

Title 16, Chapter 13.3
Hearing Aid Dispensers Regulations
Article 7. Continuing Education
Proposed Language

*Changes to the modified language are shown in
double strikeout for deleted text and double underline for new text.*

Section 1399.140 - Continuing Education Required.

(a) ~~Any hearing aid license that expires on or after January 31, 2015~~ July 1, 2016. Each dispenser is required to complete at least ~~six (6)~~ twelve (12) hours of continuing education from a provider approved under Section 1399.141 below during each calendar year ~~preceding one-year renewal period~~. ~~For all licenses which expire on and after January 1, 1997, all holders of licenses shall complete nine (9) hours of continuing education per year, and not~~

(1) ~~Not more than three (3) hours of continuing education may be credited in any of the following areas related to hearing aids: related, or indirect client care courses as provided in Section 1399.140.1 ethics (including the ethics of advertising and marketing) or business practices.~~

(2) Not more than three (3) hours of the required continuing education may be credited for self-study or correspondence-type coursework, e.g., recorded courses, home study materials, or computer courses. Self-study does not include live courses. A self-study course does not mean a course taken at an accredited university towards a degree, nor does it include any interactive courses offered via electronic media where the course affords participants the opportunity to interact with an instructor and/or other course participants; these courses are not subject to the three (3) hour limit above.

(b) Records showing completion of each continuing education course shall be maintained by the dispenser for two (2) years following the renewal period.

~~(b)~~ (c) Each dispenser renewing his or her license under the provisions of Section 3451-2538.53 of the Code shall be required to submit proof satisfactory to the Board of compliance with the provisions of this article. Records shall be provided to the Board in response to a compliance audit conducted.

~~(c)~~ (d) Such proof Verification of compliance shall be submitted documented at the time of license renewal on a form provided by the bureau Board.

(d) ~~Any dispenser who cannot complete the minimum hours required under subsection (a) may have his or her license renewed, but shall make up any deficiency during the following year. If the dispenser does not complete the deficient hours in addition to the minimum hours for the current year, he or she shall be ineligible for the next renewal of his or her license unless such dispenser applies for and obtains a waiver pursuant to Section 1399.144 below.~~

(e) This article shall not apply to any dispenser who is renewing a license for the first time following was the issuance of an initial permanent license for the first time within the preceding calendar year.

(f) (f) Any person whose hearing aid dispenser's license has been expired for two years or more shall complete the required hours of approved continuing education for the prior two years before such license may be restored.

Note: Authority and reference cited: Section ~~3327.5~~ 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

Section 1399.140.1 - Continuing Education Course Content

(a) The content of a continuing education course shall pertain to direct, related, or indirect patient/client care. Course content shall not focus on equipment, devices, or other products of a particular publisher, company or corporation.

(1) Direct client care courses cover current practices in the fitting of hearing aids.

(2) Indirect patient/client care courses cover practical aspects of hearing aid dispensing (e.g., legal or ethical issues (including the ethics of advertising, and marketing, consultation, record-keeping, office management, managed care issues).

(3) Courses that are related to the discipline of hearing aid dispensing may cover general health condition or educational course offerings including, but not limited to, social interaction, cultural and linguistic diversity as it applies to service delivery for diverse populations, service delivery models, interdisciplinary case management issues, or medical pathologies that also result in hearing difficulties.

(b) Examples of courses that are considered outside the scope of acceptable course content include: personal finances and business matters, marketing and sales, and office operations that are not for the benefit of the consumer.

Note: Authority cited: Section 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

1399.141. Approval of Continuing Education Providers.

(a) In order to be approved by the Board as a continuing education provider the following information shall be submitted with an application, ~~(Continuing Education Course Approval Application form CEP 100 (Rev 1/2015))~~, incorporated herein by reference, provided by the Board:

(1) Remit the \$50 per subject continuing education course approval fee.

(2) Description of course content of all courses to be offered. The course content for all courses, including ethics, shall be current practices as related to the fitting of hearing aids for aiding or compensating for impaired human hearing or any of the subjects listed in subsection (a) of section 1399.140, be within the scope of practice for a dispenser as defined by the Code and generally shall be for the benefit of the consumer. The course content shall be information related to the fitting of hearing aids, and this information shall be at a level above that basic knowledge required for licensure as set forth in Section ~~3353~~ 2538.25 of the Code, except that basic knowledge which would serve as a brief introduction to the course. The phrase "at a level above that basic knowledge" means any subjects, issues, topics, theories, or findings that are more advanced than the entry level of knowledge of the practice of fitting or selling hearing aids as provided in Section 2538.11 of the Code described in those basic subjects listed in subdivision (b) of Section ~~3353~~.

(3) Method of instruction for course(s) offered. Teaching methods for each course or program shall be described, e.g., lecture, seminar, audiovisual, simulation, etc.

(4) Education objectives. Each course or program shall clearly state the educational objective that can be realistically accomplished within the framework of

the course or program, and the number of hours of continuing education credit which may be obtained by completion of a specified course.

(5) Qualifications of instructors. Instructors shall be qualified to teach the specified course content by virtue of their prior education, training and experience. A provider shall ensure that an instructor teaching a course has at least two of the following minimum qualifications:

(A) A license, registration, or certificate in an area related to the subject matter of the course. The license, registration, or certificate shall be current, valid, and free from restrictions due to disciplinary action by the Board or any other health care regulatory agency;

(B) Training or experience in teaching courses in the subject matter; or

(C) At least two years' experience in an area related to the subject matter of the course. A resume of each instructor shall be forwarded with the application for approval.

(6) Evaluation. Each course or program shall include an evaluation method which documents that educational objectives have been met, such as, but not limited to, a written evaluation or written examination by each participant.

(7) Open to Licensees. Only those courses or programs which are open to all licensed hearing aid dispensers shall be approved by the ~~bureau~~ Board.

(b) Providers shall maintain a record of attendance of each participant who is licensed as a hearing aid dispenser ~~and submit that record to the bureau no later than December 31 of each calendar year~~ for a period of four (4) years, and shall provide such record to the Board upon request. The record shall indicate those dispensers who have complied with the requirements of the course or program offered.

(c) Applications for approval of a continuing education provider shall be submitted to the ~~bureau~~ Board at its Sacramento office ~~at least 45 days before the date of the first course or program offering to be approved allowing for sufficient time for review and prior approval as follows.~~ The Board will inform the provider within 30 days of receipt of the application whether the application is complete or deficient. The provider shall cure any deficiency within 30 days of such notice. The Board will approve or deny the application within 30 days of the date that the application is complete, or the last date to cure the deficiency. A provider may appeal to the Executive Officer of the Board the denial of approval of any course. Such appeal shall be filed with the Executive Officer of the Board not more than 30 days after the date of notice of such denial. The Executive Officer shall notify the provider of the final decision within ten (10) days of the appeal.

(d) Any change in the course content or instructor shall be reported to the ~~bureau~~ Board on a timely basis.

(e) The ~~bureau~~ Board may withdraw the approval of any provider for failure to comply with the provisions of this section.

(f) Each provider shall submit to the ~~bureau~~ Board on an annual basis a description or outline of each approved course to be offered the following year and a resume of any new instructor who will be presenting the course. This information shall be submitted prior to the re-offering of the course within the ~~time limit~~ timeframe set forth in subsection (c).

Note: Authority cited: Section ~~3327.5~~ 2531.95, Business and Professions Code. Reference: Sections ~~3327.5~~ 2538.18 and 2538.57, Business and Professions Code.

1399.142. Sanctions for Noncompliance.

(a) Any dispenser who does not complete the required number of hours of continuing education will be required to make up any deficiency during the next calendar year and renewal cycle. Such dispenser shall document to the ~~bureau~~ Board the completion of any deficient hours. Any dispenser who fails to make up the deficient hours and the hours of required continuing education for the current year shall be ineligible for the next renewal of his or her license to dispense hearing aids until such time as the deficient hours of continuing education are documented to the ~~bureau~~ Board.

(b) ~~In addition to any other sanction, F~~fraudulently misrepresenting compliance with the continuing education requirements of Section ~~3327.5~~ 2538.18 of the Code and this article shall constitute "obtaining a license by fraud or deceit" as those terms are used in Section ~~3404~~ 2533, subd. ~~(e)~~ (b), of the Code.

Note: Authority cited: Sections ~~3327.5~~ and ~~3328~~ 2531.95, Business and Professions Code. Reference: Section ~~3327.5~~ 2538.18, Business and Professions Code.

1399.143. Repetition of Courses.

Credit will not be given toward approved continuing education coursework which is substantially similar to coursework which was successfully completed within the preceding ~~three (3)~~ two (2) years and used to meet the continuing education requirements of this article and Section ~~3327.5~~ 2538.18 of the Code.

Note: Authority ~~and reference~~ cited: Section ~~3327.5~~ 2331.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

1399.144. Waiver of Requirement.

(a) The ~~bureau~~ Board, may, in its discretion, exempt from the continuing education requirements, any dispenser who for reasons of health, military service, or undue hardship cannot meet those requirements. Applications for waivers shall be submitted to the ~~bureau~~ Board for its consideration.

(b) Any dispenser who submits an application for a waiver which is denied by the ~~bureau~~ Board; shall otherwise comply with the provisions of this article or be subject to the sanctions for noncompliance set forth in Section 1399.142.

Note: Authority ~~and reference~~ cited: Section ~~3327.5~~ 2331.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.