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June 16, 2025

Title 17. Professions, Occupations, and Businesses

Chapter XIV. Arkansas Board of Hearing Instrument Dispensers, Department of Health

Subchapter A. Generally

Part 80. Arkansas Board of Hearing Instrument Dispensers Rules

Subpart 1. Generally

The following is an addition to the description of what a person licensed as a hearing instrument dispenser may do within their scope of license.

17 CAR § 80-101. Description.

(a) The act establishing the Arkansas Board of Hearing Instrument Dispensers provides for examination and licensing of persons who **order the use of**, fit and dispense hearing instruments in the State of Arkansas.

(b) Information regarding this board may be obtained by accessing the board's website.

Arkansas Department of Health
4815 West Markham St. · Little Rock, AR 72205

HEALTHY.ARKANSAS.GOV

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025

A Bill

HOUSE BILL 1758

4
5 By: Representative Gramlich
6 By: Senator Hill

For An Act To Be Entitled

9 AN ACT TO AMEND THE LAW CONCERNING HEARING INSTRUMENT
10 DISPENSERS; TO AMEND THE DEFINITION OF "PRACTICE OF
11 DISPENSING HEARING INSTRUMENTS"; AND FOR OTHER
12 PURPOSES.

Subtitle

13
14
15
16 TO AMEND THE LAW CONCERNING HEARING
17 INSTRUMENT DISPENSERS; AND TO AMEND THE
18 DEFINITION OF "PRACTICE OF DISPENSING
19 HEARING INSTRUMENTS".

20
21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

22
23 SECTION 1. Arkansas Code § 17-84-101(8), concerning the definition of
24 "practice of dispensing hearing instruments" relating to hearing instrument
25 dispensers, is amended to read as follows:

26 (8) "Practice of dispensing hearing instruments" means conducting and
27 interpreting hearing tests for purposes of identifying the type and degree of
28 hearing loss and making proper recommendations based on those results,
29 ordering the use of and selecting suitable hearing instruments, making
30 earmolds or ear impressions, and providing appropriate counseling pertaining
31 to the selling, renting, leasing, pricing, delivery, and warranty of hearing
32 instruments;

33
34
35 **APPROVED: 4/16/25**
36





STATE OF ARKANSAS
SARAH HUCKABEE SANDERS
GOVERNOR

Request for Governor's Approval of Proposed Rule or Regulation

Department /Agency: Health

Short Title of Rule: Definition of "Practice of Dispensing Hearing Instr⁺

New Rule: Yes No

Amendment to Existing Rule: Yes No

State Mandate: Yes No

Federal Mandate: Yes No

If yes, please provide the legal citation of the mandate: 17-84-101

Legal Authority for Rule: 17-84-203 Powers and Duties

Proposed Effective Date: August 3, 2025

Emergency Rule: Yes No

Expedited Rule Requested: Yes No

Summary of Proposed New Rule or Proposed Amendment to Existing Rule:

The Act establishing the Arkansas Board of Hearing Instrument Dispensers provides for examination and licensing of persons who order the use of, fit and dispense hearing instruments in the State of Arkansas.

Financial Impact: Yes No Unknown; If yes or unknown, please explain:

Public Hearing Occurred on Rule: Yes No

Controversial: Yes No

If yes, please explain and provide detail of expected opposition.

Two Rules Repealed: Exception from the Governor:

First Rule Repealed:

Brief explanation of why repeal is appropriate: NA-this is not a new rule. This is an amendment to comply with Act 641 of 2025

Second Rule Repealed:

Brief explanation of why repeal is appropriate: NA-this is not a new rule. This is an amendment to comply with Act 641 of 2025.

Documents Required for Approval Process

Please note that the Governor's office will not begin the approval process if any of the following applicable documents are not enclosed with the approval request.

- BLR Questionnaire
- BLR Financial Impact Statement
- Proposed Rule - clean version
- Mark-Up of Rule, if amended from previous version
- Copy of Act or Regulation, if Rule is pursuant to State or Federal mandate

Contact Information

Department POC for Rules Process: Laura Shue, ADH General Counsel, 501-661-2297,

Laura.Shue@Arkansas.gov

Department POC for this Rule: Matt Gilmore, Public Health Programs Policy Coordinator,

501-661-2332, Matt.Gilmore@Arkansas.gov

NOTE: All documents must be returned to the Governor's Counsel as a single PDF file.

**QUESTIONNAIRE FOR FILING PROPOSED RULES WITH
THE ARKANSAS LEGISLATIVE COUNCIL**

DEPARTMENT Health
BOARD/COMMISSION Hearing Instrument Dispensers Board
BOARD/COMMISSION DIRECTOR Melissa Turner
CONTACT PERSON Melissa Turner
ADDRESS 4815 W Markham St. Slot 2 Little Rock AR 72205
PHONE NO. (501) 280-4521 **EMAIL** Melissa.Turner@Arkansas.gov
NAME OF PRESENTER(S) AT SUBCOMMITTEE MEETING
Matt Gilmore, Melissa Turner
PRESENTER EMAIL(S) Matt.Gilmore@Arkansas.gov Melissa.Turner@Arkansas.gov

INSTRUCTIONS

In order to file a proposed rule for legislative review and approval, please submit this Legislative Questionnaire and Financial Impact Statement, and attach (1) a summary of the rule, describing what the rule does, the rule changes being proposed, and the reason for those changes; (2) both a markup and clean copy of the rule; and (3) all documents required by the Questionnaire.

If the rule is being filed for permanent promulgation, please email these items to the attention of Rebecca Miller-Rice, miller-ricer@blr.arkansas.gov, for submission to the Administrative Rules Subcommittee.

If the rule is being filed for emergency promulgation, please email these items to the attention of Director Marty Garrity, garritym@blr.arkansas.gov, for submission to the Executive Subcommittee.

Please answer each question completely using layman terms.

- 1. What is the official title of this rule?
TO AMEND THE LAW CONCERNING HEARING 16 INSTRUMENT DISPENSERS; AND TO AMEND THE 17 DEFINITION
- 2. What is the subject of the proposed rule? Definition of Hearing Instrument Dispensers
- 3. Is this rule being filed under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, please attach the statement required by Ark. Code Ann. § 25-15-204(c)(1).

If yes, will this emergency rule be promulgated under the permanent provisions of the Arkansas Administrative Procedure Act? Yes No

4. Is this rule being filed for permanent promulgation? Yes No

If yes, was this rule previously reviewed and approved under the emergency provisions of the Arkansas Administrative Procedure Act? Yes No

If yes, what was the effective date of the emergency rule? _____

On what date does the emergency rule expire? _____

5. Is this rule required to comply with a *federal* statute, rule, or regulation? Yes No

If yes, please provide the federal statute, rule, and/or regulation citation.

6. Is this rule required to comply with a *state* statute or rule? Yes No

If yes, please provide the state statute and/or rule citation.

Arkansas Code § 17-84-101(8)

7. Are two (2) rules being repealed in accord with Executive Order 23-02? Yes No

If yes, please list the rules being repealed.

If no, please explain. N/A-This is not a new rule. This is an amendment to comply with Act 641 of 2025.

8. Is this a new rule? Yes No

Does this repeal an existing rule? Yes No

If yes, the proposed repeal should be designated by strikethrough. If it is being replaced with a new rule, please attach both the proposed rule to be repealed and the replacement rule.

Is this an amendment to an existing rule? Yes No

If yes, all changes should be indicated by strikethrough and underline. In addition, please be sure to label the markup copy clearly as the markup.

9. What is the state law that grants the agency its rulemaking authority for the proposed rule, outside of the Arkansas Administrative Procedure Act? Please provide the specific Arkansas Code citation(s), including subsection(s). The Arkansas Administrative Procedure Act 25-15-201 et seq. shall apply to the authority and procedures of the Arkansas Board of Hearing Instrument dispensers in exercising control over licensing under this chapter.

10. Is the proposed rule the result of any recent legislation by the Arkansas General Assembly?
Yes No

If yes, please provide the year of the act(s) and act number(s).

ACT 641 of 2025

11. What is the reason for this proposed rule? Why is it necessary?

To amend the definition of "practice of dispensing hearing instruments" to include the practice of ordering hearing instrument for the client. Previous law did not clearly state the dispenser had the authority of ordering a hearing instrument.

12. Please provide the web address by which the proposed rule can be accessed by the public as provided in Ark. Code Ann. § 25-19-108(b)(1).

<https://arkleg.state.ar.us/Home/FTPDocument?path=%2FACTS%2F2025R%2FPublic%2FACT641.pdf>

13. Will a public hearing be held on this proposed rule? Yes No

If yes, please complete the following:

Date: _____

Time: _____

Place: _____

Please be sure to advise Bureau Staff if this information changes for any reason.

14. On what date does the public comment period expire for the permanent promulgation of the rule? Please provide the specific date. _____ To be determined _____

15. What is the proposed effective date for this rule? ___To be determined _____

16. Please attach (1) a copy of the notice required under Ark. Code Ann. § 25-15-204(a)(1) and (2) proof of the publication of that notice.

17. Please attach proof of filing the rule with the Secretary of State, as required by Ark. Code Ann. § 25-15-204(e)(1)(A).

18. Please give the names of persons, groups, or organizations that you anticipate will comment on these rules. Please also provide their position (for or against), if known.

None

19. Is the rule expected to be controversial? Yes No

If yes, please explain.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Health

BOARD/COMMISSION Hearing Instrument Dispensers

PERSON COMPLETING THIS STATEMENT Melissa Turner

TELEPHONE NO. (501) 280-4521 **EMAIL** Melissa.Turner@Arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE AN ACT TO AMEND THE LAW CONCERNING HEARING INSTRUMENT DISPENSERS; TO AMEND T

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes No

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes No

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes No

If no, please explain:

(a) how the additional benefits of the more costly rule justify its additional cost;

(b) the reason for adoption of the more costly rule;

(c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

(d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:
 - (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total 0.00

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total 0.00

What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____
Total 0.00

Total 0.00

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

There is no estimated cost affecting any private individual, private entity, or private business subject.

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ 0.00

Next Fiscal Year

\$ 0.00

There is no estimated cost to the state, county or municipal government. This rule simply changes a definition.

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes No

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Proposed Rulemaking

Title

Promulgated by:
Arkansas Board of Hearing Instrument Dispensers

Title 17. Professions, Occupations, and Businesses

Chapter XIV. Arkansas Board of Hearing Instrument Dispensers, Department of Health

Subchapter A. Generally

Part 80. Arkansas Board of Hearing Instrument Dispensers Rules

Subpart 1. Generally

17 CAR § 80-101. Description.

(a) The act establishing the Arkansas Board of Hearing Instrument Dispensers provides for examination and licensing of persons who order the use of, fit and dispense hearing instruments in the State of Arkansas.

(b) Information regarding this board may be obtained by accessing the board's website.

17 CAR § 80-102. Meeting of the board.

(a)(1) The Arkansas Board of Hearing Instrument Dispensers shall meet at least twice a year at a time and place designated by the Chair of the Arkansas Board of Hearing Instrument Dispensers in his or her official call of such meetings.

(2) Provided, however, additional special meetings may be held if, in the discretion of the chair, such special meetings are necessary.

(b)(1) Regular meetings may be called by the chair giving ten (10) days' notice thereof.

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- (2) Such notice shall:
 - (A) Be in writing; and
 - (B) Set forth the time and place of such meeting.
 - (3) Special meetings of the board:
 - (A) May be called by the chair at any reasonable time; or
 - (B) Shall be called by the chair at any time upon the request of a majority of the members of the board.
- (c)(1) A majority of the voting members of the board shall constitute a quorum.
- (2) If a quorum is not present at the time of such called meeting, the meeting shall be adjourned to a day to be designated by the chair.

17 CAR § 80-103. Duties and powers of the board.

(a)(1) It shall be the duty of the Chair of the Arkansas Board of Hearing Instrument Dispensers to preside at all meetings of the Arkansas Board of Hearing Instrument Dispensers.

(2) The chair shall:

- (A) Exercise general supervision of the affairs of the board; and
- (B) Have the usual powers of such office and any other powers and duties as the board may direct.

(b)(1) It shall be the duty of the Vice Chair of the Arkansas Board of Hearing Instrument Dispensers to preside at any meeting at which the chair is unable to attend.

(2) The vice chair shall assume the duties of chair in case the chair becomes unable, for whatever reason, to handle the affairs of the board.

(3) If neither the chair nor vice chair is available, the Secretary-treasurer of the Arkansas Board of Hearing Instrument Dispensers shall preside and/or handle the affairs of the board.

(c)(1) It shall be the duty of the secretary-treasurer or, with board approval, the duty of the Executive Director of the Arkansas Board of Hearing Instrument Dispensers to keep all the minutes and records of the board.

(2) The secretary-treasurer or executive director shall:

- (A) Have custody of all fees received by the board, including:
 - (i) Application fees;
 - (ii) License fees;
 - (iii) Renewal fees;
 - (iv) Fines;
 - (v) Penalties; and
 - (vi) Other payments;
- (B) Be responsible for such funds; and
- (C) Make an annual report to the appropriate authorities regarding the disbursement of these funds.

(3) The secretary-treasurer or executive director shall, with the approval of the board, be responsible for the preparation of the annual budget of the board.

(4) The executive director is covered by the Self-Insured Fidelity Bond Program for Arkansas government and political subdivisions.

(d) Officers shall be elected annually at the first regular meeting held after June 30.

(e)(1) The fee schedule, as set by the board, is as follows:

- (A) Application fee, one hundred dollars (\$100);
- (B) Practical examination fees:
 - (i) Ear mold, twenty-five dollars (\$25.00);
 - (ii) Audiometric, twenty-five dollars (\$25.00); and
 - (iii) Law and rules, twenty-five dollars (\$25.00);
- (C) Reexamination fee, same as fee for portion repeated;
- (D) Internship fee, one hundred dollars (\$100);
- (E) Registration fee, fifty dollars (\$50.00);
- (F) Annual license fee, one hundred dollars (\$100);
- (G) Late payment penalty of ten percent (10%) of the annual license fee if paid within thirty (30) days after expiration;
- (H) License reinstatement fee of one and one-half (1 ½) times the annual license fee if the renewal is not paid within the thirty-day grace period;
- (I) Endorsement to another state, twenty dollars (\$20.00);

- (J) Replacement or duplicate license, twenty-five dollars (\$25.00);
- (K) Insufficient funds, twenty-five dollars (\$25.00); and
- (L) CEU approval, fifty dollars (\$50.00) per CE unit.

(2) The board shall waive the initial application fee if the applicant:

(A) Is receiving assistance through the:

- (i) Arkansas Medicaid Program;
- (ii) Supplemental Nutrition Assistance Program;
- (iii) Special Supplemental Nutrition Program for Women, Infants, and Children;
- (iv) Temporary Assistance for Needy Families Program; or
- (v) Lifeline Assistance Program;

(B) Was approved for unemployment within the last twelve (12) months;

or

(C) Has an income that does not exceed two hundred percent (200%) of the federal poverty income guidelines.

(f) The fee set out in subdivision (e)(1)(L) of this section shall be:

- (1) Paid by the entity or individual requesting the approval; and
- (2) Good for twelve (12) months from the date of notice from the board of approval or denial.

17 CAR § 80-104. Forms.

All forms and other printed material necessary for the administration of the Arkansas Board of Hearing Instrument Dispensers' duties shall be approved by a majority of the board.

17 CAR § 80-105. Application for license.

(a)(1) Applications for an Arkansas hearing instrument dispenser's license or internship must be made on forms provided by the Arkansas Board of Hearing Instrument Dispensers.

(2) Applications submitted on forms other than originals furnished by the board will not be accepted by the board.

(b)(1)(A) Application forms may be obtained by writing to the Executive Director of the Arkansas Board of Hearing Instrument Dispensers.

(B) The executive director's contact information may be obtained by accessing the board's website.

(2) A copy of the current statutory provisions and board rules governing the fitting and sale of hearing instruments will be provided with the application form.

(c)(1)(A) All application forms must be completed in full.

(B) Incomplete applications will be returned to the applicant and shall not be considered until all information is completed.

(2) All application forms must be accompanied by a check or money order in the amount, and covering the fees, specified on the face of the application.

(3) Appropriate fees shall be charged by the board to any applicant whose check is returned by the bank.

(d)(1) Completed applications for examination must be received by the board through the executive director no later than thirty (30) days prior to the examination.

(2) Completed applications received or completed less than thirty (30) days before the examination next scheduled will not be considered for that examination but will be considered for the following examination.

(e)(1) Any person furnishing false information on any application shall be denied the right to:

(A) Take the examination; or

(B) Participate in the internship program.

(2) If the applicant has been licensed before such false information is made known to the board, such license shall be subject to suspension or revocation.

(3) If a person has begun the internship program before such false information is made known to the board, the intern is subject to expulsion from the program.

17 CAR § 80-106. Internship program.

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(a) No person shall train or supervise an intern unless he or she has complied with the requirements of Arkansas Code § 17-84-304 or Arkansas Code § 17-4-107, if applicable.

(b) No licensed hearing instrument dispenser or audiologist qualified to act as a sponsor of an intern shall have more than one (1) intern in the training program under his or her supervision at any one (1) time.

(c) No intern sponsor shall knowingly allow or require any intern under his or her supervision to practice the dispensing of hearing instruments except under his or her direct, personal, and physical supervision, nor knowingly allow or require such intern to work out of any office other than his or her own.

(d)(1) Each sponsor must submit, in writing, to the Arkansas Board of Hearing Instrument Dispensers, at the time application is submitted, an outline of the training program he or she intends to use for each intern he or she sponsors.

(2) Such training program must be approved by the board prior to the issuance of any internship certificate.

(3) The board may prepare and distribute model training program outlines.

(e)(1) At the time the internship is completed and before the intern will be allowed to take the licensure examination, the sponsor must:

(A) Submit to the board a written report on a form furnished by the board; and

(B) Verify under oath that the intern has successfully completed the prescribed internship program.

(2) Each sponsor must notify the board in writing, within ten (10) days, by certified mail, of any intern who abandons his or her internship program before completion.

(f) An intern may change sponsors, for good cause shown, with the permission of the board.

(g) Any intern who abandons his or her internship program before completion must reapply and complete a new one-year internship program.

(h) Any person sponsoring an intern must agree to be accountable to the board in all matters concerning the internship.

17 CAR § 80-107. Examination.

(a)(1) The written portion of the licensing examination is a standardized examination administered by the International Hearing Society (IHS).

(2)(A) Upon approval for license by examination, the Arkansas Board of Hearing Instrument Dispensers will notify IHS of the applicant's eligibility to take or retake the written exam.

(B) IHS will then notify the applicant by email of his or her eligibility to schedule the written portion of the exam.

(C) Applicants should not contact IHS directly before being notified of approval to take the written exam, as eligibility and approval are determined by the board.

(3) IHS charges a fee for the exam, which the applicant will pay directly to IHS upon registration for the written examination.

(4) IHS will send examination scores to the board, and the board will send a pass or fail notification to the applicant by email and regular mail (applicants should maintain updated contact information with the board).

(5) The board may follow the pass or fail recommendations set out by IHS.

(b) Upon passing the written portion of the exam, the applicant is eligible to take the practical portions of the licensing exam, which shall:

(1) Consist of the subject matter contained in Arkansas Code § 17-84-305; and

(2) Be given at least one (1) time per year, following a regular board meeting.

(c) The practical portions of the examination will include testing of the applicant's knowledge of the provisions of Arkansas Code § 17-84-101 et seq., and this part, the Rules of the Board of Hearing Instrument Dispensers.

(d)(1) Once the board receives a written recommendation by the sponsor of a person participating in a valid internship program who has successfully completed his or

her first six (6) months of the internship program, that intern may take the written exam.

(2) Upon passing the written portion of the exam, that intern may take the practical portions of the licensing exam, which shall:

(A) Consist of the subject matter contained in Arkansas Code § 17-84-305; and

(B) Be given at least one (1) time per year, following a regular board meeting.

(3)(A) An attempt by an intern to pass the examination shall count against the three (3) allowed attempts to successfully pass the licensing examination as stated in Arkansas Code § 17-84-305(d).

(B) If an intern fails any part of the exam, the intern must complete the internship program before reexamination.

(4) An intern must work in the same physical location as the intern's sponsor.

(5) Every audiogram and purchase order performed by any intern must be approved, initialed, and dated by his or her sponsor.

(6) An intern who satisfactorily passes the licensing examination during his or her internship program may complete the internship program under the oversight of the sponsor without the sponsor's direct personal and physical supervision.

(e) An intern must repeat the internship application and program if the intern:

(1) Fails to pass any part of the examination within eighteen (18) months of the board's approval of the intern's initial internship; or

(2) Fails to pass the exam as a whole after three (3) attempts.

(f) An applicant for licensure who has not completed the internship program:

(1) Must reapply for licensure by examination if the applicant fails to pass any part of the examination within one (1) year of the board's approval of the applicant's initial application; and

(2) Shall be required, if applicable, to complete the internship program as described in Arkansas Code § 17-84-304.

17 CAR § 80-108. Annual license renewal — Inactive status.

(a)(1) The annual license fee and the information required by subsection (c) of this section shall be submitted by each license holder to the Executive Director of the Arkansas Board of Hearing Instrument Dispensers on or before the expiration date of his or her current license or renewal.

(2) All such licenses shall expire on June 30 each year unless otherwise specified by the Arkansas Board of Hearing Instrument Dispensers, and all licenses shall be renewed annually.

(3) Responsibility for the renewal of a license shall rest with the license holder, and if reminders of such renewal are sent by the executive director, it shall be as a courtesy only and shall not be deemed a responsibility of the board.

(b)(1) Renewal shall be judged delinquent if either the annual license fee or the renewal information is not postmarked before midnight of the date of expiration.

(2) A delinquent license may be renewed within thirty (30) days of the date of expiration by the:

(A) Payment of the annual license fee, plus a penalty of ten percent (10%) of the annual license fee; and

(B) Submission of the renewal information required by subsection (c) of this section.

(3)(A) If the renewal information and license fee, plus penalty, is not submitted within the thirty-day period following the date of expiration, the license shall be considered expired and no longer valid.

(B) Any license considered expired may be reinstated by the board upon:

(i) Payment of the required fee; and

(ii) Submission of the renewal information.

(4) If the annual license fee and/or the renewal information is delinquent by at least sixty (60) days, the licensee shall be reexamined prior to the renewal of the license.

(c) Each licensee applying for renewal of his or her license shall furnish to the board the following:

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(1)(A) Proof of attending, during the preceding year, a minimum of twelve (12) hours of board-approved continuing education in the methods and techniques of testing and fitting hearing instruments, including at least one (1) hour of ethics.

(B) All continuing education courses, including course content and presenter's qualifications, must be submitted to the board for preapproval before such courses are taken by the licensee.

(C) Failure to receive board approval of continuing education hours prior to the end of the license year shall be sufficient cause for nonrenewal of the license.

(D)(i) Up to four (4) continuing education hours may be earned via courses taken over the internet for any one (1) renewal period.

(ii) Each internet course must be fully completed prior to the end of the license year in which it is commenced.

(iii) Proof of passage must be supplied in writing at the time of renewal for the upcoming year.

(E)(i) The required one (1) hour of ethics cannot be earned through an internet course.

(ii) The ethics hour must include a discussion of the statutes and rules of the State of Arkansas pertaining to hearing instrument dispensers and shall be presented by an Arkansas-licensed audiologist or Arkansas-licensed hearing instrument dispenser;

(2) Written evidence of annual calibration of all audiometers and tympanometers used by the license holder to current national standards;

(3) A blank copy of the currently used bill of sale or comparable document provided to patients as required by Arkansas Code § 17-84-104; and

(4) A statement regarding whether the licensee is engaged in the practice of dispensing in-office assembled hearing instruments.

(d) Any hearing instrument dispenser who, because of illness or other unavoidable circumstance, is unable to comply with the requirements for license renewal, may make application to the board stating the circumstances as to why he or she is unable to so

comply, and the board, in its discretion, may relieve the applicant from complying for such time and under such circumstances as the board deems proper.

(e) Inactive status.

(1) A licensee may be placed on inactive status by submitting a written request to the board at the time of license renewals.

(2) A licensee electing inactive status shall pay a reduced fee of fifty percent (50%) of the current renewal fee.

(3) A licensee may resume active status by:

(A) Submitting a written request to the board;

(B) Paying the full renewal fee; and

(C) Following any requirements listed in this subsection.

(4) A licensee on inactive status may not actively engage in the practice of dispensing hearing instruments and must submit a statement acknowledging that at the time he or she elects inactive status.

(5)(A) Continuing education requirements under subdivision (c)(1) of this section shall be waived for a licensee on inactive status.

(B) A licensee who resumes active status does not need to meet the annual continuing education requirements by the end of his or her first year after returning from inactive status, but he or she must attend twelve (12) hours of board-approved continuing education, including one (1) hour of ethics, by the end of the second year after returning to active status.

(6)(A) A licensee on inactive status shall be exempt from the requirements of subdivisions (c)(2) and (3) of this section.

(B) A licensee electing to return to active status must comply with those sections before returning to active status.

(7) A licensee on inactive status may renew their license on an annual basis at the reduced renewal fee.

17 CAR § 80-109. Standards of practice.

(a) Testing.

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(1) To ensure accurate testing or screening, the maximum allowable ambient noise level shall not exceed fifty-five decibels (55 dB) (A scale) wherever the testing or screening is conducted.

(2) The ambient noise level shall be:

(A) Measured on the A scale with a properly calibrated electronic sound level meter; and

(B) Recorded on the audiogram prior to testing or screening.

(3) All equipment must be maintained in good working order and be calibrated to national standards.

(b)(1) All patients shall receive a battery of tests sufficient to:

(A) Determine the type and degree of hearing loss; and

(B) Rule out pathologies that require medical referral.

(2) All patients shall receive a battery of tests that will include:

(A) Tympanometry;

(B) Pure tone air and bone conduction;

(C) Speech reception threshold and speech discrimination with masking when indicated;

(D) A measurement of most comfortable listening level; and

(E) A measurement of uncomfortable listening level.

(c) **Fitting.** All licensees shall include in their sales agreements the terms of all licensee's warranties and/or guarantees.

(d) **Verification.**

(1) Evaluation of objective hearing aid performance with the hearing instrument or instruments in place must be done.

(2) This can be accomplished by way of "sound field" testing or "real ear measurement", according to equipment manufacturer's specifications.

(3) The results of the verification shall be documented and made available to the Arkansas Board of Hearing Instrument Dispensers upon request.

(e) **Validation.** All licensees shall record in the patient's file all:

(1) Patient complaints;

- (2) Questionnaires;
- (3) Tests administered;
- (4) Results observed;
- (5) Adjustments made to the hearing instrument; and
- (6) Recommendations made to the patient.

(f)(1) All licensees operating an established place of business shall maintain their records pertaining to fitting and dispensing hearing instruments to consumers for a period of five (5) years.

(2) All such licensees shall furnish copies of a patient's records to him or her upon request within a reasonable period not to exceed thirty (30) days.

(3) A licensee may assess a reasonable records fee not to exceed one dollar (\$1.00) per page for the first five (5) pages and twenty-five cents (\$.25) for each additional page.

(4) All such licensees who cease the active practice of dispensing hearing instruments shall make adequate provisions for a patient to obtain copies of his or her records upon reasonable request.

17 CAR § 80-110. Unethical conduct — Termination of internship.

(a)(1) It shall be the responsibility of each licensee or intern to be familiar with and to avoid commission of any of the acts regarded as unethical practices by this act.

(2) Full responsibility for the ethical conduct of an intern shall rest with the sponsor.

(b)(1) A sponsor may terminate an intern for:

- (A) Unethical or dishonest conduct; or
- (B) Other good cause.

(2) Within ten (10) days the sponsor shall notify the Arkansas Board of Hearing Instrument Dispensers of such termination by certified mail, explaining in full the grounds for such termination.

(c)(1) Any intern deprived of his or her sponsorship by termination may request a hearing by the board.

(2) If a majority of the board shall find him or her blameless of the charges, he or she shall be free to seek sponsorship with the same or another license holder.

(3) Upon application by a new sponsor, his or her internship may be reinstated with no payment of fee or penalty.

(4) If the board shall find him or her guilty as charged, the board, in its discretion, may suspend or revoke the internship.

(d) Any licensee or intern who violates any federal regulations regarding screening or testing for the purpose of dispensing or selling of hearing instruments or HIPAA regulations concerning patient confidentiality shall be:

(1) Deemed in violation of Arkansas Code § 17-84-308; and

(2) Subject to the penalties contained therein.

17 CAR § 80-111. Filing of charges and investigation.

(a) Any person may file a written complaint with the Arkansas Board of Hearing Instrument Dispensers against any licensee or intern or unlicensed person in this state, charging said person with having violated the provisions of the board's statutes or rules.

(b)(1) Any person against whom a complaint has been filed with the board shall be given the opportunity to respond to the complaint in writing.

(2) The complainant shall have twenty (20) days from the date of receipt of the complaint to respond.

(c)(1) The board may initiate an investigation act upon its own motion or upon written complaint.

(2) An investigation may be conducted by one (1) or more of the board members or agents of the board.

(d) If a complaint is filed by a current board member, that board member shall not participate in discussion or vote in any hearing that is held pursuant to the complaint.

(e) If, after investigation, the board finds the complaint justified, further action taken by the board shall be governed by the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

17 CAR § 80-112. Established place of business.

(a) On his or her application to the Arkansas Board of Hearing Instrument Dispensers for a license by examination or an internship, the applicant shall state the following:

- (1) The applicant's name and residence address;
- (2) The name of the established place of business in which he or she conducts business;
- (3) The physical location or address of that established place of business;
- (4) The mailing address and business phone number of that established place of business;
- (5) A listing of the equipment used in the practice of fitting and dispensing of hearing instruments;
- (6) The name and license number of the person in charge of that established place of business;
- (7) The name and business address, if different, of the person or persons financially responsible for that established place of business; and
- (8) A statement regarding whether the applicant will be engaged in the practice of dispensing in-office assembled hearing instruments.

(b) The established place of business identified by the applicant shall:

- (1) Be the place where the applicant's license or certificate shall be regularly displayed; and
- (2) Contain adequate equipment and supplies for serving the needs of the public.

(c)(1) A person who holds a license or internship must notify the board by certified letter of every change in his or her established place of business and all satellite locations within ten (10) days of any change.

(2) Failure to give notice required in this subsection shall be deemed unethical conduct.

(d)(1) At the time a license or internship is issued or approved, and for each renewal thereof, an identification card bearing the expiration date of the license or internship and the name of the licensee or intern shall be issued.

(2) Said card shall be kept in the physical possession of the licensee or intern at all times during the performance of his or her duties.

(3) On the request of any client or prospective client, board member, peace officer, or any other person and in relation to the holder's practice of fitting and dispensing hearing instruments, he or she shall permit his or her identification card to be inspected for the purpose of identification.

(e) By accepting or renewing a license, the licensed hearing instrument dispenser grants permission for the investigator or other designee appointed by the board to enter the licensee's establishment or place of business without prior notice.

17 CAR § 80-113. Sale of hearing instruments to children.

(a) It shall be considered a violation of Arkansas Code § 17-84-101 et seq., to fit a child under the age of eighteen (18) years of age with a hearing instrument for the first time unless:

(1) The child has had, in the past six (6) months, a medical examination by an otolaryngologist and an audiological examination by an audiologist holding the Certificate of Clinical Competence; and

(2) Such examination indicates the need for a hearing instrument.

(b) No child under the age of eighteen (18) years who has been fitted with a hearing instrument shall be fitted with a different hearing instrument unless a medical examination by an otolaryngologist and an audiological examination by an audiologist holding the certificate of clinical competence has been performed within the past two (2) years.

17 CAR § 80-114. Violation of state hearing instrument law across state lines.

Disciplinary action by a regulatory board of another state against a person licensed by the Arkansas Board of Hearing Instrument Dispensers may be grounds for disciplinary action against the person by the Arkansas Board of Hearing Instrument Dispensers.

17 CAR § 80-115. General standards for mobile units.

(a) A licensee or intern working within a "mobile unit", as defined by Acts 2017, No. 373, is required to comply with all Arkansas Board of Hearing Instrument Dispensers statues and rules, including without limitation 17 CAR §§ 80-109 and 80-113.

(b)(1) A person engaging in the practice of dispensing hearing instruments shall notify the board by certified mail at least thirty (30) days in advance of conducting business as a mobile unit.

(2) The notification shall include:

- (A) The dates of operation of the mobile unit;
- (B) Times of operation of the mobile unit; and
- (C) Locations of operation of the mobile unit.

17 CAR § 80-116. Licensure by reciprocity.

(a) An applicant applying for reciprocal licensure shall meet the following requirements:

(1)(A) The applicant shall hold a substantially similar license in another United States jurisdiction.

(B) A license from another state is substantially similar to an Arkansas hearing instrument dispenser license if the other state's licensure qualifications require or the applicant otherwise has obtained:

(i) Two (2) or more years of college education from a regionally accredited college or university, graduation from an American Conference of Audioprosthology (ACA) program, or a National Board for Certification in Hearing Instrument Sciences (NBCHIS) certificate; and

- (ii) Passage of the written examination administered by the International Hearing Society;
- (2) The applicant shall hold his or her occupational licensure in good standing;
- (3) The applicant shall not have had a license revoked for:
 - (A) An act of bad faith; or
 - (B) A violation of:
 - (i) Law;
 - (ii) Rule; or
 - (iii) Ethics;
- (4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
- (5) The applicant shall be sufficiently competent in the field of dispensing hearing instruments; and
- (6) The applicant must be at least twenty (20) years of age.
- (b)(1) An applicant shall submit:
 - (A) A fully-executed application;
 - (B) The required fee; and
 - (C) The documentation described below.
- (2) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - (A) Evidence of current and active licensure in that state. The Arkansas Board of Hearing Instrument Dispensers may verify this information online if the jurisdiction at issue provides primary source verification on its website or by telephone to the other state's licensing board; and
 - (B) Evidence that the other state's licensure requirements match those listed in subdivision (a)(1) of this section. The Arkansas Board of Hearing Instrument Dispensers may verify this information online or by telephone to the other state's licensing board.

(3) To demonstrate that the applicant meets the requirements in subdivisions (a)(2) – (4) of this section, the applicant shall provide the Arkansas Board of Hearing Instrument Dispensers with:

(A) The names of all states in which the applicant is currently licensed or has been previously licensed; and

(B) Letters of good standing or other information from each state in which the applicant is currently or has ever been licensed showing that the applicant not had his or her license revoked for the reasons listed in subdivision (a)(3) of this section and does not hold a license on suspended or probationary status as described in subdivision (a)(4) of this section. The Arkansas Board of Hearing Instrument Dispensers may verify this information:

(a) Online, if the jurisdiction at issue provides primary source verification on its website; or

(b) By telephone to the other state’s licensing board.

(4) As evidence that the applicant is sufficiently competent in the field of dispensing hearing instruments, an applicant shall:

(A) Pass the practical application examination listed in 17 CAR § 80-107(b) and (c); and

(B) Submit three (3) letters of recommendation from licensed hearing instrument dispensers in the applicant’s home state attesting to the applicant’s skills and competence.

(5) The applicant shall also provide proof of completion of the education requirements referenced in subdivision (a)(1)(B)(i) of this section by submitting:

(A) A certified college transcript;

(B) Proof of graduation from an ACA program; or

(C) Certification from NBCHIS.

(c) Temporary and provisional licenses.

(1) The Arkansas Board of Hearing Instrument Dispensers shall issue a temporary and provisional license immediately upon receipt of the:

(A) Application;

(B) Required fee; and

(C) Documentation required under subdivision (b)(2) of this section.

(2) The temporary and provisional license shall be effective for ninety (90) days or until the Arkansas Board of Hearing Instrument Dispensers makes a decision on the application, unless the Arkansas Board of Hearing Instrument Dispensers determines that the applicant does not meet the requirements in subsection (a) of this section, in which case the provisional and temporary license shall be immediately revoked.

(3) An applicant may provide the rest of the documentation required above in order to receive a license, or the applicant may only provide the information necessary for the issuance of a temporary and provisional license.

(d) Licensure for an individual from a state that does not license hearing instrument dispensers.

(1) An applicant from a state that does not license hearing instrument dispensers shall meet the following requirements:

(A) The applicant shall be sufficiently competent in the field of dispensing hearing instruments;

(B) The applicant shall have obtained:

(i) Two (2) or more years of college education from a regionally accredited college or university;

(ii) Graduation from an American Conference of Audioprosthology program; or

(iii) A National Board for Certification in Hearing Instrument Sciences certificate; and

(C) The applicant must be at least twenty (20) years of age.

(2)(A) An applicant shall submit:

(i) A fully executed application;

(ii) The required fee; and

(iii) The documentation described below.

(B) As evidence that the applicant is sufficiently competent in the field of dispensing hearing instruments, the applicant shall:

(i) Pass the written examination administered by the International Hearing Society;

(ii) Pass the practical application examination listed in 17 CAR § 80-107(b) and (c); and

(iii) Submit three (3) letters of recommendation from hearing instrument dispensers in the applicant's home state attesting to the applicant's skills and competence.

(C) The applicant shall also provide proof of completion of the education requirements referenced in subdivision (a)(1)(B)(i) of this section by submitting:

(i) A certified college transcript;

(ii) Proof of graduation from an ACA program; or

(iii) Certification from NBCHIS.

17 CAR § 80-117. Licensure for uniformed service members, veterans, and spouses.

(a) As used in this section:

(1) "Automatic licensure" means the granting of occupational licensure without an individual's having met occupational licensure requirements provided under Title 17 of the Arkansas Code or by this part; and

(2) "Uniformed service veteran" means a former member of the uniformed services of the United States discharged under circumstances other than dishonorable.

(b) The Arkansas Board of Hearing Instrument Dispensers shall grant automatic licensure to an individual who holds a substantially equivalent license in another United States jurisdiction and is:

(1) A uniformed service member stationed in the State of Arkansas;

(2) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or

(3) The spouse of a:

(A) Person under subdivisions (b)(1) or (2) of this section;

(B) Uniformed service member who is assigned a tour of duty that excludes the uniformed service member's spouse from accompanying the uniformed service member and the spouse relocates to this state; or

(C) Uniformed service member who is killed or succumbs to his or her injuries or illness in the line of duty if the spouse establishes residency in the state.

(c) The board shall grant such automatic licensure upon receipt of all of the below:

(1) Payment of the initial licensure fee;

(2) Evidence that the individual holds a license with a similar scope of practice in another state; and

(3) Evidence that the applicant is a qualified applicant under subsection (b) of this section.

(d) The expiration date of a license for a deployed uniformed service member or spouse will be extended for one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(e) A full exemption from continuing education requirements will be allowed for a deployed uniformed service member or spouse until one hundred eighty (180) days following the date of the uniformed service member's return from deployment.

(f) The board shall accept relevant and applicable uniformed service education, training, national certification, or service-issued credential toward licensure qualifications or requirements when considering an application for initial licensure, that does not meet the requirements for automatic licensure, of an individual listed in Arkansas Code § 17-4-104.

17 CAR § 80-118. Prelicensure criminal background check.

(a) Pursuant to Acts 2019, No. 990, an individual may petition for a prelicensure determination of:

(1) Whether the individual's criminal record will disqualify the individual from licensure; and

(2) Whether a waiver may be obtained.

(b) The individual must obtain the prelicensure criminal background check petition form from the Arkansas Board of Hearing Instrument Dispensers.

(c) The board will respond with a decision in writing to a completed petition within a reasonable time.

(d) The board's response will state the reasons for the decision.

(e) All decisions of the board in response to the petition will be determined by the information provided by the individual.

(f) Any decision made by the board in response to a prelicensure criminal background check petition is not subject to appeal.

(g) The board will retain a copy of the petition and response, and it will be reviewed during the formal application process.

17 CAR § 80-119. Waiver request for disqualifying criminal offenses.

(a) If an individual has been convicted of an offense listed in Arkansas Code § 17-3-102(a) or (e), the Arkansas Board of Hearing Instrument Dispensers may waive disqualification of a potential applicant or revocation of a license based on the conviction if a request for a waiver is made by an:

- (1) Affected applicant for a license; or
- (2) Individual holding a license subject to revocation.

(b) The board may grant a waiver upon consideration of the following, without limitation:

- (1) The age at which the offense was committed;
- (2) The circumstances surrounding the offense;
- (3) The length of time since the offense was committed;
- (4) Subsequent work history since the offense was committed;
- (5) Employment references since the offense was committed;
- (6) Character references since the offense was committed;
- (7) Relevance of the offense to the occupational license; and
- (8) Other evidence demonstrating that licensure of the applicant does not pose

a threat to the health or safety of the public.

(c) A request for a waiver, if made by an applicant, must:

- (1) Be in writing; and
- (2) Accompany the completed application and fees.

(d) The board will:

- (1) Respond with a decision in writing; and
- (2) State the reasons for the decision.

(e) An appeal of a determination under this section will be subject to the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

17 CAR § 80-120. Licensure eligibility for work permit holders.

The Arkansas Board of Hearing Instrument Dispensers shall grant a license to an applicant who fulfills the Arkansas requirements for licensure and is a person who holds a federal Form I-766, United States Citizenship and Immigration Services-issued Employment Authorization Document, known popularly as a “work permit”.

17 CAR § 80-121. Earn and Learn Act apprenticeships.

(a) The Arkansas Board of Hearing Instrument Dispensers shall grant a license to an applicant who:

- (1) Completes a federally registered hearing instrument dispenser apprenticeship program, as defined under Arkansas Code § 17-6-101 et seq.;
- (2) Passes all licensure examinations;
- (3) Pays the applicable application and licensure fees;
- (4) Does not have a disqualifying criminal record as determined by the board under state law; and

(5) Completes all other requirements for licensure unrelated to training and education.

(b) Should the board deny an application submitted under this section, the board shall provide the applicant with a written denial detailing the reason for the denial, including whether the board determined the applicant’s apprenticeship program does

not correspond to the licensure requirements or level of license for which the applicant applied.

(c) A hearing instrument dispenser apprenticeship is not required to exceed the number of hours required by the board for licensure as a hearing instrument dispenser, except as otherwise required by federal law.