

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 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, adaptation, 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 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-1.1; 93D-3(c); 93D-9; 93D-13;
Eff. September 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September
6, 2016;
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