

Amplifying Awareness

Board Updates for
Hearing Aid
Specialists



Introduction of Speakers

Debra Ogilvie, Au.D.

- Vice-Chairman, Board for Hearing Aid Specialists & Opticians

Kelley Smith, J.D.

- Executive Director, Board for Hearing Aid Specialists & Opticians

Bruce Wagner, M. Ed.

- Board Member, Board for Hearing Aid Specialists & Opticians

Speaker Disclosures

Debra Ogilvie, Au.D.

- Partner and employee of Richmond Hearing Doctors
- Holds active hearing aid dispensing license in Virginia and is Vice-Chair of the Board of Hearing Aid Specialists & Opticians
- Is NOT compensated by the Board of Hearing Aid Specialists & Opticians for serving on the board or for this presentation
- Is NOT compensated by SHAV for this presentation

Speaker Disclosures

Kelley Smith, J.D.

- Paid employee of Virginia Department of Professional and Occupational Regulation (DPOR) as the Executive Director of the Board of Hearing Aid Specialists & Opticians
- Is NOT financially compensated by SHAV for this presentation

Speaker Disclosures

Bruce Wagner, M. Ed.

- President and employee of Wagner Hearing Aid Centers
- Holds active hearing aid dispensing license in Virginia and is Board Member on Board of Hearing Aid Specialists & Opticians
- Is NOT compensated by the Board of Hearing Aid Specialists & Opticians for serving on the board or for this presentation
- Is NOT compensated by SHAV for this presentation

Objectives

1. Understand the particulars of the rules governing Hearing Aid Specialists & changes that have occurred over the years.
2. Understand the purpose of the Board for Hearing Aid Specialists.
3. Understand how to get involved with the Board and/or how to contact the Board when needed.

Governing Law and Regulations

- ❖ Virginia Law: Code of Virginia, 1950, as amended, in Title 54.1
 - <https://law.lis.virginia.gov/vacode/title54.1/chapter15/>
- ❖ Virginia Law: Code of Virginia: Administrative Code: Title 18. Professional And Occupational Licensing » Agency 80. Board For Hearing Aid Specialists And Opticians » Chapter 20. Hearing Aid Specialists Regulations
 - <https://law.lis.virginia.gov/admincode/title18/agency80/chapter20/>

Agenda

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| The Board | In Business | Updates |





Definitions

Definitions

Hearing Aid Specialist (Regulations)

A person who engages in the practice of fitting or dealing in hearing aids or who advertises or displays a sign or represents himself as a person who practices the fitting or dealing in hearing aids.

Definitions

Practice of fitting or dealing in hearing aids (Code of Virginia)

- The measurement of human hearing by means of an audiometer or by any other means solely for the purpose of making selections, adaptations, or sale of hearing aids;
- The sale of prescription hearing aids;
- The making of impressions for earmolds for prescription hearing aids;
- A practitioner, at the request of a physician or a member of a related profession, may make audiograms for the professional's use in consultation with the hard-of-hearing.

Definitions

Hearing aid (Code of Virginia)

Any wearable instrument or device designed or offered to aid or compensate for impaired human hearing and any parts, attachments, or accessories, including earmolds, but excluding batteries and cords.

Over-the-counter hearing aid (Code of Virginia)

An air-conduction hearing aid that does not require implantation or other surgical intervention and is intended for use by a person age 18 or older to compensate for perceived mild to moderate hearing impairment.

Prescription hearing aid (Code of Virginia)

A hearing aid that is not an over-the-counter hearing aid.



Temporary Permits

Temporary Permit Regulations

- ◆ Purpose - Obtain the training and experience needed to become a licensed Hearing Instrument Specialist;
- ◆ Issued for 12 months with one 6 month extension possible;
- ◆ Extensions possible for: injuries, family death, obligatory military service or other approved reason by Board;
- ◆ At least 18 years old;
- ◆ Completed high school or equivalent;
- ◆ Not found guilty of any crime related to fitting or dealing in hearing aids; except for misdemeanor marijuana convictions and misdemeanor convictions that occurred five or more years prior to the date of application, with no subsequent convictions, all criminal convictions are considered as part of the totality of circumstances;
- ◆ In good standing if licensed in other states;
- ◆ Application and fee.

Temporary Permit Holder Sponsor Regulations

- ◆ Must be licensed Hearing Aid Specialist in Virginia;
- ◆ Assumes responsibility for temporary permit holder's performance during training and experience;
- ◆ Will provide on-site direct supervision until temporary permit holder adequately trained;
- ◆ Will provide documentation of hours of direct supervision, if needed;
- ◆ Will provide training on subjects needed relating to hearing aid fitting and the sale of hearing aids, accessories, and services;
- ◆ Will return the temporary permit to the Board should the training program be discontinued.



Licensure

Licensing Requirements

- ◆ 18+ years old;
- ◆ Completed high school or equivalent;
- ◆ Training and experience in fitting and sale of hearing aids, accessories, and services;
- ◆ Verification of training & experience
 - Statement signed by sponsor; or
 - A certified copy of a transcript of courses;
- ◆ Not found guilty of crime related to fitting of hearing aids except for misdemeanor marijuana convictions and misdemeanor convictions occurring five+ years prior to the date of application;
- ◆ In good standing if licensed in other states;
- ◆ Application and fee.

Hearing Aid Specialist Licensure by Reciprocity

- ◆ Currently licensed in good standing in another state;
- ◆ Provide requirements needed to obtain current license;
- ◆ Application with fee;
- ◆ Complete necessary sections of examination, such as the written laws and regulations exam.

Hearing Aid Specialist Exemptions

(Virginia Code)

- ◆ Licensed Physicians certified by the American Board of Otolaryngology are not required to pass an examination prior to obtaining a Hearing Aid Specialist License;
- ◆ Any business can sell prescription hearing aids at retail without a license as long as only licensed professionals are employed for the direct sale and fitting of these aids;
- ◆ No one is prohibited from measuring hearing for the purpose of selecting hearing aids even if person does not sell hearing aids or works in organization that sells hearing aids;
- ◆ Licensed Audiologists in Virginia with a Doctorate Degree in Audiology do not need to pass an examination to obtain a license.

Fees

◆ Application Fee	\$125
◆ Temporary Permit Fee	\$125
◆ Renewal	\$125
◆ Reinstatement	\$125

Examinations

- ◆ Two part examination, both must be passed:
 - Part 1 - Written;
 - Part 2 - Practical;
- ◆ If either part failed, retake only those sections failed;
- ◆ If all sections not passed within 2 years from initial test date, must reapply as a new applicant and repeat all sections;
- ◆ If any section not passed within 3 successive scheduled exams, temporary permit expires after 3rd attempt.

License Renewal

Expires December 31 of each even-numbered year

30-day grace period before having to apply for reinstatement

Reinstatement

- ◆ Reinstatement applies if:
 - Failed to meet requirements for renewal;
 - Failed to submit renewal fee on time;
- ◆ Must meet same standards of entry;
- ◆ Must pay reinstatement fee;
- ◆ When license is 2+ years out of date:
 - Must apply as new applicant;
 - Must meet requirements current at the time of reapplication.



Business Practices

Standards of Practice

- ◆ Visibly display license;
- ◆ Provide to purchaser:
 - Contact information;
 - Where services will be provided;
 - Statement of no primary office in Virginia, if appropriate;
- ◆ State not a medical doctor;
- ◆ Documentation:
 - Purchase Agreement;
 - Repair/Service Receipt;
 - Medical clearance/medical waiver.

Purchase Agreement

- ◆ Required for hearing aid sale;
- ◆ Include business address and phone number, license number and signature;
- ◆ Appropriately state if "New," "Used," or "Reconditioned" & warranty, if any;
- ◆ Include brand name, model, serial number;
- ◆ List full purchase price w/payment terms, if appropriate;
- ◆ Include nonrefundable fees;
- ◆ Explain return policy (30 days minimum):
 - Must be in 10-point boldface type, bolder than the remainder of the purchase agreement;
- ◆ Disclose that licensee is not a physician, if appropriate.

Repair/Service Receipt

- ◆ At time of repair or service, with signature of licensee or designee;
- ◆ Include business address & phone number;
- ◆ Include license number;
- ◆ Include make, model, serial number of the repair;
- ◆ Include terms of transaction.

Medical Clearance / Medical Waiver

- ◆ Adults purchasers (all children must have medical evaluation);
- ◆ Licensee must recommend purchaser obtain a signed, written statement by a licensed physician stating that the purchaser's hearing loss has been medically evaluated within the previous six months and may be a candidate for a hearing aid;
- ◆ Purchaser may choose to decline recommendation and sign medical waiver:
 - If part of purchase agreement, must be in a separate section with a separate signature;
 - Licensee must not actively encourage purchaser to waive medical evaluation.

Testing

- ◆ Testing within SIX (6) months prior to hearing aid fitting:

Air Conduction:

- 500 Hz, 1000 Hz, 2000 Hz, 4000 Hz, 6000 Hz, 8000 Hz;
- Interoctave frequency testing if exceeds 15dB between 2 frequencies;
- Appropriate masking;

Bone Conduction:

- 500 Hz, 1000 Hz, 2000 Hz, 4000 Hz;
- Appropriate masking;

Speech Testing:

- ◆ Appropriate post-fitting testing.

Improper Conduct

- ◆ Obtaining or attempting to obtain license under false representation;
- ◆ Making any sale by fraud or misrepresentation;
- ◆ Employing someone to fit hearing aids without proper licensing;
- ◆ Using any misleading, deceptive or untruthful advertising;
- ◆ 'Bait-and-switch' advertising;
- ◆ Representing that a medical doctor or audiologist will be used in the process of fitting the hearing aids when that is not true;
- ◆ Offering anything of value to influence 3rd parties.

Discipline

Grounds for discipline

- Improper conduct;
- Failure to include proper documentation on contract;
- Incompetence or negligence in fitting or selling of hearing aids;
- Failure to provide appropriate and required training to temporary permit holder under the licensee's sponsorship;
- Having been found guilty of any crime directly related to the fitting and dealing in hearing aid sales.

Types of discipline

- Fines;
- Suspend or revoke license;
- Place licensee on probation;
- Refuse to renew any license or deny any application.

The Board



Board for Hearing Instrument Specialists

- ◆ Appointed by Governor;
- ◆ 4-year terms;
- ◆ 15 members;
- ◆ 4 licensed hearing aid specialists:
 - At least 1 licensed Audiologist;
- ◆ 6 licensed opticians;
- ◆ 1 otolaryngologist;
- ◆ 1 ophthalmologist;
- ◆ 3 citizen members:
 - 1 shall be hearing aid user or have family as hearing aid user.

Board for Hearing Aid Specialists

- ◆ Establish qualifications to ensure competence/integrity in profession/occupation;
- ◆ Examine applicants on these qualifications;
- ◆ License qualified applicants;
- ◆ Apply & collect fees from licensees to cover all expenses;
- ◆ Continue distributing regulations to assure competency, prevent deceptive practice, and effectively administer the regulatory board;
- ◆ Ensure inspections of licensees are conducted to be sure practitioner is competent and lawful;
- ◆ Provide probation, suspension, revocation or failure to renew of license for just causes;
- ◆ Receive complaints regarding any licensee;
- ◆ Provide informal fact-finding conferences;
- ◆ Provide Code of Ethics for licensees to follow.



Updates

Upcoming Updates and Changes

- ◆ Any Amendments to Chapter 15 of Title 54.1
 - 54.1-205 - Universal License Recognition
- ◆ Revisions to Administrative Code Provisions
 - Amendment to Expand Training Options for Applicants
 - General Review of Hearing Aid Specialists Regulations
- ◆ Implications to Hearing Instrument Specialists

How to Get Involved

- ◆ Make public comment
- ◆ Attend Board meetings and public hearings
- ◆ Join an ad hoc advisory committee
- ◆ Petition for rulemaking
- ◆ Become a Board Member
 - www.commonwealth.virginia.gov/va-government/boards-and-commissions/
- ◆ File a complaint
 - www.dpor.virginia.gov/Report-Licensee

Q & A Session

Contact Us

Debra Ogilvie - dogilvie@richmondhearingdoctors.com

Kelley Smith - kelley.smith@dpor.virginia.gov

Bruce Wagner - wagway@yahoo.com

Board office: hasopt@dpor.virginia.gov; 804-367-8590

Thanks

