

DEPARTMENT OF CONSUMER AFFAIRS
**TITLE 16 SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY
AND HEARING AID DISPENSERS BOARD**

PROPOSED REGULATORY LANGUAGE
Continuing Education Requirements for Hearing Aid Dispensers

Legend:	Added text is indicated with an <u>underline</u> . Omitted text is indicated by (* * * *) Deleted text is indicated by strikeout .
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Amend section 1399.140 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140. Continuing Education Required.

(a) ~~Any hearing aid license that expires on or after July 1, 2017~~Except as provided in Section 1399.144, a licensee who holds a hearing aid dispenser license pursuant to Section 2538.26 of the Code is required to complete at least twelve (12) hours of continuing education from a provider approved under Section 1399.141 during each annual renewal period.

(1) ~~A licensee who claims No more than three (3) hours of continuing education credit may be credited in related or for indirect patient/client care courses, courses related to the practice of hearing aid dispensing, or both as provided defined in Section 1399.140.1 cannot claim more than four (4) hours of continuing education per renewal period.~~

(2)(A) ~~A licensee who claims No more than six (6) hours of the required continuing education credit may be credited for self-study or correspondence-type coursework, e.g., recorded courses, home study materials, or computer courses cannot claim more than six (6) hours of continuing education per renewal period.~~

(B) 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, or both.

(3) A licensee who claims continuing education credit for courses related to equipment, devices, or other products as defined in Section 1399.140.1 cannot claim more than six (6) hours of continuing education per renewal period.

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

(c) Each dispenser renewing ~~his or her~~their license under the provisions of Section 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.

(d) Verification of compliance shall be documented at the time of license renewal on a form provided by the Board.

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

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

(f) Applicants for initial licensure who are licensed in another state and apply for licensure in this state are not required to complete the continuing education required by this section until their first renewal.

(g) If a licensee teaches a course approved under Section 1399.141 and claims continuing education for the same course, the licensee shall be credited once per renewal, receiving the same number of hours as a licensee who attended the course.

(h) If a licensee serves the Board as a selected participant in Board-sponsored examination development or administration related functions and claims continuing education credit, the licensee shall receive up to two (2) hours of continuing education credit for each day of service for a maximum of four (4) hours per renewal period. The licensee shall maintain a record of hours served for submission to the Board for the purpose of subsection (c).

(i) A licensee who takes an educational course as a condition of probation resulting from disciplinary action by the Board shall not apply the course as credit towards the continuing education requirements.

(j) A licensee who claims continuing education credit for participating in a Board sponsored Occupational Analysis shall be credited no more than two (2) hours.

Note: Authority cited: ~~Section~~Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: ~~Section~~Sections 2538.18 and 2538.54, Business and Professions Code.

Amend section 1399.140.1 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.140.1. Continuing Education Course Content.

(a) The content of a continuing education course shall pertain to direct or indirect patient/client care, or be related to the practice of hearing aid dispensing, ~~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 patient/client care courses cover current practices in the fitting of hearing aids. This may include content on the fitting, programming, and troubleshooting of equipment, devices, or other products of a particular manufacturer or company only as it relates to benefitting a client's hearing and functional use of the equipment, device, or product.

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

(3) Courses that are related to the ~~discipline-practice~~ 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:

(1) Personal~~personal~~ finances and business matters, marketing and sales, and office operations that are not for the benefit of the consumer.; and

(2) Marketing, launching, or demonstrating the marketability of equipment, devices, or other products regardless of whether it focuses on a particular manufacturer's or company's equipment, devices, or products.

Note: Authority cited: ~~Section~~Sections 2531.06 and 2531.95, Business and Professions Code. Reference: Section 2538.18, Business and Professions Code.

Amend section 1399.144 of Article 7 of Division 13.3 of Title 16 of the California Code of Regulations to read as follows:

§ 1399.144. ~~Waiver of Requirement~~Exemptions from Continuing Education.

~~(a) The 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 these requirements. Applications for waivers shall be submitted to the Board for its consideration.~~A licensee is exempt from the continuing education requirement if their license is inactive pursuant to Sections 703 and 704 of the Code.

(b) To obtain an exemption, a licensee shall submit a written request for exemption from the continuing education requirement for any of the reasons listed below. The Board will notify the licensee, within thirty (30) working days after receipt of the request for exemption, whether the exemption is granted. The Board shall grant the exemption if the licensee can provide evidence, satisfactory to the Board, that:

(1) For any amount of time during the licensee's previous license renewal period the licensee was called to active duty as defined in Section 114.3 of the Code;

(2) For at least one year during the licensee's previous license renewal period the licensee resided in another country; or

(3) During the licensee's previous renewal period, the licensee or an immediate family member, where the licensee has primary responsibility for the care of that family member, was suffering from or suffered a disability. A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. The disability shall be verified by a licensed physician or psychologist with special expertise in the area of disability. Verification of the disability shall include:

(A) the nature and extent of the disability;

(B) an explanation of how the disability hinders the licensee from completing the continuing education requirement; and

(C) the name, title, address, telephone number, professional license or certification number, and original signature of the licensed physician or psychologist verifying the disability.

(c) If the request for exemption from the continuing education requirement is granted, it shall be valid only for the current renewal period.

~~(bd)~~ Any dispenser who submits an application for a waivera written request for exemption, which is denied by the 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 cited: ~~Section~~Sections 2531.06, 2531.95, and 2538.18, Business and Professions Code. Reference: Sections 114.3 and 2538.18, Business and Professions Code.