

## TITLE 21 - OCCUPATIONAL LICENSING BOARDS AND COMMISSIONS

### CHAPTER 22 - HEARING AID DEALERS AND FITTERS BOARD

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Hearing Aid Dealers and Fitters Board intends to amend the rules cited as 21 NCAC 22A .0401; and 22F .0302.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <http://nchalb.org/>

**Proposed Effective Date:** *March 1, 2022*

**Instructions on How to Demand a Public Hearing:** *(Must be requested in writing within 15 days of notice). Any person/party requesting a public hearing can direct the request to the Board Administrator, Caitlin Schwab-Falzone at [info@nchalb.org](mailto:info@nchalb.org) or by calling (919) 834-3661. Any public hearing requested will be scheduled on or after 11/16/2021.*

**Reason for Proposed Action:** *The North Carolina Hearing Aid Dealers and Fitters Board has observed that registered sponsors who are the teachers of the new generation of Hearing Aid Dealers and Fitters obtain their registered sponsor status within weeks of becoming fully licensed themselves. Although, individuals that are fully licensed are considered to be competent to work as Hearing Aid Dealers and Fitters, many do not have the desired hands-on experience and knowledge that would be beneficial to new apprentices that are working to obtain their full licensure as Hearing Aid Dealers and Fitters in North Carolina. The Board would like to see 2 years of experience as a fully licensed Hearing Aid Dealer and Fitter before individual licensees become registered sponsors.*

*Further, the Board has seen an uptake in the number of apprentices that an individual registered sponsor will take on. The Board has had as many as 6 apprentices registered to 1 sponsor. The registered sponsor has to provide 27 hours of personal and/or general supervision per week for each apprentice under their supervision. The Board does not think a single registered sponsor can adequately supervise more than 2 apprentices at any given time. The change in the rules relating to the registered sponsors and apprentices are necessary to keep the public safe in North Carolina.*

**Comments may be submitted to:** *Caitlin Schwab-Falzone, 701 Exposition Place, Suite 206, Raleigh, NC 27615; email [info@nchalb.org](mailto:info@nchalb.org)*

**Comment period ends:** *January 3, 2022*

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

### SUBCHAPTER 22A - BOARD RULES

#### SECTION .0400 – DEFINITIONS

##### 21 NCAC 22A .0401 DEFINITIONS AND INTERPRETATIONS

(a) The rules of statutory construction concerning number and gender as contained in G.S. 12-3(1) shall be applied in the construction of these Rules.

(b) The definitions contained in the Food and Drug Administration Standards concerning Hearing Aid Devices, Title 21 of the Code of Federal Regulations Part 801.420, as published in the 42nd Volume of the Federal Register (February 15, 1977) page 9294 are incorporated herein by reference, not including subsequent amendments or editions of the referenced materials, with the following additions and amendments:

- (1) "Reconditioned" shall mean that the condition of the hearing aid is the same as a used hearing aid.
- (2) "Audiologist" shall mean any individual holding a valid non-temporary license as an audiologist issued by the North Carolina Board of Examiners for Speech and Language Pathologists and Audiologists.

(c) The definitions cited in this Section shall serve as interpretations for terms appearing in Chapter 93D of the General Statutes of North Carolina and in these Rules.

- (1) "Advertising" means a written or oral communication that is published, disseminated, circulated, or placed before the public for the purpose of attracting public attention to a product, business, or service.
- (2) "Apprentice" means an individual who holds a valid Board-issued apprentice registration certificate to fit and sell hearing aids under the supervision of a Registered Sponsor.
- (3) "Audiometer" means an electronic device used for air conduction testing, bone conduction testing and obtaining speech audiometry results that contains a masking circuit, at least one VU meter, and capability of sound field output.
- (4) "Direct supervision" means the Registered Sponsor shall be present in the office suite and immediately available to furnish assistance and direction to the Apprentice. It does not mean that the Registered Sponsor must be present in the room with the Apprentice when the Apprentice is fitting and selling hearing aids or completing associated contracts or other paperwork.
- (5) "Duly made application" means a completed application received in the office of the Board, including all required documents, photographs, fees, and supplemental information requested in the application.
- (6) "General supervision" means the Apprentice is under the Registered Sponsor's overall direction and control, but the Registered Sponsor's presence is not required when the Apprentice is fitting and selling hearing aids or completing associated contracts or other paperwork. Under general supervision, the training of the Apprentice, including instruction, consultation and on-site inspection and evaluation of the Apprentice's work, and the maintenance of the necessary equipment and supplies are the continuing responsibility of the Registered Sponsor.
- (7) "One full year of apprenticeship" means that an apprentice satisfies each of the following requirements within 24 consecutive months from the date of issuance of the initial apprentice registration certificate:
  - (A) works under the supervision of a Registered Sponsor for a minimum of 27 clock hours per week for a period of 50 weeks; and
  - (B) holds a valid apprentice registration certificate for a period of 365 calendar days.
- (8) "Personal supervision" means the Apprentice is under the Registered Sponsor's specific direction and control for training and instruction, and the Registered ~~Sponsor~~ ~~Sponsor, or a North Carolina licensed Hearing Aid Specialist approved by the Registered Sponsor,~~ shall be in attendance in the room with the Apprentice during:
  - (A) the evaluation or measurement of the powers or range of human hearing by means of an audiometer or by other means;
  - (B) the consequent selection or adaptation or sale or rental of hearing aids intended to compensate for hearing loss;
  - (C) the making of an impression of the ear; and
  - (D) the completion of any associated contracts and other paperwork.
- (9) "Registered Applicant" means any individual, including an apprentice, approved and registered to sit for the next scheduled licensing exam.
- (10) "Registered Sponsor" means a person with a permanent license as an audiologist under Article 22 of Chapter 90 of the General Statutes who has held a permanent license for a minimum of two years prior to becoming a registered sponsor, who does not have more than one apprentice under general supervision and one apprentice under personal supervision at any time, and who is registered in accordance with G.S. 93D-3(c)(16), or a licensee of the Board who has been approved as a sponsor of an apprentice.

*History Note: Authority G.S. 93D-3(c); 93D-9; 150B-14;  
Eff. September 1, 2013;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

## **SUBCHAPTER 22F - LICENSING PROVISIONS**

### **SECTION .0300 – APPRENTICESHIPS**

#### **21 NCAC 22F .0302 SPONSOR'S DUTIES**

- (a) The registered sponsor shall assist the apprentice in submitting all required applications and reports of the apprenticeship experience and shall act as a liaison between the Board and the apprentice.
- (b) In accepting an apprentice, the registered sponsor shall be responsible for the conduct of the apprentice in his or her performance of his or her duties as an apprentice. The Board shall issue an initial Registered Sponsor Certificate that requires the registered sponsor to perform all the duties within the scope of the role of registered sponsor outlined in this Subchapter. The Certificate will be issued electronically and held by the Board only.
- (c) The registered sponsor shall provide an apprentice personal supervision until receiving an Official Notice of Examination Results as in Rule .0107 of this Subchapter confirming that the apprentice ~~successfully~~ passed Part A, Part B, and Part C of the licensing exam, and then the registered sponsor shall provide an apprentice general supervision for the remainder of the apprenticeship. A registered sponsor providing general supervision may incorporate direct or personal supervision at the discretion of the registered sponsor. General, direct, and personal supervision are ~~specifically~~ defined in 21 NCAC 22A .0401.
- (d) The registered sponsor shall provide apprentice training and supervision in the following areas:
  - (1) anatomy, physiology, and pathology of the auditory mechanism;
  - (2) measurement techniques and test interpretation for assessment of hearing impairment and hearing handicap;
  - (3) hearing aid technology including instrument circuitry and acoustic performance data;

- (4) design, selection, and modification of ear mold or shell coupling systems;
  - (5) hearing aid selection procedures and fitting, verification, and adjustment techniques;
  - (6) post-delivery care including hearing aid orientation and counseling techniques and hearing aid servicing;
  - (7) ethical conduct as set forth in 21 NCAC 22J and regulatory issues concerning the fitting and selling of hearing aids;  
and
  - (8) all areas within the scope of practice as defined in G.S. 93D-1.1.
- (e) A registered sponsor may only supervise one apprentice under personal supervision and one apprentice under general supervision at any given time. Failure by a registered sponsor to properly train or supervise an apprentice shall be grounds for disciplinary action and revocation of the Registered Sponsor Certificate after proper notice and hearing as set forth in Subchapter 22L. If the Sponsorship Certificate is revoked by the Board, the licensee shall be no longer eligible to act as a registered sponsor until or unless the Board reinstates the Sponsorship Certificate.

*History Note: Authority G.S. 93D-1.1; 93D-3(c); 93D-9; 93D-13;  
Eff. April 1, 2014;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest  
Eff. September 6, 2016.*