

CHAPTER 22 - HEARING AID DEALERS AND FITTERS BOARD

SUBCHAPTER 22A - BOARD RULES

SECTION .0100 - ORGANIZATIONAL RULES

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History Note: Authority G.S. 93D-3; 150B-10; 150B-11;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.

SECTION .0200 - THE BOARD

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History Note: Authority G.S. 93D-3;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.

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History Note: Authority G.S. 93D-3(b);
Eff. April 23, 1976;
Amended Eff. February 1, 1996; May 1, 1988;
Repealed Eff. March 1, 2013.

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History Note: Authority G.S. 93D-3;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.

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History Note: Authority G.S. 93D-3(c); 150B-14;
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Repealed Eff. September 1, 2013.

21 NCAC 22A .0302	BOARD
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History Note: Authority G.S. 93D-1;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.

21 NCAC 22A .0303 LICENSE

History Note: Authority G.S. 93D-3(c); 93D-5;
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Repealed Eff. September 1, 2013.

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History Note: Authority G.S. 93D-1; 93D-3;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.

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History Note: Authority G.S. 93D-3(c); 93D-9;
Eff. May 1, 1988;
Amended Eff. February 1, 1996;
Repealed Eff. September 1, 2013.

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;
Amended Eff. March 1, 2022.

21 NCAC 22A .0402 ABBREVIATIONS

The following abbreviations shall apply throughout this Chapter:

- (1) IHS - International Hearing Society.
- (2) ILE - International Licensing Examination for Hearing Healthcare Professionals.

History Note: Authority G.S. 93D-3;
Eff. March 1, 2018.

21 NCAC 22A .0403 FORMS

(a) F1 Form – Apprentice Registration Application. An individual who seeks licensure from the Board and who is required to complete one full year of apprenticeship shall submit a F1 form when submitting an apprentice registration electronic application for a new apprenticeship or to renew or replace an apprenticeship certificate. It requires the following:

- (1) the sponsor last name;
- (2) the reason for application by applicant;
- (3) the sponsor license number and first and last name;
- (4) the applicant first and last name, email address, and name to be printed on certificate;
- (5) the apprentice business location, including business name, address, city, state zip code, county, and phone number;
- (6) the apprentice mailing address;
- (7) the education information including high school/GED school name, city, county, state, and year completed;

- (8) acknowledgement of audiometer calibration certificate;
- (9) acknowledgement of passport photo requirement;
- (10) answering questions regarding the plan of supervision;
- (11) acknowledgement of F1 Affidavit;
- (12) acknowledgement of background check;
- (13) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit and dispense hearing aids that was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit and dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit and dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? Include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);
 - (I) to your knowledge, has a complaint ever been filed against you (or a company owned by you) with a hearing aid related board or organization, the Federal Trade Commission, or any consumer protection agency;
 - (J) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability);
 - (K) will you be working under the supervision of a Registered Sponsor for less than 27 hours per week; and
- (14) selection of payment options.

(b) F4 Form – Application for License and Exam Registration. An apprentice or out of state applicant shall submit a F4 form when submitting an application for licensure and exam registration. It requires the following:

- (1) the email address, first, and last name of applicant;
- (2) the reason for application by applicant;
- (3) the name as applicant wishes to have it printed on license;
- (4) selection of exam part, exam period, and exam time preference;
- (5) acknowledgement of exam reminders;
- (6) acknowledgement of additional required documents;
- (7) selection of payment options;
- (8) the education information including high school/GED school name, city, county, state, and year completed;
- (9) acknowledgement of background check;
- (10) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit and dispense hearing aids that was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit and dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit and dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);
 - (I) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability);
 - (J) will you be engaged in fitting and selling hearing aids for less than 27 clock hours per week;

- (11) the business address information of applicant; and
 - (12) attestation of duly made application.
- (c) F7 Form – Verification of License. An out of state or military spouse applicant shall submit a F7 verification of license form when submitting an application for licensure and exam registration. It requires the following:
- (1) authorization from the applicant for a state board, other than N.C., having control of any documents, records and other information pertaining to the applicant to furnish to the Board information, including documents, records regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent information;
 - (2) license verification by providing: the applicant first and last name, the board and State, the licensure status, the license number, the issue and expiration date of license;
 - (3) education verification if applicant has an audiology degree on file;
 - (4) discipline information by answering the following yes or no questions:
 - (A) has the applicant ever been the subject of complaints or charges received by your board;
 - (B) has the applicant ever been warned, censured or disciplined in any manner by your board;
 - (C) has any application by the above applicant for initial licensure or reinstatement ever been denied; and
 - (5) board seal, signature and title of person filling out information, and date.
- (d) F10 Form - Application for License and Exam Registration for Military-Trained applicant or Military Spouse applicant. An applicant for apprentice registration shall submit a F10 form when submitting an application for licensure and exam registration. It requires the following:
- (1) indication of whether the applicant is new or returning;
 - (2) the applicant first and last name, and email address;
 - (3) the applicant business location, including business name, address, city, state zip code, county, and phone number;
 - (4) the applicant mailing address;
 - (5) the reason for application;
 - (6) selection of exam part, exam period, and exam time preference;
 - (7) selection of option to mail or electronically submit required documentation;
 - (8) the education information including high school/GED school name, city, county, state, and year completed;
 - (9) the military program of training (if applying as military-trained applicant);
 - (10) the experience in fitting and selling hearing aids;
 - (11) acknowledgement of background check; and
 - (12) answering the following yes or no questions:
 - (A) are you now or have you ever been apprenticed or licensed to fit and dispense hearing aids in any other state;
 - (B) have you ever made an application for apprenticeship or for a license to fit and dispense hearing aids that was denied;
 - (C) have you ever taken and failed to pass an examination for issuance of a license to fit and dispense hearing aids in any other state;
 - (D) has your apprenticeship or license to fit and dispense hearing aids in any other state ever been revoked or suspended;
 - (E) have you ever been convicted of or forfeited bond in connection with a criminal offense (i.e. misdemeanor or a felony)? Include DUIs and DWIs;
 - (F) have you ever been treated for alcoholism or narcotic abuse;
 - (G) have you ever filed for bankruptcy;
 - (H) have you ever been named as a party in a civil action (legal proceeding);
 - (I) to your knowledge, has a complaint ever been filed against you (or a company owned by you) with a hearing aid related board or organization, the Federal Trade Commission, or any consumer protection agency;
 - (J) to your knowledge, is there anything that would impair your ability to perform the functions for which you are licensed (such as a physical or mental disability); and
 - (K) will you be working under the supervision of a registered sponsor for less than 27 hours per week?

History Note: Authority G.S. 93B-8.1; 93B-15.1; 93D-3; 93D-5; 93D-6; 93D-8; 93D-9; 93D-11; 93D-13;

Eff. March 1, 2018.

21 NCAC 22A .0404 AFFIDAVITS

(a) F1 Apprentice Registration Affidavit. An individual who seeks licensure from the Board and who is required to complete one full year of apprenticeship shall submit an F1 affidavit when submitting an apprentice registration electronic application. It requires the following:

- (1) the date of electronic application;
- (2) the sponsor first and last name, license number or registered sponsor certificate number;
- (3) the apprentice applicant first and last name, social security number, and date of birth of applicant;
- (4) attestation by the applicant and sponsor of the following: I hereby affirm that I have completed the Apprentice Registration Application ("Application"); that I have read and understand the complete Application; and that I declare under penalty of perjury, that all of the information, documents, and materials submitted in response thereto are true, correct, and complete. I understand that falsification or misrepresentation of any item or response in this duly-made application (see 21 NCAC 22A) shall constitute a sufficient basis for the Board to deny the Application, revoke my license or initiate and pursue any other disciplinary action including revoking my license after issuance. I attest that I have read and understand the rules promulgated by the NC State Hearing Aid Dealers and Fitters Board, codified as Title 21, Chapter 22 of the North Carolina Administrative Code and North Carolina General Statute Chapter 93D, and I agree to abide by the same;
- (5) applicant's and sponsor's signatures; and
- (6) notarization.

(b) F4 Application for License and Exam Registration Affidavit. An apprentice or out of state applicant shall submit an F4 affidavit when submitting an application for licensure and exam registration. It requires the following:

- (1) the date of electronic application;
- (2) the first and last name, social security number, and date of birth of applicant;
- (3) attestation by the applicant of the following: I hereby affirm that I have completed the Application for License/Exam Registration ("Application"); that I have read and understand the complete Application; and that I declare under penalty of perjury, that all of the information, documents, and materials submitted in response thereto are true, correct, and complete. I understand that falsification or misrepresentation of any item or response in this duly-made application (as defined in 21 NCAC 22A) shall constitute a sufficient basis for the Board to deny the Application, revoke my license or initiate and pursue any other disciplinary action including revoking my license after issuance. I attest that I have read and understand the rules promulgated by the NC State Hearing Aid Dealers and Fitters Board, codified as Title 21, Chapter 22 of the North Carolina Administrative Code and North Carolina General Statute Chapter 93D, and I agree to abide by the same;
- (4) applicant's signature; and
- (5) notarization.

(b) F6 Waiver of Apprenticeship Requirement Affidavit. An out of state applicant or military spouse applicant shall submit an F6 affidavit when submitting an application for licensure and exam registration. It requires the following:

- (1) the date of electronic application;
- (2) the first and last name of applicant;
- (3) attestation by the authorized board representative of the following: I hereby affirm that I am an authorized representative of the Board shown below; that I have reviewed the Board's official records regarding the above-named applicant; that applicant is currently licensed and has been continuously licensed in the state or jurisdiction of (insert jurisdiction) for the past three consecutive years immediately preceding this affidavit; and that a Verification of Licensure form (F7-VOL) has been completed to supplement this affidavit.; and
- (4) the date when giving attestation, first and last name of authorized board representative, title of representative, name of board, and board seal.

History Note: Authority G.S. 93B-14; 93B-15.1; 93D-3; 93D-5; 93D-8; 93D-9; 93D-13; Eff. March 1, 2018.

SECTION .0500 – FEES AND APPLICATIONS

21 NCAC 22A .0501 FEE SCHEDULE

The Board hereby establishes the following fees:

(1)	Application for registration as an apprentice	\$100.00
(2)	Renewal of apprentice registration	\$150.00
(3)	Application for registration of a Registered Sponsor not otherwise licensed by the Board	\$150.00
(4)	Application for a license fee	\$425.00
(5)	Examination fee	\$75.00
(6)	Issuance of certificate of license after successfully passing examination	\$ 25.00
(7)	To reissue a suspended license more than 90 days after but not more than two years after license suspended	\$200.00
(8)	Annual license renewal	\$250.00
(a)	Late fee: 60 days or fewer after license expiration (in addition to renewal fee)	\$ 25.00
(b)	Late fee: more than 60 days after license expiration (in addition to renewal fee)	\$ 50.00
(9)	Approval of a continuing education program provider	\$ 40.00
(10)	Verifying and recording attendance at a continuing education program (per program, per person)	\$ 15.00
(11)	A continuing education make-up class provided by the Board (per person, per day)	\$ 50.00
(12)	A voluntary apprentice training workshop (per person, per day)	\$ 50.00
(13)	A license examination preparation course provided by the Board (per person, per day)	\$ 50.00
(14)	Processing fee for a check on which payment has been refused by the payor bank because of insufficient funds or because the drawer did not have an account at that bank	\$ 25.00

History Note: Authority G.S. 12-3.1; 25-3-506; 93D-3; 93D-5; 93D-8; 93D-9; 93D-11; 93D-13; Temporary Adoption Eff. July 11, 1991, For a Period of 180 Days to Expire on January 7, 1992; Eff. January 1, 1992; Amended Eff. March 1, 2009; March 1, 2007; Recodified from 21 NCAC 22B .0603 Eff. May 1, 2013; Amended Eff. September 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016; Amended Eff. May 22, 2018.

21 NCAC 22A .0502 REFUNDS

Application fees shall not be refunded for any reason.

History Note: Authority G.S. 93D-3(c); Eff. April 23, 1976; Amended Eff. May 1, 1988; Recodified from 21 NCAC 22F .0110 Eff. May 1, 2013; Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

21 NCAC 22A .0503 SUBMISSION OF APPLICATIONS AND FEES

(a) Each applicant for a license shall submit an electronic application for licensure and exam registration located on the Board's website, www.nchalb.org, each time the applicant applies to take any portion of the exam. The application shall be considered a duly made application upon submission and receipt of the following:

- (1) for an out of state applicant: F4 form, F4 affidavit, audiometer calibration, passport style photograph, background check, F6 affidavit, F7 form, ILE score transfer letter from IHS (if applicable), and necessary fees.

- (2) for an apprentice: F4 form, F4 affidavit, audiometer calibration, passport style photograph, background check, and necessary fees.
- (3) for a military trained applicant: F10 form, F4 affidavit, audiometer calibration, passport style photograph, background check, proof of military training, ILE score transfer letter from IHS (if applicable), and necessary fees.
- (4) for a military spouse applicant: F10 form, F4 affidavit, audiometer calibration, passport style photograph, background check, F6 affidavit, F7 form, ILE score transfer letter from IHS (if applicable), and necessary fees.

(b) The Board shall accept a digital image of a signed affidavit or other document required as part of an application as the original when submitted electronically in conjunction with the electronic application.

(c) If an applicant submits an incomplete application, the Board office shall notify the applicant of the documents or any material otherwise needed in order for the application to be considered a duly made application. The application shall be classified as "abandoned by the applicant" if a duly made application is not submitted to and received by the Board office by the exam registration deadline. The Board shall not apply any fee paid or document submitted for the abandoned application to any other application. It is the responsibility of the applicant and the sponsor, if any, to ensure that all supplemental documents requested in the application are submitted by the exam registration deadline. This Rule shall not extend an application deadline set forth in any other rule of this Chapter.

(d) The exam registration deadline shall be 45 days prior to the examination date. An applicant may be denied admission to an exam if an application is submitted after the registration deadline, based on proximity to examination date, availability of space in the examination, and the applicant or the applicant's sponsor's past history of compliance with the Board's rules. An applicant denied admission to an examination due to late registration shall be registered for the next scheduled examination, if otherwise eligible.

(e) Part D will be the ILE as administered by the IHS. For applicants registering to take Part D of the Board's licensing exam, the applicant will receive electronic notification from the IHS with further instructions on how to register for Part D of the exam, and instructions on how to pay the ILE examination fee. The ILE examination fee shall be paid directly to the IHS.

(f) An applicant shall submit a new application for license and exam registration and pay the fees set forth in 21 NCAC 22A .0501 each time the applicant registers for Parts A, B, C, and D of the licensing exam. However, the Board shall waive the application for license fee and the exam registration fee but not the ILE examination fee for any applicant that is only taking Part D.

(g) All applicants shall reapply for a license by examination within the time prescribed in Paragraph (d) of this Rule each time they take and fail to pass the licensing examination.

(h) The Board shall deny a late duly made application, except as set forth in Paragraph (d) of this Rule.

(i) In computing the time stated in the rules of this Chapter, the day of the act or event shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

*History Note: Authority G.S. 25-3-506; 93D-3(c); 93D-5; 93D-9;
Eff. April 23, 1976;
Amended Eff. August 1, 2012; February 1, 1996; January 1, 1992; May 1, 1988;
Recodified from 21 NCAC 22F .0103 Eff. May 1, 2013;
Amended Eff. December 1, 2014; September 1, 2013;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016;
Amended Eff. March 1, 2018.*