. If you are requesting a return receipt (signature card) to confirm delivery, it is best to use the physical address instead of the P.O. Box. That address is: 4030 Wake Forest Road, Suite 209, Raleigh, NC 27609

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MALPRACTICE INSURANCE

QUESTION:

Is there a statutory requirement in Chapter 93D that licensees carry malpractice insurance?

ANSWER:

No, there is no statutory requirement that Chapter 93D licensees maintain malpractice insurance. The decision as to whether to carry malpractice insurance is an individual decision for each licensee that should be made after consultation with the licensee's lawyer, accountant, and other professional advisers.

OUT OF STATE CONSULTANT

QUESTION

Can an out-of-state consultant or factory expert who is attending the workshop or event of a licensee of the North Carolina Hearing Aid Dealers and Fitters Board assist the licensee with making earmold impressions?

ANSWER:

No, an out-of-state consultant or factory expert who is not licensed under Chapter 93D of the North Carolina General Statutes (N.C.G.S.) and is attending a workshop or event sponsored by a licensee of the North Carolina Hearing Aid Dealers and Fitters Board cannot assist the licensee with making an earmold impression, nor can the out-of-state consultant or factory expert do anything else to fit or sell a hearing aid to a consumer in North Carolina. N.C.G.S. §93D-1(2) states: "Fitting and selling hearing aids' shall mean the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by other means and the consequent selection or adaptation or sale or rental of hearing aids intended to compensate for hearing loss *including the making of an impression of the ear.*" [Emphasis added.] N.C.G.S. §93D-2 states that "it is illegal for any person to fit or sell hearing aids unless he has first obtained a license from the North Carolina State Hearing Aid Dealers and Fitters Board or is an apprentice working under the supervision of a board licensee." Any person who violates these provisions shall be guilty of a Class 2 misdemeanor. N.C.G.S. §93D-15.