



**ARKANSAS BOARD OF HEARING INSTRUMENT
DISPENSERS**

Reciprocity Application for Licensure

Please read carefully and refer to Article XVI of the Rules and Regulations for guidance. **All questions must be answered in full.** An incomplete application will be returned and may result in delay of examination approval. This **completed** application must be accompanied by the following:

- A **recent** photograph of the applicant (Preferably 2-1/4" x 3-1/4")
- Proof of an education equivalent to two (2) years of college-level work from a Regionally Accredited College or University (**Official Transcript from Registrar only**)
- Current Calibrations of Equipment to be used
- A check or money order to cover the Application Fee of \$5.00 (*non-refundable*)
- Notarized Applicant Affidavit
- A Letter from the IHS stating the "Passage" and Date of the last ILE taken by the Applicant
- A copy of all current State Hearing Instrument Dispensers Licenses held by the Applicant (*Excluding Temporary Licenses*), and NBC/HIS Certification (*if applicable*)
- Letters of Good Standing from each State the Applicant is Licensed in, including the NBC/HIS (*if applicable*)
- Three (3) Letters of Recommendation from Licensed Hearing Instrument Dispensers in the Applicant's Home State, attesting to the skills and competence possessed by the Applicant

If the application is approved by the Board, the following fee(s) will apply:

- Practical examination fees of \$3.00
- One-time registration fee of \$5.00 (Due at time of licensing)
- Annual license fee of \$5.00

Send completed application and required materials to:

**Arkansas Board of Hearing Instrument Dispensers
4815 West Markham Street, Slot 2
Little Rock, AR 72205**

FOR OFFICIAL USE ONLY

Applicant Name: _____

Date application Received: _____

Received by: _____

Payment Received \$ _____ Date application reviewed by Board: _____

Disposition: _____

GENERAL INFORMATION

Personal Information: **Check to have correspondence mailed to residence.** Do not leave anything blank. Any incomplete information will result in the dismissal of an application.

Name (Last) (First) (Middle) Date of Application

Address (City) (State) (Zip) Date of Birth

Phone (Home) (Cell) E-Mail Address

Equipment used during fitting and dispensing of hearing instruments. Include calibration dates.

(A) Audiometer Information:

Audiometer Make /Model Serial Number

_____ Bone Conduction? Y N Masking? Y N Speech Testing? Y N
Date of Last Calibration

(B) Verification Method: Sound Field Real Ear _____
Equipment Used Serial Number

(C) Tympanometer Information:

Tympanometer Brand Make /Model Serial Number

Date of Last Calibration

(D) Other Testing Equipment: _____

Make (and model, if applicable) Purpose of Equipment:

Educational Information: *Please submit an Official College Transcript.*

College or University Attended _____ (City) _____ (State) _____ (Zip)
Total College Credits Earned: _____
List all educational work completed in hearing instrument fitting _____

Background Information: Use additional paper if necessary.

Have you ever had bond refused, canceled or paid in your behalf?
No _____ Yes _____ If yes, give full details _____

Have you ever been found guilty of or pled *nolo contendere* to an offense listed under Arkansas Code Annotated § 17-3-102?
No _____ Yes _____ If yes, give date, place and disposition of each charge _____

Have you previously applied for, or held a license or internship in the State of Arkansas?
No _____ Yes _____ If yes, give date and explain in detail the circumstances _____

Employment History: Please begin with current employer (up to the last ten 10 years). Failure to complete this section will be considered just cause for rejection of the application.

Employer Name _____ Employer Address _____

Employed From/To _____ Position _____ Reason for leaving _____

Employer Name _____ Employer Address _____

Employed From/To _____ Position _____ Reason for leaving _____

Employer Name _____ Employer Address _____

Employed From/To _____ Position _____ Reason for leaving _____

Arkansas Business Practice Location: Please include the information of where you will be practicing in Arkansas if you are granted a license.

Company Name	Company Address	Company Phone Number
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Include the equipment information that you will be using at this location and calibration dates. Submit copies of the calibration documentation.

APPLICANT'S AFFIDAVIT

I do hereby affirm that all statements made in this application are true and correct to the best of my knowledge and belief. I further affirm that I have read Act 197 of 1969, as amended, together with the Rules of the Arkansas Board of Hearing Instrument Dispensers, and that I fully understand that in receiving a license or internship from the Board of Hearing Instrument Dispensers, I agree to be governed by them.

I do hereby request an examination in hearing instrument fitting and dispensing, at such time and place, and in such form as the Board of Hearing Instrument Dispensers may designate. I understand that the application fee which must accompany the submitting of this application, as specified on the cover, is for administrative purposes and is not refundable. Furthermore, I voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for obtaining a license or internship.

Applicant – Print Name

Signature of Applicant

Date

State of _____

County of _____

On this, the ____ day of _____, 20____, before me personally appeared _____, to me known to be the person described in and who executed the foregoing instrument, and acknowledge that he/she executed the same as his/her free act and deed.

Notary Public My Commission Expires: _____

08/23/2023

Title 17 Professions, Occupations, and Businesses
Subtitle 3. Medical Professions
Chapter 84 Hearing Instrument Dispensers

17-84-101. Definitions.

As used in this chapter:

- (1)** "Board" means the Arkansas Board of Hearing Instrument Dispensers;
- (2)** "Current" means valid, effective, unexpired, or unsuspended and unrevoked with reference to a license or internship;
- (3)** "Established place of business" means a place of business at a permanent address in the State of Arkansas or, if outside the state, within seventy-five (75) miles of the Arkansas state line, which is open to the public during normal business hours at least thirty-two (32) hours per week;
- (4)** "Hearing instrument" means any instrument or device worn in or behind the ear designed for or represented as aiding, improving, amplifying, or correcting human hearing and any parts, attachments, or accessories of such an instrument or device;
- (5)** "In-office assembled hearing instrument" means an instrument built by the hearing instrument dispenser or under his or her supervision from components, including a premanufactured faceplate and a shell made by the dispenser or made under his or her supervision;
- (6)** "License" and "internship" mean, respectively, license as provided for in §17-84-306 and internship as provided for in § 17-84-304;
- (7)** "Licensed" means holding a current license;
- (8)** "Practice of dispensing hearing instruments" means conducting and interpreting hearing tests for purposes of identifying the type and degree of hearing loss and making proper recommendations based on those results, selecting suitable hearing instruments, making earmolds or ear impressions, and providing appropriate counseling pertaining to the selling, renting, leasing, pricing, delivery, and warranty of hearing instruments;
- (9)** "Sponsor" means a licensed person who trains and directly supervises an intern; and
- (10)** "Unethical conduct" includes, but is not limited to:
 - (A)** Obtaining any fee or making any sale by fraud or misrepresentation;
 - (B)** Employing directly or indirectly any unlicensed person to perform any work covered by this chapter;
 - (C)** Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other

representation, however made, that is misleading or untruthful;

(D) Advertising a particular model, type, or kind of hearing instrument for sale when prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing the advertised model, type, or kind if the purpose of the advertisement is to obtain prospects for the sale of a model, type, or kind other than that advertised;

(E) Falsely representing that the services or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing instruments or using the words "doctor", "audiologist", or "clinic" or like words, abbreviations, or symbols that suggest the medical profession when such use is not accurate;

(F) Permitting another to use the holder's license or internship certificate;

(G) In any manner making false representations concerning a competitor or his or her products, business methods, selling prices, values, credit terms, policies, services, reliability, ability to perform contracts, credit standing, integrity, or morals;

(H) In any manner using, imitating, or simulating the trademark, trade name, corporate name, brand, model name, or number or label of any competitor, manufacturer, or product when it implies or represents a relationship that does not exist;

(I) Obtaining information concerning the business of a competitor by bribery of any employee or agent of the competitor, by the impersonation of one in authority, or by any other unfair or deceptive means; and

(J) Directly or indirectly giving or offering to give anything of value to any person who advises others in a professional capacity as an inducement to influence others to purchase products sold by a hearing instrument dispenser or to refrain from dealing with a competitor.

17-84-102. Applicability and construction.

(a) This chapter shall not apply to an audiologist who is licensed under the provisions of the Licensure Act of Speech-Language Pathologists and Audiologists, § 17-100-101 et seq., or to any person while engaged in the practice of recommending hearing instruments as part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public charitable institution or nonprofit organization which is primarily supported by voluntary contributions.

(b) This chapter shall not be construed to prohibit any doctor who holds a valid license issued by the Arkansas State Medical Board and specializes in otology or otolaryngology from treating or fitting hearing instruments to the human ear or to prohibit any corporation, partnership, trust, association, or other like organization from engaging in the business of fitting and selling hearing instruments at retail, if it employs only natural persons licensed under this chapter in the direct fitting and sale of such products.

17-84-103. Penalty — Injunction.

(a) Any person convicted of violating any provision of this chapter shall be guilty of a Class B misdemeanor.

(b) Any violation of the provisions of this chapter may be enjoined by the circuit courts of this state.

17-84-104. Bills of sale and instruction booklets.

(a) Whether supplied by the dispenser or at the dispenser's order or direction, any person who practices the dispensing of hearing instruments shall deliver to each person supplied with a hearing instrument a bill of sale or comparable document containing the following:

(1) The dispenser's signature;

(2) The address and telephone number of the dispenser's established place of business;

(3) The number of the dispenser's license;

(4) A description of the make, model, serial number, and condition of the hearing instrument stating whether it is new, used, rebuilt, or in-office assembled, identifying the manufacturer, rebuilder, or in-office assembler, together with a description of any warranties covering the instrument;

(5) The amount charged;

(6) Information concerning when additional service for the hearing instrument will be available and where the additional service for the hearing instrument will be available; and

(7) Conditions of additional charges for additional service, including without limitation a testing fee, programming fee, adjustment fee, and other services provided by the dispenser.

(b) The dispenser of an in-office assembled hearing instrument shall deliver to the person supplied with the in-office assembled hearing instrument an instruction booklet for the in-office assembled hearing instrument.

(c) The Arkansas Board of Hearing Instrument Dispensers may require by rule a dispenser to provide instructions to a person supplied with a hearing instrument on how to file a complaint.

17-84-201. Creation and composition.

(a) There is created the Arkansas Board of Hearing Instrument Dispensers.

(b) The board shall be composed of seven (7) members appointed by the Governor, subject

to confirmation by the Senate, for terms of three (3) years, and one (1) nonvoting advisory member appointed by the Governor for a term of three (3) years as follows:

(1) (A) At least four (4) of the members shall be hearing instrument dispensers licensed under this chapter who have held a valid license for at least three (3) years.

(B) The Governor shall consult the Arkansas Hearing Society, Inc., before making an appointment under subdivision (b)(1)(A) of this section;

(2) At least one (1) member shall be an audiologist holding a master's degree or doctoral degree in audiology from a recognized college or university;

(3) (A) Two (2) members shall be appointed from the state at large to represent consumers.

(B) The consumer representative under subdivision (b)(3)(A) of this section shall not be actively engaged in or retired from the practice of dispensing hearing instruments.

(C) The consumer representatives under subdivision (b)(3)(A) of this section shall be full voting members but shall not participate in the grading of examinations; and

(4) (A) The advisory member shall be a physician licensed to practice medicine in Arkansas and specializing in otology or otolaryngology.

(B) The advisory member shall not count for or against the board's quorum requirement to conduct business.

(c) (1) All terms shall expire on July 31 of the designated year.

(2) Each member shall serve for the term of his or her appointment and until his or her successor has been appointed and qualified.

(3) No member shall serve more than three (3) full terms consecutively.

(d) In the event of a vacancy on the board, a new member shall be appointed to serve out the unexpired term.

(e) The Governor may remove any member for cause.

17-84-202. Organization and proceedings.

(a) (1) The Arkansas Board of Hearing Instrument Dispensers shall meet at least two (2) times a year at times and places to be designated by the board and upon such notice as the board may prescribe.

(2) The board shall elect a chair, vice chair, and secretary-treasurer annually, each to serve in his or her respective capacity for one (1) year.

(b) (1) A majority of the members of the board, when properly convened, may conduct business of the board.

(2) The board may appoint one (1) or more of its members or any other person it

deems appropriate as examiners for the purpose of hearing evidence, reporting findings thereon, and making recommendation to the entire board for a decision on any matter over which the board has authority.

(c) The board shall keep a record of all of its proceedings and transactions and shall annually make a report to the Secretary of the Department of Health showing all receipts and disbursements and a summary of all business transacted during the year.

17-84-203. Powers and duties.

The powers and duties of the Arkansas Board of Hearing Instrument Dispensers are:

(1) To authorize all disbursements necessary to carry out the provisions of this chapter and to receive and account for all fees;

(2) To furnish a list of study materials for applicants to use in preparing for qualifying examinations;

(3) To ensure that at least one (1) time each year a qualifying examination based on nationally accepted norms to test the knowledge and proficiency of applicants is administered;

(4) To register, issue, and renew licenses and internships to persons qualified under this chapter and to suspend, revoke, or refuse to renew licenses and internships pursuant to this chapter;

(5) To make rules not inconsistent with the laws of this state that are necessary for the enforcement and orderly administration of this chapter. However, no rule shall be promulgated that in any manner serves to restrict the number of licenses that may be issued in any city, town, or county of this state;

(6) (A) To require the periodic inspection and calibration of audiometric testing equipment and tympanometers and to carry out the periodic inspection of facilities of persons who practice the fitting or selling of hearing instruments.

(B) The board may inspect an established place of business during regular hours of operation;

(7) To employ and retain the services of attorneys, accountants, and other necessary assistants in carrying out the provisions of this chapter;

(8) To require, if the board deems necessary, an applicant, dealer, or licensee to furnish a surety bond in an amount fixed by the board for the benefit of any person damaged as the result of a violation of this chapter. All requirements pertaining to the surety bond may be promulgated by rule of the board;

(9) To set the following fees:

(A) An application fee not to exceed two hundred fifty dollars (\$250);

(B) An examination fee not to exceed:

(i) Three hundred dollars (\$300) for the written examination; and

(ii) Fifty dollars (\$50.00) each for the earmold practicum, the audiometric practicum, and the law and rules practicum;

(C) A reexamination fee not to exceed the fee under subdivision (9)(B) of this section for the portion of the examination being retaken;

(D) A permanent registration fee not to exceed seventy-five dollars (\$75.00);

(E) An annual license fee not to exceed two hundred fifty dollars (\$250);

(F) A late penalty of ten percent (10%) of the annual license fee if paid within thirty (30) days after expiration;

(G) A license reinstatement fee of one and one-half (1 ½) times the annual license fee, if the renewal fee is not paid within the thirty-day grace period;

(H) An internship fee not to exceed two hundred fifty dollars (\$250);

(I) A fee for an endorsement to another state not to exceed twenty dollars (\$20.00);

(J) A license replacement fee or a duplicate license fee not to exceed twenty-five dollars (\$25.00);

(K) An insufficient funds fee not to exceed twenty-five dollars (\$25.00); and

(L) A continuing education unit approval fee not to exceed two hundred fifty dollars (\$250);

(10) (A) To request the use of Department of Health investigators, issue subpoenas, and perform all activities necessary to effectively investigate claims and pursue disciplinary action against licensees.

(B) The board may inspect or may authorize the Department of Health investigators to inspect an established place of business during regular hours of operation; and

(11) To establish the standards of practice for hearing instrument dispensers in the State of Arkansas.

17-84-204. Disposition of funds — Compensation of members.

(a) (1) Fees collected by the Arkansas Board of Hearing Instrument Dispensers shall be used to pay expenses in administering this chapter.

(2) All moneys shall be received, disbursed, and accounted for by the Secretary-treasurer of the Arkansas Board of Hearing Instrument Dispensers or a person designated by the

board who shall be bonded at the expense of the board.

(3) All moneys not expended by the board to pay expenses in administering this chapter shall be retained by the board from year to year to be expended for the purposes expressed in this chapter.

(b) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et seq.

17-84-301. Application of administrative procedure act.

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.

17-84-302. License or internship certificate required.

No person shall engage in the sale of hearing instruments or display a sign or in any other way advertise or hold himself or herself out as a person who practices the dispensing of hearing instruments unless he or she is licensed under this chapter or is the holder of an internship as provided for in § 17-84-304 and has his or her license or internship certificate conspicuously posted in his or her office or place of business.

17-84-303. Unlawful practices.

It shall be unlawful for any person to:

- (1)** Sell or purchase a license or permit in a manner not authorized by this chapter;
- (2)** Willfully alter, with the intent to defraud, any license or permit;
- (3)** Represent as a valid license or permit one which has been purchased, fraudulently obtained, counterfeited, or materially altered; or
- (4)** Willfully make a false material statement in any application to the Arkansas Board of Hearing Instrument Dispensers.

17-84-304. Qualifications for licensure and internship.

(a) An applicant for a license by examination or for an internship shall:

- (1)** Submit an application on the form and within the time prescribed by the Arkansas Board of Hearing Instrument Dispensers;

(2) Pay an application fee in the amount prescribed by the board; and

(3) Show to the satisfaction of the Arkansas Board of Hearing Instrument Dispensers that he or she:

(A) Is twenty (20) years of age or older; and

(B) Has an education equivalent of two (2) or more years of accredited college-level course work from a regionally accredited college or university.

(b) An applicant who meets the qualifications set out in subsection (a) of this section shall meet at least one (1) of the following criteria:

(1) (A) Complete a valid one-year employment internship during which he or she is under the direct personal and physical supervision of a sponsor who has continuously held in good standing for a period of not less than three (3) years either a valid Arkansas hearing instrument dispenser's license or a valid Arkansas audiology license.

(B) The board shall determine by rule what constitutes a valid one-year employment internship;

(2) Hold a National Board for Certification in Hearing Instrument Sciences certificate;

(3) Be registered as a hearing instrument dispenser in good standing in another state whose licensing requirements meet or exceed the licensing requirements of the State of Arkansas at the time of his or her application;

(4) Be a graduate of an American Conference of Audioprosthology program; or

(5) Hold an Associate of Applied Science degree in Hearing Healthcare Practitioner or a similar degree from a regionally accredited college or university.

(c) Before the beginning of the internship period, the applicant shall:

(1) Receive board approval of the application and training schedule; and

(2) Pay the internship fee prescribed by the board under this chapter.

(d) (1) A person participating in a valid internship program as determined by the board under subdivision (b)(1)(B) of this section may take the licensing examination, written or practicum, or both, upon written recommendation of his or her sponsor after successfully completing six (6) months in the internship program.

(2) If the person successfully passes the examination, he or she may complete the one-year internship program under the oversight of the sponsor without direct personal and physical supervision if he or she works out of the same place of business as the sponsor.

(3) If the person fails any part of the examination, he or she shall complete the full one-

year internship before reexamination.

(4) (A) Any examination taken during an internship shall be considered as one (1) of three (3) attempts to pass the examination allowed under § 17-84-305(d).

(B) After three (3) failed attempts to pass the examination allowed under § 17-84-305(d), the person shall repeat the internship application.

(5) It is a violation of this chapter for any person during the course of his or her internship to practice the dispensing of hearing instruments except under:

(A) The direct personal and physical supervision of his or her sponsor; or

(B) The conditions set out in this subsection.

17-84-305. Examinations.

(a) The examination provided for in § 17-84-304 shall be given at least one (1) time each year.

(b) The examination may be written or practical, or both, and shall consist of tests of knowledge in the following areas as they pertain to the fitting of hearing instruments:

(1) Basic physics of sound;

(2) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders;

(3) Structure and function of hearing instruments;

(4) Pure tone audiometry, including air conduction testing and bone conduction testing;

(5) Live voice or recorded voice speech audiometry, including speech reception threshold testing and speech discrimination testing;

(6) Effective masking;

(7) Recording and evaluation of audiograms and speech audiometry to determine hearing instrument candidacy;

(8) Selection and adaptation of hearing instruments;

(9) Taking earmold impressions;

(10) Tympanometry; and

(11) Testing of other knowledge and skills as may be required to determine an applicant's ability and suitability for the practice of dispensing hearing instruments to the

public.

(c) The tests under this section shall not include questions requiring a medical or surgical education.

(d) (1) Applicants who fail to pass the required examination may retake the examination by paying a reexamination fee, as prescribed by the board pursuant to this chapter, for each additional examination taken.

(2) After three (3) failed attempts to pass the examination, the applicant shall complete an internship or repeat the internship described in § 17-84-304.

17-84-306. Issuance and renewal.

(a) Upon payment of a permanent registration fee and an annual license fee as prescribed by the Arkansas Board of Hearing Instrument Dispensers pursuant to this chapter, the board shall register and issue licenses to applicants who have fulfilled the requirements of this chapter.

(b) All licenses shall expire on the date or dates set by the board, and all licenses shall be renewed annually.

(c) (1) The fee for renewal of a license as prescribed by the board pursuant to this chapter shall be paid before the expiration of the license.

(2) (A) Failure to make the payment before the expiration date of the license shall result in the payment of the license renewal fee plus a late penalty as prescribed by the board pursuant to this chapter if paid within thirty (30) days after expiration.

(B) If the renewal fee is not paid within the thirty-day grace period, the board shall renew the license upon payment of the required fee as prescribed by the board pursuant to this chapter and satisfaction of all other requirements contained in this chapter for the renewal of the license.

(C) If the license renewal fee or other requirements for license renewal under this chapter, or both, are delinquent by at least sixty (60) days, the licensee shall be reexamined before the renewal of the license.

(d) (1) The board shall require that all applicants seeking renewal of their licenses shall:

(A) Show 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 for and fitting hearing instruments, including at least one (1) hour of ethics;

(B) Present written evidence of annual calibration of all audiometers and tympanometers to current national standards; and

(C) Provide a blank copy of the currently used bill of sale or comparable document

provided to patients under § 17-84-104.

(2) The board shall require that all new applicants and all applicants seeking renewal of their licenses state whether they are engaged in the practice of dispensing in-office assembled hearing instruments.

17-84-307. [Repealed.]

17-84-308. Suspension, revocation, nonissuance, or nonrenewal.

(a) The Arkansas Board of Hearing Instrument Dispensers may suspend, revoke, or refuse to issue or renew the license or internship of any person for any of the following causes:

- (1) Being convicted of a crime listed under § 17-3-102;
- (2) Securing a license or internship under this chapter through fraud or deceit;
- (3) Unethical conduct, gross ignorance, or inefficiency in the conduct of his or her practice;
- (4) Using a false name or an alias in his or her practice;
- (5) Violation of any provision of this chapter; or
- (6) Failure to comply with any of the requirements for issuance of the license or internship.

(b) In addition to acting against a license or internship or in lieu of acting against a license or internship, the board may fine the individual in an amount not to exceed two thousand dollars (\$2,000) for each offense.

(c) The board may dismiss any complaint or charges which it finds to be unfounded or trivial. The board may settle any complaint or charges without holding a hearing.

17-84-309. Notification and use of business address.

(a) Every person who holds a license or internship shall notify the Arkansas Board of Hearing Instrument Dispensers in writing of the address of his or her established place of business and all satellite locations.

(b) Any notice required to be given by the board to a person may be given by mailing it to him or her at the address of his or her established place of business.

(c) It shall be the responsibility of every person who holds a license or internship to 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.

17-84-310. Mobile units – Definition.

(a) As used in this section, "mobile unit" means a hearing instrument dispensing site that occurs at any place other than a permanent physical location.

(b) (1) A person engaging in the practice of dispensing hearing instruments as described in this chapter and by rules of the Arkansas Board of Hearing Instrument Dispensers shall notify the board thirty (30) days in advance of conducting business as a mobile unit.

(2) The notification shall include the dates of operation of the mobile unit, times of operation of the mobile unit, and locations of operation of the mobile unit.

(c) (1) A mobile unit shall meet all requirements of the board as established by rule.

(2) The board may inspect a mobile unit during regular hours of operation.

(d) (1) This section shall apply to the testing of hearing and the dispensing of hearing instruments regardless of where the service occurs.

(2) Failure to comply with this section is a violation of this chapter and subject to penalty under §§ 17-84-103 and 17-84-308.

*** Current through all acts of the Third Extraordinary Session (2022), including corrections and edits by the Arkansas Code Revision Commission. ***

Arkansas Code of 1987 Annotated Official Edition

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**BOARD OF HEARING INSTRUMENT DISPENSERS
RULES**

ARTICLE I. Description

Section 1. The Act establishing the Arkansas Board of Hearing Instrument Dispensers provides for examination and licensing of persons who fit and dispense hearing instruments in the State of Arkansas.

Section 2. Information regarding this Board may be obtained by accessing the board's website.

ARTICLE II. Meeting of the Board

Section 1. The Board shall meet at least twice a year at a time and place designated by the Chairman of the Board in his official call of such meetings. Provided, however, additional special meetings may be held, if in the discretion of the Chairman of the Board, such special meetings are necessary.

Section 2. Regular meetings may be called by the Chairman of the Board giving ten (10) days' notice thereof. Such notice shall be in writing and shall set forth the time and place of such meeting. Special meetings of the Board may be called by the Chairman, at any reasonable time, or shall be called by the Chairman at any time upon the request of a majority of the members of the Board.

Section 3. A majority of the voting members of the Board shall constitute a quorum. 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 Chairman.

ARTICLE III. Duties and Powers of the Board

Section 1. It shall be the duty of the Chairman of the Board to preside at all meetings of the Board. The Chairman shall exercise general supervision of the affairs of the Board and shall have the usual powers of such office and any other powers and duties as the Board may direct.

Section 2. It shall be the duty of the Vice-Chairman to preside at any meeting at which the Chairman is unable to attend. The Vice-Chairman shall assume the duties of Chairman in case the Chairman becomes unable, for whatever reason, to handle the affairs of the Board. If neither the Chairman nor Vice-Chairman is available, the Secretary-Treasurer shall preside and/or handle the affairs of the Board.

Section 3. It shall be the duty of the Secretary-Treasurer, or with Board approval, the duty of the Executive Director, to keep all the minutes and records of the Board. The Secretary-Treasurer or Executive Director shall have custody of all fees received by the Board, including application fees, license fees, renewal fees, fines, penalties, and other payments, and shall be responsible for such funds, and shall make an annual report to the appropriate authorities regarding the disbursement of these funds. 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. The Executive Director of the Board is covered by the Self-Insured Bond Program for Arkansas Government and Political Sub-divisions.

Section 4. Officers shall be elected annually at the first regular meeting held after June 30.

Section 5. The fee schedule, as set by the Board, is as follows:

- | | | |
|-----|----------------------------|----------|
| (a) | application fee | \$100.00 |
| (b) | practical examination fees | |

	ear mold	\$25.00
	audiometric	\$25.00
	law and rules	\$25.00
(c)	re-examination fee	same as fee for portion repeated
(d)	internship fee	\$100.00
(e)	registration fee	\$50.00
(f)	annual license fee	\$100.00
(g)	late payment penalty of 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 (30) day grace period.
(i)	endorsement to another state	\$20.00
(j)	replacement or duplicate license	\$25.00
(k)	insufficient funds	\$25.00
(l)	CEU approval	\$50.00 per CE Unit

The Board shall waive the initial application fee if the applicant:

(1) Is receiving assistance through the Arkansas Medicaid Program; the Supplemental Nutrition Assistance Program; the Special Supplemental Nutrition Program for Women, Infants, and Children; the Temporary Assistance for Needy Families Program; or the Lifeline Assistance Program;

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

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

Section 6. The fee set out in Section (L) of Article III (5) shall be paid by the entity or individual requesting the approval and shall be good for twelve (12) months from the date of notice from the board of approval or denial.

ARTICLE IV. Forms

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

ARTICLE V. Application for License

Section 1. Applications for an Arkansas hearing instrument dispenser's license or internship must be made on forms provided by the Board. Applications submitted on forms other than originals furnished by the Board will not be accepted by the Board.

Section 2. Application forms may be obtained by writing to the Board's Executive Director. The Board's Executive Director contact information may be obtained by accessing the board's website. 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.

Section 3. All application forms must be completed in full. Incomplete applications will be returned to the applicant and shall not be considered until all information is completed. 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. Appropriate fees shall be charged by the Board to any applicant whose check is returned by the bank.

Section 4. Completed applications for examination must be received by the Board through the Executive Director no later than thirty (30) days prior to the examination. 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.

Section 5. Any person furnishing false information on any application shall be denied the right to take the examination, or to participate in the internship program. 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. 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.

ARTICLE VI. Internship Program

Section 1. No person shall train or supervise an intern unless he/she has complied with the requirements of Ark. Code Ann. Section 17-84-304.

Section 2. 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/her supervision at any one time.

Section 3. No intern sponsor shall knowingly allow or require any intern under his/her supervision to practice the dispensing of hearing instruments except under his/her direct, personal, and physical supervision, nor knowingly allow or require such intern to work out of any office other than his/her own.

Section 4 Each sponsor must submit, in writing, to the Board, at the time application is submitted, an outline of the training program he/she intends to use for each intern he/she sponsors. Such training program must be approved by the Board prior to the issuance of any internship certificate. The Board may prepare and distribute model training program outlines.

Section 5. At the time the internship is completed and before the intern will be allowed to take the licensure examination, the sponsor must submit to the Board a written report on a form furnished by the Board and verify under oath that the intern has successfully completed the prescribed internship program. Each sponsor must notify the Board in writing, within ten (10) days, by certified mail, of any intern who abandons his/her internship program before completion.

Section 6. An intern may change sponsors, for good cause shown, with the permission of the Board.

Section 7. Any intern who abandons his/her internship program before completion must reapply and complete a new one (1) year internship program.

Section 8. Any person sponsoring an intern must agree to be accountable to the Board of Hearing Instrument Dispensers in all matters concerning the internship.

ARTICLE VII. Examination

Section 1. The written portion of the licensing examination is a standardized exam administered by the International Hearing Society (IHS). Upon approval for license by examination, the Board will notify IHS of the applicant's eligibility to take or retake the written exam. IHS will then notify the applicant by email of his/her eligibility to schedule the written portion of the exam. 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. IHS charges a fee for the exam, which the applicant will pay directly to IHS upon registration for the written examination.

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). The Board may follow the pass or fail recommendations set out by IHS.

Section 2. Upon passing the written portion of the exam, the applicant is eligible to take the practical portions of the licensing exam, which shall consist of the subject matter contained in Ark. Code Ann. Section 17-84-305 and shall be given at least one (1) time per year, following a regular Board meeting.

Section 3. The practical portion of the examination will include testing of the applicant's knowledge of the provisions of Ark. Code Ann. Section 17-84-101, et seq. and the Rules of the Board of Hearing Instrument Dispensers.

Section 4. Once the Board receives a written recommendation by the sponsor of a person participating in a valid internship program who has successfully completed his/her first six months of the internship program, that intern may take the written exam. Upon passing the written portion of the exam, that intern may take the practical portions of the licensing exam, which shall consist of the subject matter contained in Ark. Code Ann. Section 17-84-305 and shall be given at least one (1) time per year, following a regular Board meeting.

(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 Ark. Code Ann. Section 17-84-305 (d). If an intern fails any part of the exam, the intern must complete the internship program before re-examination.

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

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

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

Section 5. An intern must repeat the internship application and program if the intern:

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

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

Section 6. An applicant for licensure who has not completed the internship program must re-apply 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 shall be required, if applicable, to complete the internship program as described in Ark. Code Ann. Section 17-84-304.

ARTICLE VIII. Annual License Renewal; Inactive Status

Section 1. The annual license fee and the information required by Article VIII (3) shall be submitted by each license holder to the Executive Director on or before the expiration date of his/her current license or renewal. All such licenses shall expire on June 30 each year, unless otherwise specified by the Board, and all licenses shall be renewed annually. 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.

Section 2. 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.

(a) A delinquent license may be renewed within thirty (30) days of the date of expiration by the payment of the annual license fee, plus a penalty of ten (10%) percent of the annual license fee, and the submission of the renewal information required by Article VIII (3).

(b) If the renewal information and license fee, plus penalty, is not submitted within the thirty (30) day period following the date of expiration, the license shall be considered expired and no longer valid. Any license considered expired may be reinstated by the Board upon payment of the required fee and submission of the renewal information.

(c) 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.

Section 3. Each licensee applying for renewal of his/her license shall furnish to the Arkansas Board of Hearing Instrument Dispensers the following:

(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.

(i) All continuing education courses, including course content and presenter's qualifications must be submitted to the Board for pre-approval before such courses are taken by the licensee.

(ii) Failure to receive Board approval of continuing education hours prior to the end of the license year shall be sufficient cause for non-renewal of the license.

(iii) Up to four (4) continuing education hours may be earned via courses taken over the internet for any one renewal period. Each internet course must be fully completed prior to the end of the license year in which it is commenced. Proof of passage must be supplied in writing at the time of renewal for the upcoming year.

(iv) The required one hour of ethics cannot be earned through an internet course. 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;

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

(c) A blank copy of the currently used bill of sale or comparable document provided to patients as required by Ark. Code Ann. Section 17-84-104; and

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

Section 4. 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/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.

Section 5. Inactive Status. A licensee may be placed on inactive status by submitting a written request to the Board at the time of license renewals. A licensee electing inactive status shall pay a reduced fee of fifty (50) percent of the current renewal fee. A licensee may resume active status by submitting a written request to the Board, paying the full renewal fee, and following any requirements listed in this Section.

(a) 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/she elects inactive status.

(b) Continuing Education requirements under Article VIII Section 3(a) shall be waived for a licensee on inactive status. A licensee who resumes active status does not need to meet the annual Continuing Education requirements by the end of his/her first year after returning from inactive status, but he/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.

(c) A licensee on inactive status shall be exempt from the requirements of Article VIII Section 3(b)-(c). A licensee electing to return to active status must comply with those sections before returning to active status.

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

ARTICLE IX. Standards of Practice

Section 1. Testing. To ensure accurate testing or screening, the maximum allowable ambient noise level shall not exceed 55dB (A scale) wherever the testing or screening is conducted. The ambient noise level shall be measured on the A scale with a properly calibrated electronic sound level meter, and shall be recorded on the audiogram prior to testing or screening. All equipment must be maintained in good working order and be calibrated to national standards.

Section 2. All patients shall receive a battery of tests sufficient to determine the type and degree of hearing loss, and to rule out pathologies that require medical referral. All patients shall receive a battery of tests that will include tympanometry, pure tone air and bone conduction, speech reception threshold and speech discrimination with masking when indicated, and a measurement of most comfortable listening level (MCL), and a measurement of uncomfortable listening level (UCL).

Section 3. Fitting. All licensees shall include in their sales agreements the terms of all licensee's warranties and/or guarantees.

Section 4. Verification. Evaluation of objective hearing aid performance with hearing instrument(s) in place must be done. This can be accomplished by way of "sound field" testing or "real ear measurement", according to equipment manufacturer's specifications. The results of the verification shall be documented and made available to the board upon request.

Section 5. Validation. All licensees shall record in the patient's file all patient complaints, questionnaires, tests administered, results observed, adjustments made to the hearing instrument, and recommendations made to the patient.

Section 6. 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. 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. 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. 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.

ARTICLE X. Unethical Conduct; Termination of Internship

Section 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. Full responsibility for the ethical conduct of an intern shall rest with the sponsor.

Section 2. A sponsor may terminate an intern for unethical or dishonest conduct, or for other good cause. Within ten (10) days the sponsor shall notify the Board of such termination by certified mail, explaining in full the grounds for such termination.

Section 3. Any intern deprived of his/her sponsorship by termination may request a hearing by the Board. If a majority of the Board shall find him/her blameless of the charges, he/she shall be free to seek sponsorship with the same or another license holder. Upon application by a new sponsor, his/her internship may be reinstated, with no payment of fee or penalty. If the Board shall find him/her guilty as charged, the Board, in its discretion, may suspend or revoke the internship.

Section 4. 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 deemed in violation of Ark. Code Ann. Section 17-84-308, and shall be subject to the penalties contained therein.

ARTICLE XI. Filing of Charges and Investigation

Section 1. Any person may file a written complaint with this Board 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.

Section 2. Any person against whom a complaint has been filed with the Board shall be given the opportunity to respond to the complaint in writing. The complainant shall have twenty (20) days, from the date of receipt of the complaint, to respond.

Section 3. The Board may initiate an investigation act upon its own motion or upon written complaint. An investigation may be conducted by one or more of the Board members or agents of the Board.

Section 4. 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.

Section 5. If, after investigation, the Board finds the complaint justified, further action taken by the Board shall be governed by the Administrative Procedures Act, Ark. Code Ann. Section 25-15-201, et. seq.

ARTICLE XII. Established Place of Business

Section 1. On his/her application to the Board for a license by examination, or an internship, the applicant shall state the following:

- (a) The applicant's name and residence address.
- (b) The name of the established place of business in which he/she conducts business.
- (c) The physical location or address of that established place of business.
- (d) The mailing address and business phone number of that established place of business.
- (e) A listing of the equipment used in the practice of fitting and dispensing of hearing instruments.
- (f) The name and license number of the person in charge of that established place of business.
- (g) The name and business address, if different of the person or persons financially responsible for that established place of business.
- (h) A statement regarding whether the applicant will be engaged in the practice of dispensing in-

office assembled hearing instruments.

Section 2. The established place of business identified by the applicant shall be the place where the applicant's license or certificate shall be regularly displayed and shall contain adequate equipment and supplies for serving the needs of the public.

Section 3. 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. Failure to give notice required in this Section shall be deemed unethical conduct.

Section 4. 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. Said card shall be kept in the physical possession of the licensee or intern at all times during the performance of his/her duties. 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/she shall permit his/her identification card to be inspected for the purpose of identification.

Section 5. 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.

ARTICLE XIII. Sale of Hearing Instruments to Children

Section 1. It shall be considered a violation of Ark. Code Ann. Section 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 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 such examination indicates the need for a hearing instrument.

Section 2. 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.

ARTICLE XIV. Violation of State Hearing Instrument Law Across State Lines

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

ARTICLE XV. General Standards for Mobile Units

Section 1. A licensee or intern working within a "mobile unit" as defined by Act 373 of 2017 is required to comply with all Board statutes and rules, including, without limitation. Article IX and XIII herein.

Section 2. 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. 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.

ARTICLE XVI Licensure by Reciprocity

Section 1. An applicant applying for reciprocal licensure shall meet the following requirements:

- (a) The applicant shall hold a substantially similar license in another United States jurisdiction.
 - (1) 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:
 - (i) An act of bad faith; or
 - (ii) A violation of law, rule, or ethics;
 - (4) The applicant shall not hold a suspended or probationary license in a United States jurisdiction;
- (b) The applicant shall be sufficiently competent in the field of dispensing hearing instruments; and
- (c) The applicant must be at least twenty (20) years of age.

Section 2. An applicant shall submit a fully-executed application, the required fee, and the documentation described below.

- (a) As evidence that the applicant's license from another jurisdiction is substantially similar to Arkansas's, the applicant shall submit the following information:
 - (1) Evidence of current and active licensure in that state. The Board 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
 - (2) Evidence that the other state's licensure requirements match those listed in Section 1(a)(1). The Board may verify this information online or by telephone to the other state's licensing board.
- (b) To demonstrate that the applicant meets the requirements in Section 1(a)(2)--(4), the applicant shall provide the Board with:
 - (1) The names of all states in which the applicant is currently licensed or has been previously licensed; and
 - (2) 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 has not had his license revoked for the reasons listed in Section 1(a)(3) and does not hold a license on suspended or probationary status as described in Section 1(a)(4) The Board 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.
- (c) As evidence that the applicant is sufficiently competent in the field of dispensing hearing instruments, an applicant shall:
 - (1) Pass the practical application examination listed in Article VII, Sections 2 and 3 and;
 - (2) 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.
- (d) The applicant shall also provide proof of completion of the education requirements referenced in Section 1 (a)(1)(i) by submitting a certified college transcript, proof of graduation from an ACA program, or certification from NBCHIS.

Section 3. Temporary and Provisional Licenses.

- (a) The Board shall issue a temporary and provisional license immediately upon receipt of the application, the required fee, and the documentation required under Section 2(a)(1) and (2).
- (b) The temporary and provisional license shall be effective for ninety (90) days or until the Board makes a decision on the application, unless the Board determines that the applicant does not meet the requirements in Section 1 of this rule, in which case the provisional and temporary license shall be immediately revoked.
- (c) 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.

Section 4. Licensure for an Individual from a State that Does not License Hearing Instrument Dispensers.

- (a) An applicant from a state that does not license hearing instrument dispensers shall meet the following requirements:
 - (1) The applicant shall be sufficiently competent in the field of dispensing hearing instruments;
 - (2) The applicant shall have obtained two (2) or more years of college education from a regionally accredited college or university, graduation from an American Conference of Audioprosthology Program, or a National Board for Certification in Hearing Instrument Sciences certificate; and
 - (3) The applicant must be at least twenty (20) years of age.
- (b) An applicant shall submit a fully-executed application, the required fee, and the documentation described below:
 - (1) 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 Article VII, Sections 2 and 3; 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.
 - (2) The applicant shall also provide proof of completion of the education requirements referenced in Section 1 (a)(1)(i) by submitting a certified college transcript, proof of graduation from an ACA program, or certification from NBCHIS.

ARTICLE XVII. Licensure for Uniformed Service Members, Veterans, and Spouses.

Section 1. As used in this subsection

- (a) "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 these Rules.
- (b) "uniformed service veteran" means a former member of the Uniformed Services discharged under circumstances other than dishonorable.

Section 2. The Board shall grant automatic licensure to an individual who holds a substantially equivalent license in another U.S. jurisdiction and is:

- (a) A uniformed service member stationed in the State of Arkansas;
- (b) A uniformed service veteran who resides in or establishes residency in the State of Arkansas; or
- (c) The spouse of:
 - (1) a person under Article XVII Section 2 (a) or (b);,
 - (2) a 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
 - (3) A 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.

Section 3. The Board shall grant such automatic licensure upon receipt of all of the below:

- (a) Payment of the initial licensure fee;
- (b) Evidence that the individual holds a license with a similar scope of practice in another state; and
- (c) Evidence that the applicant is a qualified applicant under Rule XVII Section 2 (a), (b), or (c).

Section 4. The expiration date of a license for a deployed uniform service member or spouse will be extended for one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

Section 5. A full exemption from continuing education requirements will be allowed for a deployed uniform service member or spouse until one hundred and eighty (180) days following the date of the uniformed service member's return from deployment.

ARTICLE XVIII. Pre-Licensure Criminal Background Check.

Section 1. Pursuant to Act 990 of 2019, an individual may petition for a pre-licensure determination of whether the individual's criminal record will disqualify the individual from licensure and whether a waiver may be obtained.

Section 2. The individual must obtain the pre-licensure criminal background check petition form from the Board.

Section 3. The Board will respond with a decision in writing to a completed petition within a reasonable time.

Section 4. The Board's response will state the reasons for the decision.

Section 5. All decisions of the Board in response to the petition will be determined by the information provided by the individual.

Section 6. Any decision made by the Board in response to a pre-licensure criminal background check petition is not subject to appeal.

Section 7. The Board will retain a copy of the petition and response and it will be reviewed during the formal application process.

ARTICLE XIX. Waiver Request for Disqualifying Criminal Offenses.

Section 1. If an individual has been convicted of an offense listed in Ark. Code Ann. Section 17-3-102(a) or (e), the Board 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:

- (a) An affected applicant for a license; or
- (b) An individual holding a license subject to revocation.

Section 2. The Board may grant a waiver upon consideration of the following, without limitation:

- (a) The age at which the offense was committed;
- (b) The circumstances surrounding the offense;
- (c) The length of time since the offense was committed;
- (d) Subsequent work history since the offense was committed;
- (e) Employment references since the offense was committed;
- (f) Character references since the offense was committed;
- (g) Relevance of the offense to the occupational license; and
- (h) Other evidence demonstrating that licensure of the applicant does not pose a threat to the health or safety of the public.

Section 3. A request for a waiver, if made by an applicant, must be in writing and accompany the completed application and fees.

Section 4. The Board will respond with a decision in writing and will state the reasons for the decision.

Section 5. An appeal of a determination under this section will be subject to the Administrative Procedures Act Section 25-15-201 *et seq.*

ARTICLE XX Licensure Eligibility for “Work Permit” Holders.

The Board 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.”

ARTICLE XXI. Earn and Learn Act Apprenticeships.

Section 1. The Board shall grant a license to an applicant who:

- (1) Completes a Federally-registered hearing instrument dispenser apprenticeship program, as defined under Ark. Code Ann. Section 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.

Section 2. Should the Board deny an application submitted under this Article 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.

Section 3. 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.