



Notice of Intent to Adopt Rules

Revised October 2014

1. General Information

a. Agency/Board Name Department of Administration and Information		
b. Agency/Board Address 2001 Capitol Ave, Emerson Bldg, Room 103	c. City Cheyenne	d. Zip Code 82002
e. Name of Contact Person Emily Cronbaugh	f. Contact Telephone Number (307) 777-6529	
g. Contact Email Address emily.cronbaugh@wyo.gov		
h. Date of Public Notice January 2, 2015	i. Comment Period Ends February 18, 2015	
j. Program Board of Hearing Aid Specialists		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted:

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number: 0	Chapter Name: Appendix A and B	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input checked="" type="checkbox"/> Repealed
Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number: 2	Chapter Name: Organization and Procedures of the Board	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input checked="" type="checkbox"/> Repealed
Chapter Number: 3	Chapter Name: Licensure Requirements and Application Procedures	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: Temporary Permit	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input checked="" type="checkbox"/> Repealed
Chapter Number: 5	Chapter Name: Licensure Renewal	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input checked="" type="checkbox"/> Repealed
Chapter Number: 6	Chapter Name: Fees	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number: 7	Chapter Name: Professional Responsibility	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number: 8	Chapter Name: Complaints: Practice and Procedure	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c. The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):
1 and 8
(Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Reasons).
(Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: <http://plboards.state.wy.us/hearingaid/RulesRegs.asp>

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. Yes No

If "Yes:"	Applicable Federal Law or Regulation Citation:

Indicate one (1):
 The proposed rules meet, but do not exceed, minimum federal requirements.
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):
 The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____
 Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

Printed Name of Authorized Individual	Emily Cronbaugh
Title of Authorized Individual	Executive Director
Date of Authorization	1/5/2015

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.

STATEMENT OF PRINCIPAL REASONS
FOR FORMAL ADOPTION OF REGULAR RULES

Pursuant to the legislative mandates contained in Senate Enrolled Act 47 (administrative rules streamlining) and House Enrolled Act 40 (general procedures for licensing boards), the Wyoming Hearing Aid Specialists Board has adopted amendments to Chapters 1 and 8. Following the Office of Administrative Hearings promulgation of uniform rules for contested case hearings, the Board adopted those rules in their entirety and incorporated them by reference into Chapters 1 and 8. Additionally, the Board added a section to Chapter 1 to establish by rule a regular meeting of the Board. The Board also added language regarding the application review process and procedures.

Pursuant to the directive from the Governor's Office to reduce and streamline agency rules, the Board has also adopted amendments to Chapters 1, 3, 6, 7, and 8 and repealed Chapters 0 (Appendix A and B), 2, 4, and 5. Specifically, the Board's rules have been reduced by 44% in number and approximately 60% in length. These changes are an attempt to reduce, reorganize, and clarify existing rules. In general, with respect to all chapters, the Board adopted the following changes:

- Utilized consistent language when referring to the Board's authority regarding rules,
- Removed unnecessary and duplicative language,
- Utilized organization abbreviations and acronyms,
- Condensed sections regarding similar subject matter, and
- Reformatted chapter content utilizing recommended outline format to maintain consistency across chapters.

In addition, the Board adopted the following proposed amendments related to each chapter:

Chapter 0: Appendix A and B

- Repealed entire chapter because it merely recited old statutory provisions.

Chapter 1: General Provisions

- Updated and reduced language in existing definitions, and deleted unnecessary or obsolete definitions.
- Added section on Board Meeting which contains language moved from Chapter 2 and established a regular Board meeting.
- Added a section to identify the location of the Board Office.
- Added a section for References by Incorporation, including the uniform contested case rules.
- Moved and clarified the Public Records Inspection section from Chapter 2.
- Moved and clarified the Change of Name section from Chapter 2.

Chapter 2: Organization and Procedures of the Board

- Repealed Chapter.
- Moved Board meeting section and Release of Confidential Records to Chapter 1.
- Moved elections, Board operations, and reporting to Governor's office to Board policies.

Chapter 3: Licensure, Temporary Permit, and Renewal Requirements and Application Procedures.

- Reorganized the Chapter to include all application and licensure matters into one chapter. In doing so, added language regarding temporary permits and licensure renewal from Chapters 4 and 5.
- Added section for Application Status and Application Review Committee.
- Reorganized, clarified, and condensed Licensure by Examination and Licensure by Endorsement sections.
- Added, reduced, and clarified Temporary Permit section.
- Added, reduced, and clarified Annual Licensure Renewal section.
- Added and clarified Failure to Renew section.
- Added and clarified Lapsed License and Relicensure section.
- Added Reinstatement of Licensure section.
- Removed Issuance of License and Display of License section because these sections were redundant.

Chapter 4: Temporary Permit

- Repealed Chapter.
- Moved language to Chapter 3.

Chapter 5: Licensure Renewal

- Repealed Chapter.
- Moved language to Chapter 3.

Chapter 6: Fees

- Consolidated and clarified several sections into General Information section.
- Reformatted and grouped fees to mirror Chapter 3.
- Added fee associated with relicensure and reinstatement.

Chapter 7: Professional Responsibility

- Minor editing changes.
- Moved Change of Name section to Chapter 1.
- Moved Grounds for Disciplinary Action section to Chapter 8.

Chapter 8: Practice and Procedure for Disciplinary, Application and Licensure Matters.

- Added Grounds for Discipline from Chapter 7.
- Added Application Review and Investigation Process.
- Consolidated and clarified several sections into Complaint Review and Disciplinary Investigation Process and Petition and Notice of Hearing section.
- Added subsection for summary suspensions.
- Added Lawful Service section.
- Consolidated and clarified several sections into Contested Case Hearing section and referenced uniform contested case rules adopted by Office of Administrative Hearings.
- Consolidated and clarified several sections into Board Decision and Order and Appeals section.

APPENDIX A

**WYOMING STATE STATUTES
TITLE 33, CHAPTER 35**

HEARING AID SPECIALIST LICENSURE ACT

REPEALED

APPENDIX A

WYOMING STATE STATUTES
TITLE 33, CHAPTER 35

HEARING AID SPECIALIST LICENSURE ACT

REPEALED

~~33-35-101. Short title. This act shall be known as the "Hearing Aid Specialist Licensure Act".~~

~~33-35-102. Definitions.~~

~~(a) As used in this act:~~

~~(i) "Board" means the board of hearing aid specialists;~~

~~(ii) "Hearing aid" means any instrument or device designed to be worn on the person for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including an earmold, but excluding batteries and cords;~~

~~(iii) "Hearing aid specialist" or "hearing aid dealer" means a person who specializes in either the fitting, dealing or dispensing of hearing aids; the hearing aid dealer is synonymous to a hearing aid specialist;~~

~~(iv) "Permittee" means a person who is in training or awaiting examination to become a licensed hearing aid specialist;~~

~~(v) "Practice of either dispensing or fitting hearing aids" means the commercial or noncommercial selection, adaptation and sale of hearing aids, and includes the testing of hearing for these purposes. The testing of hearing shall include the test whether or not a hearing aid shall be recommended as needed. The practice also includes the making of impressions for earmolds and counseling and instruction pertaining to the selection, fitting, adaptation or sale of hearing aids;~~

~~(vi) "Sell" or "sale" means any transfer of title or of the right to use by lease, bailment or any other means, excluding wholesale transactions with distributors or dealers;~~

~~(vii) "Temporary permit" means a permit issued while the applicant is in training or awaiting examination to become a licensed hearing aid specialist;~~

~~(viii) "This act" means W.S. 33-35-101 through 33-35-121.~~

~~33-35-103. License required to sell, dispense or fit hearing aids.~~

~~(a) After July 1, 1977 anyone involved in either the direct or indirect sale or distribution of hearing aids shall be licensed under this act. The license shall be conspicuously posted in the licensee's office or place of business. Duplicate licenses shall be issued by the board to valid license holders operating more than one (1) office, without additional payment. A license under this act confers upon the holder the right to select, fit or sell hearing aids.~~

~~(b) Nothing in this act prohibits a corporation, partnership, trust, association or like organization maintaining an established business address from engaging in the business of fitting, dispensing, selling or offering for sale hearing aids at retail without a license, if it employs only properly licensed persons in the direct sale or fitting of such products. Such corporations, partnerships, trusts, associations or like organizations shall file annually with the board a list of all licensed hearing aid specialists directly or indirectly employed by it.~~

~~33-35-104. Receipt required to be furnished to person supplied with hearing aid.~~

~~(a) Any person who fits, dispenses or sells hearing aids shall deliver to each person supplied with a hearing aid a receipt containing the licensee's signature, his business address and the number of his certificate, together with specifications as to the make, model and serial number of the hearing aid furnished and full terms of sale clearly stated. If a hearing aid which is not new is sold, the receipt and the container shall be clearly marked "used" or "reconditioned", whichever is applicable, and the receipt shall state any terms of guarantee.~~

~~(b) This receipt shall bear in no smaller type than the largest used in the body copy portion the following: "The purchaser has been advised that any examination or representations made by a licensed hearing aid specialist in connection with either the fitting or selling of this hearing aid is not an examination, diagnosis or prescription by a person licensed to practice medicine in this state and shall not be regarded as medical opinion."~~

~~33-35-105. Criteria for medical referral.~~

~~(a) Wherever any of the following conditions are found to exist either from observations by the licensee or permittee [or] on the basis of information furnished by the prospective hearing aid user, a licensee or permittee shall, prior to either fitting, dispensing or selling a hearing aid, recommend in writing that the prospective user's best interest would be served if he would consult a licensed physician specializing in diseases of the ear or, if no such specialist is available in the community, any licensed physician:~~

~~(i) Visible congenital or traumatic deformity of the ear;~~

~~(ii) History of or active drainage from the ear within the previous ninety (90) days;~~

~~_____ (iii) History of sudden or rapidly progressive hearing loss within the previous ninety (90) days;~~

~~_____ (iv) Acute or chronic dizziness;~~

~~_____ (v) Unilateral hearing loss of sudden or recent onset within the previous ninety (90) days;~~

~~_____ (vi) Significant air bone gap when generally acceptable standards have been established;~~

~~_____ (vii) Visible evidence of cerumen accumulation or a foreign body in the ear canal.~~

~~_____ (b) A person receiving the written recommendation who elects to purchase a hearing aid without the recommended consultation shall sign a written acknowledgment of the recommendation which shall be kept by the licensee for at least seven (7) years. Nothing in this section required to be performed by a licensee shall be construed to mean that the licensee is engaged in the diagnosis of illness or the practice of medicine.~~

~~_____ (c) Any person engaging in the fitting, dispensing or sale of hearing aids shall, when dealing with a child sixteen (16) years of age or under, ascertain whether the child has been examined by an otolaryngologist or licensed clinical audiologist within three (3) months prior to the fitting. If such is not the case it shall be unlawful to sell a hearing aid to a child.~~

~~_____ (d) The provisions of subsection (c) of this section shall not be applicable for any child whose parent or guardian submits written objection to such procedure.~~

~~_____ **33-35-106. Persons and practices not affected.**~~

~~_____ (a) This act does not apply to a person who is a physician or a clinical audiologist licensed to practice in Wyoming as long as he is not involved in the direct or indirect sale or distribution of hearing aids.~~

~~_____ (b) This act is not intended to prevent any person from engaging in the practice of measuring human hearing and the selection of hearing aids if the person or the organization employing this person does not either dispense or sell hearing aids or accessories thereto, except in the case of earmolds.~~

~~_____ **33-35-107. License by experience.** For a period of six (6) months following the effective date of this act, applicants for license shall be issued a license provided that applicant is an adult as defined in W.S. 14-1-101 and has been principally engaged in distributing or fitting hearing aids in Wyoming for at least two (2) years within the three (3) years immediately prior to the effective date of~~

this act.

~~33-35-108. Issuance of license and certificate of endorsement.~~

~~(a) The board shall issue a license, signed by the board, to each applicant without discrimination who satisfactorily passes the experience requirements provided in W.S. 33-35-107 or passes an examination as provided in W.S. 33-35-109 and upon receipt of payment for the license. The license is effective until January 30 of the year following the year in which issued.~~

~~(b) The board may issue certificates of endorsement to applicants who hold current, valid certificates or licenses to fit, dispense or sell hearing aids issued by another state whenever the board determines that the other state has requirements and programs for determining whether applicants are qualified to dispense or fit hearing aids that are equivalent or more stringent than those in effect in Wyoming. No applicant for a certificate of endorsement shall be required to undergo a qualifying examination pursuant to W.S. 33-35-108 and 33-35-113. The holder of a certificate of endorsement shall be registered in the same manner as licensees. The fee for an initial certificate of endorsement shall be the same as the fee for an initial license. Fees, grounds for renewal and procedures for the suspension and revocation of certificates of endorsement shall be the same as for renewal, suspension and revocation of a license.~~

~~33-35-109. License by examination.~~

~~(a) Applicants who do not meet the experience qualification on the effective date of this act may obtain a license by successfully passing a qualifying examination, provided the applicant:~~

~~(i) Is an adult as defined in W.S. 14-1-101;~~

~~(ii) Has an education equivalent to a four (4) year course in an accredited high school.~~

~~(b) Applicants for license by examination shall appear at a time, place and before persons that the board designates, to be examined by written and practical tests in order to demonstrate their qualification to practice the dispensing, fitting or sale of hearing aids. The examination shall not require college training, and nothing in the examination shall imply that the applicant possesses the degree of medical competence normally expected of physicians.~~

~~(c) Examinations shall be offered by the board at least twice a year.~~

~~33-35-110. Temporary permit.~~

~~(a) An applicant who fulfills the requirements set forth in W.S. 33-35-109(a), may obtain a temporary permit upon application to the board. Previous experience or a waiting period is not required to obtain a temporary permit.~~

~~(b) Upon receiving an application accompanied by a fee set by the board pursuant to~~

~~W.S. 33-1-201, the board shall issue a temporary permit entitling the applicant to engage in either the fitting, dispensing or sale of hearing aids for a period of one (1) year. A person holding a valid hearing aid specialist license is responsible for the supervision and training of an applicant operating under a temporary permit.~~

~~(c) The board shall issue a temporary permit for use without supervision by a licensee, to an applicant entering into a hearing aid dealership as sole owner, principal of a firm or as an employee manager of a corporation if he fulfills the requirements of W.S. 33-35-109(a), and has been principally engaged in the practice of fitting, dispensing or dealing in hearing aids for at least two (2) years within the three (3) years immediately prior to the application.~~

~~(d) If a person who holds a temporary permit under subsection (b) of this section has not successfully passed the licensing examination within one (1) year from the date of issuance, the temporary permit may be renewed once upon payment of a fee as set by the board pursuant to W.S. 33-1-201. This renewal shall not be granted to holders of temporary permits under subsection (c) of this section.~~

~~**33-35-111. Scope of examination.**~~

~~(a) The qualifying examination provided in W.S. 33-35-108 shall be designed to demonstrate the applicant's technical qualifications by:~~

~~(i) Tests of knowledge in the following areas as they pertain to the fitting and sale of hearing aids:~~

~~(A) Basic physics of sound;~~

~~(B) The anatomy and physiology of the ear;~~

~~(C) The function of hearing aids;~~

~~(D) Knowledge and understanding of the grounds for revocation, suspension or probation of a license;~~

~~(E) Knowledge and understanding of criminal offenses associated with violations of this act.~~

~~(ii) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing aids:~~

~~(A) The procedures and use of equipment designed for the fitting of hearing aids;~~

~~(B) Taking earmold impressions;~~

~~_____ (C) Measurement of hearing as it pertains to the fitting of hearing aids;~~

~~_____ (D) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing aid.~~

~~_____ (iii) Evidence of knowledge regarding the medical and rehabilitation facilities for individuals with impaired hearing that are available in the area served.~~

~~_____ **33-35-112. Notice of place of business; service of notice.**~~

~~_____ (a) Every licensee shall notify the board in writing of his principal place of business in which he intends to engage in the fitting, dispensing or selling of hearing aids.~~

~~_____ (b) The board shall keep a record of the place of business of licensees.~~

~~_____ (c) Any notice required to be given by the board to a person who holds a license shall be mailed to him by certified mail at the address of the last known place of business.~~

~~_____ **33-35-113. Annual renewal of license; fees; effect of failure to renew.** Each person who engages in the fitting, dispensing or sale of hearing aids shall annually, on or before January 30, pay to the board a fee as set by the board pursuant to W.S. 33-1-201 for renewal of his license and shall keep the certificate conspicuously posted in his office or place of business at all times. Where more than one (1) office is operated by the licensee, duplicate certificates shall be issued by the board for posting in each location. A thirty (30) day grace period shall be allowed after January 30, during which time licenses may be renewed on payment of an additional fee as set by the board pursuant to W.S. 33-1-201. After expiration of the grace period, the board may renew a certificate upon payment of an additional fee as set by the board pursuant to W.S. 33-1-201. No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, if the renewal application is made within two (2) years from the date of expiration. Receipt of a certificate of calibration of audiometer must accompany renewal of license.~~

~~_____ **33-35-114. Continuing education.**~~

~~_____ (a) On and after January 1, 1978, each hearing aid specialist applying for a renewal of his license shall furnish to the board evidence that during the preceding year he has completed one (1) of the following continuing education programs:~~

~~_____ (i) Educational programs conducted by the board;~~

~~_____ (ii) Board approved training schools conducted by hearing aid manufacturers for their representatives;~~

~~_____ (iii) Board approved training sessions conducted by the National Hearing Aid~~

Society; or

~~_____ (iv) _____ Other educational means approved by the board.~~

~~_____ (b) _____ The amount of continued education shall be determined by the rules and regulations of the board. The board shall send a written notice to this effect to every person holding a valid license at least thirty (30) days prior to the license renewal date each year, directed to the last known address of the licensee.~~

~~_____ (c) _____ In the event that any licensee shall fail to meet the annual educational requirement, his license shall not be renewed by the board, but the board may renew the license upon the presentation of satisfactory evidence of educational study of a standard approved by the board and upon the payment of all fees due.~~

~~_____ **33-35-115. Complaints; grounds for revocation or suspension of license.**~~

~~_____ (a) _____ A person may make a complaint against a licensee under this act by filing a complaint in writing with the board within one (1) year from the date of the action upon which the complaint is based. If the board determines the charges made are sufficient to warrant a hearing, it shall make an order fixing a time and place for a hearing and require the licensee complained against to appear and show cause why his license should not be suspended or revoked. The order shall include a copy of the complaint and shall be served upon the licensee at least twenty (20) days before the date set for hearing, either personally or by registered mail sent to licensee's last known address. Hearings shall be conducted in accordance with the Wyoming Administrative Procedure Act.~~

~~_____ (b) _____ Any person registered under this act may have his license revoked or suspended for a period fixed by the board for any of the following causes:~~

~~_____ (i) _____ Conviction of a felony or a misdemeanor involving moral turpitude;~~

~~_____ (ii) _____ Procuring a license by fraud or deceit practiced upon the board;~~

~~_____ (iii) _____ Unethical conduct, including:~~

~~_____ (A) _____ The obtaining of any fee or the making of any sale by fraud or misrepresentation;~~

~~_____ (B) _____ Knowingly employing directly or indirectly any suspended or unregistered person to perform any work covered by this act;~~

~~_____ (C) _____ Using, causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceptive or untruthful;~~

~~_____ (D) _____ Advertising a particular model or type of hearing aid for sale when~~

~~purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, where it is established the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised;~~

~~(E) Representing that the service or advice of a person licensed to practice medicine shall be used or made available in the selection, fitting, adjustment, maintenance or repair of hearing aids when that is not true, or using the words "doctor", "clinic", "clinical audiologist", "state licensed clinic", "state registered", "state certified", "state approved" or similar term, abbreviations, symbol or wearing any costume when it would falsely give the impression that one is being treated medically, or professionally or that the licensee's service has been recommended by the state;~~

~~(F) Permitting another's use of a license;~~

~~(G) Advertising a manufacturer's product or using a manufacturer's name or trademark which implies a relationship with the manufacturer that does not exist;~~

~~(H) Directly or indirectly giving or offering to give, or permitting or causing to be given money or anything of value to any person who advises another in a professional capacity as an inducement to influence him or have him influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid specialist, or influencing persons to refrain from dealing in the products of competitors.~~

~~(iv) Engaging in either the fitting, dispensing or sale of hearing aids under a false name or alias with fraudulent intent;~~

~~(v) Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting of hearing aids, except in cases of selling replacement hearing aids within one (1) year;~~

~~(vi) Gross incompetence or negligence in fitting, dispensing or selling hearing aids;~~

~~(vii) Failure to supervise a trainee as required by W.S. 33-35-110(b) or to accept responsibility for the actions of a trainee relating to the fitting and selling of hearing aids; and~~

~~(viii) Violating any provision of this act.~~

~~**33-35-116. Prohibited acts and practices.**~~

~~(a) No person shall:~~

~~(i) Sell, barter or offer to sell or barter a license;~~

~~(ii) Purchase or procure by barter a license with intent to use it as evidence of~~

~~the holder's qualification to practice either the fitting, dispensing or sale of hearing aids;~~

~~————— (iii) ——— Alter a license with fraudulent intent;~~

~~————— (iv) ——— Use or attempt to use a license which has been purchased, fraudulently obtained, counterfeited or materially altered;~~

~~————— (v) ——— Willfully make a false statement in an application for license or application for renewal of a license; or~~

~~————— (vi) ——— Sell a hearing aid to a person under the age of sixteen (16) or to any person in a mental institution, hospital, nursing home, convalescent home or like institution, unless there is present in addition to the licensee an adult person who is not a business associate of the licensee.~~

~~————— **33-35-117. Board of hearing aid specialists.**~~

~~————— (a) ——— There is established a board of hearing aid specialists.~~

~~————— (b) ——— Members of the board shall be residents of the state. The board shall consist of five (5) members. Three (3) members shall be hearing aid specialists, one (1) member shall be a certified otolaryngologist and one (1) member shall be a clinical audiologist, licensed in Wyoming. Each hearing aid specialist on the board shall have not less than five (5) years of experience and shall hold a valid license as a hearing aid specialist as provided under this act. The hearing aid specialists first appointed shall have no less than five (5) years of experience and shall fulfill all qualifications for license by experience as provided under this act.~~

~~————— (c) ——— All members of this board shall be appointed by the governor. The term of office of each member is four (4) years, except that of the members first appointed, two (2) shall be appointed for two (2) years; two (2) shall be appointed for three (3) years; and one (1) shall be appointed for four (4) years. All terms expire on June 30, and the governor shall appoint a successor to assume his duties on July 1, at the expiration of his predecessor's term. A vacancy in the office of a member shall be filled by appointment for the unexpired term. The members of the board shall annually designate one (1) member to serve as chairman and another to serve as secretary-treasurer. No member of the board who has served two (2) or more full terms may be reappointed to the board until at least one (1) year after the expiration of his most recent full term of office. The governor may remove any board member as provided in W.S. 9-1-202.~~

~~————— (d) ——— Board members shall receive no compensation for their services but shall be paid for actual expenses incurred in the performance of their duties.~~

~~————— **33-35-118. Powers and duties of board.**~~

~~_____ (a) _____ The powers and duties of the board are as follows:~~

~~_____ (i) _____ Authorize all disbursements necessary to carry out the provisions of this act;~~

~~_____ (ii) _____ Supervise issuance of licenses and administer qualifying examinations to test the knowledge and proficiency of applicants licensed by examination;~~

~~_____ (iii) _____ Determine by test if individuals are qualified to engage in the fitting, dispensing or sale of hearing aids;~~

~~_____ (iv) _____ Issue and renew licenses;~~

~~_____ (v) _____ Suspend or revoke licenses in the manner provided by law;~~

~~_____ (vi) _____ Designate the time and place for examining applicants;~~

~~_____ (vii) _____ Appoint representatives to conduct or supervise the examination;~~

~~_____ (viii) _____ Make and publish rules and regulations not inconsistent with the laws of this state which are necessary to carry out the provisions of this act;~~

~~_____ (ix) _____ Appoint or employ subordinate employees.~~

~~_____ **33-35-119. Meetings of board.** _____ The board shall meet during July of each calendar year to select a chairman and for other business. At least one (1) additional meeting shall be held before the end of each calendar year. Further meetings may be convened at the call of the chairman or on the written request of any three (3) board members.~~

~~_____ **33-35-120. Disposition of receipts.** _____ The board shall report to the state treasurer by the fifth day of each month the amount and source of all revenue received by it during the preceding month, and shall pay the entire amount thereof into a separate account within the earmarked revenue fund. The treasurer is hereby directed to establish such an account.~~

~~_____ **33-35-121. Penalties.** _____ Violation of any provisions of this act are punishable, upon conviction, by a fine of not more than four hundred dollars (\$400.00) or imprisonment for not more than ninety (90) days, or both.~~

APPENDIX B
WYOMING STATE STATUTES
TITLE 33, CHAPTER 1
LICENSING GENERALLY
REPEALED

APPENDIX B
WYOMING STATE STATUTES
TITLE 33, CHAPTER 1
LICENSING GENERALLY

REPEALED

33-1-201. Fees Generally.

~~———— (a) ——— Except as otherwise specifically provided by statute, a board or commission authorized to establish examination, inspection, permit or license fees for any profession or corporation regulated under this title shall establish those fees in accordance with the following:~~

~~———— (i) ——— Fees shall be established by rule or regulation promulgated in accordance with the Wyoming Administrative Procedure Act;~~

~~———— (ii) ——— Fees shall be established in an amount to ensure that, to the extent practicable, the total revenue generated from the fees collected approximates, but does not exceed, the direct and indirect costs of administering the regulatory provisions required for the profession or occupation under this title;~~

~~———— (iii) ——— The board or commission shall maintain records sufficient to support the fees charged.~~

CHAPTER 1

GENERAL PROVISIONS

Section 1. Authority. The Board is authorized under the Act and the WAPA to promulgate rules and regulations to be used by the Board in the discharge of its duties to govern the licensure of hearing aid specialists and the regulation of the practice of hearing aid specialists in Wyoming.

Section 2. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to establish administrative procedures.

Section 3. Definitions.

(a) “**Act**” means the Hearing Aid Specialist Licensure Act, W.S. 33-35-101 through -121.

(b) “**ARC**” means Application Review Committee.

(c) “**Audiogram**” means a graph showing the degree of hearing loss in a particular ear as indicated by the use of an audiometer.

(d) “**Board Rules**” means the administrative rules and regulations promulgated by the Board.

(e) “**DC**” means Disciplinary Committee which may be comprised of at least one (1) Board member or the Executive Director.

(f) “**NIHIS**” means the National Institute for Hearing Instruments Studies.

(g) “**WAPA**” means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through -115.

Section 4. Board Meetings.

(a) The Board shall meet the fourth Monday in July at the Board's Office at 8:00 a.m.

(b) The Board shall meet as necessary at the time and place designated by the Board president and the Board.

Section 5. Board Office. The Board office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

Section 6. Reference by Incorporation.

(a) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section.

(b) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <http://soswy.state.wy.us/Rules/RULES/9644.pdf>.

Section 7. Public Records Inspection.

(a) If a member of public requests an electronic or hard copy of the public record, then that individual shall pay a fee. Such fee shall include cost of administrative time and producing a copy of the public record.

(b) Record inspection shall take place under the following conditions:

(i) An appointment must be made to review the records between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board office.

(ii) Record inspection shall take place in the presence of Board staff.

(iii) Original records shall remain with the Board. A member of public may request copies upon payment of a fee.

Section 8. Change of Name, Address, or Telephone Number. Each applicant, permittee, and licensee shall notify the Board in writing of any change to their legal name, home address, business address, or telephone number within thirty (30) days of the change.

CHAPTER 1

GENERAL PROVISIONS

Section 1. Authority. The ~~Wyoming Board of Hearing Aid Specialists~~Board is authorized under the ~~Hearing Aid Specialist Licensure Act, W.S. 33-35-101 through 121~~Act and the ~~Wyoming Administrative Procedures Act, W.S. 16-3-101 through 115,~~ WAPA to promulgate rules and regulations to be used by the Board in the discharge of its duties to govern the licensure of hearing aid specialists and the regulation of the practice of hearing aid specialists in ~~the State of~~ Wyoming.

Section 2. Statement of Purpose. These ~~rules and regulations are adopted for the purpose of providing reasonable standards and procedures to the Board in undertaking its responsibilities and to protect the hearing aid consumer and the integrity of the profession.~~ Board Rules are adopted to implement the Board's authority to establish administrative procedures.

~~**Section 3. Severability.** If any provision of these regulations or the application thereof to any person or circumstance is invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.~~

~~**Section 4. Terms Defined by Statute.** Terms defined in W.S. 33-35-101 through 33-35-121 shall have the same meanings when used in these regulations unless the context or subject matter clearly requires a different interpretation.~~

~~**Section 5. Section 3. Terms Defined Herein. Definitions.** As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation.~~

(a) "Act" means the Hearing Aid Specialist Licensure Act, W.S. 33-35-101 through -121.

~~(a)-(b) "ARC" means Application Review Committee. Applicant—An individual who has submitted a complete written application for licensure to the Board.~~

~~(b) Application—the form prescribed by the Board on which a person applies in writing for licensure to the Board.~~

(c) "Audiogram"—means a graph showing the degree of hearing loss in a particular ear as indicated by the use of an audiometer.

(d) “Board Rules” means the administrative rules and regulations promulgated by the Board.

(e)(e) “DC” means Disciplinary Committee which may be comprised of at least one (1) Board member or the Executive Director.

~~(d) Board The Wyoming Board of Hearing Aid Specialists.~~

~~(e) Consumer One who purchases or uses the goods or services of the hearing aid business or of the licensee or permittee.~~

~~(f) Date of Application The date a complete application, including all required supportive documentation, is received in the office of the Board.~~

~~(g) Direct Supervision The regular observation and instruction of the trainee and the availability for on-site consultation and assistance.~~

~~(h) Examination The written and practical examinations required by the Board for licensure as a hearing aid specialist.~~

~~(i) **“Hearing Aid – Any instrument or device designed to be worn on the person for the purpose of aiding or compensating for impaired human hearing and any parts, attachments or accessories, including an earmold, but excluding batteries and cords.**~~

~~(j) **Indirect Supervision – The availability of the sponsor to the permittee for consultation and assistance.**~~

~~(k) **License – The license issued by the Board to practice as a Hearing Aid Specialist in the State of Wyoming.**~~

~~(l) **Licensee – A person who is licensed as a hearing aid specialist in the State of Wyoming.**~~

(f) **N.I.H.I.S.” means –** ~~t~~The National Institute for Hearing Instruments Studies.

(m)(g) **“WAPA” means the Wyoming Administrative Procedure Act, W.S. 16-3-101 through -115.**

~~(n) **Permittee – A person who holds a temporary permit and is in training or awaiting examination to become a licensed hearing aid specialist.**~~

~~(o) **Practical Examination – The test administered by the Board to determine proficiency in the following techniques as they pertain to fitting of hearing aids:**~~

- ~~(i) The procedures and use of equipment designed for the fitting of hearing aids;~~
- ~~(ii) taking earmold impressions;~~
- ~~(iii) measurement of hearing as it pertains to the fitting of hearing aids; and~~
- ~~(iv) recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing aid.~~

~~(p) Temporary Permit—A permit issued by the Board to an applicant who is in training or awaiting examination to become a licensed hearing aid specialist.~~

~~(q) Written Examination—The test administered by the Board to determine knowledge in the following areas as they pertain to the selection, fitting and sale of hearing aids:~~

- ~~(i) Basic physics of sound;~~
- ~~(ii) the anatomy and physiology of the ear;~~
- ~~(iii) the function of hearing aids;~~
- ~~(iv) knowledge and understanding of the grounds for revocation, suspension or probation of a licensee; and~~

~~**Section 4.** knowledge and understanding of criminal offenses associated with violation of the Hearing Aid Specialist Licensure law. **Board Meetings.**~~

~~(a) The Board shall meet the fourth Monday in July at the Board’s Office at 8:00 a.m.~~

~~(b) The Board shall meet as necessary at the time and place designated by the Board president and the Board.~~

~~**Section 5. Board Office.** The Board office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.~~

~~**Section 6. Reference by Incorporation.**~~

~~(a) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section.~~

~~(b) Each rule incorporated by reference is further identified as follows:~~

(i) Chapter 2 - Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at: <http://sos.wy.state.wy.us/Rules/RULES/9644.pdf>.

Section 7. Public Records Inspection.

(a) If a member of public requests an electronic or hard copy of the public record, then that individual shall pay a fee. Such fee shall include cost of administrative time and producing a copy of the public record.

(b) Record inspection shall take place under the following conditions:

(i) An appointment must be made to review the records between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, excluding state holidays, at the Board office.

(ii) Record inspection shall take place in the presence of Board staff.

(iii) Original records shall remain with the Board. A member of public may request copies upon payment of a fee.

~~(v)~~ **Section 8. Change of Name, Address, or Telephone Number.** Each applicant, permittee, and licensee shall notify the Board in writing of any change to their legal name, home address, business address, or telephone number within thirty (30) days of the change.

CHAPTER 2

ORGANIZATION AND PROCEDURES OF THE BOARD

REPEALED

CHAPTER 2

ORGANIZATION AND PROCEDURES OF THE BOARD

REPEALED

~~**Section 1. — Establishment of the Board and Its Duties.** The Board shall be established and shall function in accordance with W.S. 33-35-117.~~

~~**Section 2. — Election of Officers.** The Board shall annually designate from its membership one member to serve as chairman, one member to serve as secretary/treasurer, and one member to serve as examination chairman.~~

~~**Section 3. — Meetings.**~~

~~(a) — The Board shall conduct a regularly scheduled meeting annually during the month of July at a time and place set by the Chairman of the Board, as well as one (1) additional meeting before the end of the calendar year.~~

~~(b) — Special meetings may be held as requested by the Chairman or by a majority of the members.~~

~~(c) — Meetings shall be open to the public and held in accordance with the Wyoming Administrative Procedures Act. The Board has the right to call executive sessions pursuant to W.S. 16-4-405.~~

~~(d) — The Chairman may conduct meetings and Board business by telephone as a means of conserving funds and expediting appropriate business.~~

~~(e) — A quorum shall consist of three (3) members.~~

~~**Section 4. — Absence Without Good Cause.** When a board member is absent from two (2) or more board meetings or examinations without good cause, the Board may ask the Governor to request the resignation of the board member or to replace the board member.~~

~~**Section 5. — Report to the Governor.** An annual report describing the activities of the Board shall be made by the Board to the Governor.~~

~~**Section 6. — Release of Confidential Records.**~~

~~(a) — Release of records shall be governed by W.S. 16-4-201 et seq., Public Records Act.~~

~~(b) Any applicant, licensee, permittee, or others with proper notarized written consent may personally inspect the contents of a Board file with the exception of personal recommendations and examination materials.~~

~~(c) Record inspection shall take place under the following conditions:~~

~~(i) An appointment must be made to review the file between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the office of the Board.~~

~~(ii) Record inspection must take place in the presence of a member of the Board or a representative of its administrative staff.~~

~~(iii) Original documents must remain with the Board but may be copied at the Board office for a reasonable fee.~~

CHAPTER 3

LICENSURE, TEMPORARY PERMIT, AND RENEWAL REQUIREMENTS AND APPLICATION PROCEDURES

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to establish the requirements for licensure, temporary permits, and annual license renewal.

Section 2. Application Status.

(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.

(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board office.

(c) Applications shall expire one year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.

Section 3. Application Review Committee.

(a) Every application shall be reviewed by the ARC.

(b) An applicant for licensure shall have committed no acts which are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.

(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for examination or licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.

Section 4. Licensure by Examination.

(a) Eligibility. An applicant may seek licensure by examination if the applicant is not licensed to practice in another jurisdiction or that jurisdiction's licensure requirements are not as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fee;

(ii) Submit references from three (3) individuals familiar with the applicant with whom

the applicant has had contact within the past five (5) years. References shall:

- (A) Be written within the last six (6) months;
- (B) Be from the applicant's previous or current employers, teachers, business associates or state licensing boards;
- (C) Not be from relatives of the applicant; and
- (D) Contain an original signature and be submitted directly to the office of the Board from the respondent and not forwarded through the applicant.

(iii) Submit a certification of calibration of all audiometric equipment in use signed by a qualified person during the previous twelve (12) months; and

(iv) Successfully pass the written, practical, and jurisprudence examinations.

(c) Application Review Committee Action. After reviewing the application, the ARC may:

- (i) Recommend eligibility for the applicant sit for necessary examinations; or
- (ii) Recommend denial of the license.

(d) Examination Procedures. Based on the ARC's recommendation of eligibility, the Board office shall:

(i) Notify NIHIS that applicant is eligible to sit for the written examination; and

(ii) Schedule an appointment for the applicant to be administered the practical and jurisprudence examinations within one (1) calendar year. Failure to sit for these examinations shall result in the expiration of the application, and applicant shall reapply.

(e) Passing Score. To successfully pass each examination, the applicant shall obtain a score of:

(i) Sixty-seven and a half percent (67.5%) on the NIHIS written examination;

(ii) Sixty-five percent (65%) on each section of the practical examination, with an overall average of seventy percent (70%) on the entire practical examination; and

(iii) Seventy percent (70%) on the jurisprudence examination.

(f) Reexamination. Any applicant that fails to successfully pass any or all examinations may be eligible for re-examination and shall pay the examination fee.

Section 5. Licensure by Endorsement.

(a) Eligibility. An applicant may seek licensure by endorsement if the applicant is licensed to practice in another jurisdiction with licensure requirements as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fee;

(ii) Submit references from three (3) individuals as defined in Section 4(b)(ii);

(iii) Submit a certification of calibration of all audiometric equipment in use signed by a qualified person during the previous twelve (12) months; and

(iv) Successfully pass the jurisprudence examination.

Section 6. Temporary Permit.

(a) Eligibility. After the ARC recommends eligibility to sit for examinations, an applicant may seek a temporary permit to practice pending administration of those examinations. Applicant shall take the first available examination.

(b) Without Supervision Application. Any applicant that meets the requirements established in W.S. 33-35-110 may apply for a temporary permit without supervision. The applicant shall submit a completed application and payment of fee.

(c) With Supervision Application. Applicant shall submit a completed application, an executed sponsorship agreement form, and payment of fee.

(d) Expiration of Temporary Permits. Any temporary permit granted by the Board shall expire within one (1) year from issuance or when the applicant is granted a license, whichever occurs first.

(e) Renewal of Temporary Permits. Applicant may renew a temporary permit with supervision once upon payment of a fee. A temporary permit without supervision shall not be renewed.

Section 7. Annual Licensure Renewal.

(a) Licensure Expiration. Licenses expire January 30 of each year. Licensees shall renew

their license on or before January 30. Licensees that fail to timely renew shall forfeit the right to practice.

(b) Renewal Notice. On or before December 31, the Board shall send a renewal notice to each licensee at their last business address of record. Failure to receive notice shall not excuse a licensee from the requirement for renewal under the Act and these Board Rules.

(c) Renewal Procedure. A licensee seeking renewal shall:

(i) Submit a completed renewal application and payment of fee;

(ii) Verify audiometer calibration certification; and

(iii) Submit evidence of completion of ten (10) hours of continued education that complies with subsection (d).

(d) Continuing Education Requirements.

(i) Continuing education activity shall be completed during the twelve (12) months prior to the license expiration. The following continuing education programs shall be accepted by the Board:

(A) Programs approved or sponsored by NIHIS; and

(B) With ninety (90) days prior written approval of the Board, college credits and programs sponsored by the Wyoming Speech, Hearing, and Language Association; the American Speech, Hearing, and Language Association; and other relevant programs or courses.

(ii) Successful completion of the licensure examination shall be deemed fulfillment of the continuing education requirement for the initial renewal of a license.

(iii) If a licensee fails to meet the continuing education requirement, the licensee shall present satisfactory evidence of educational study of a standard and pay an additional fee.

Section 8. Failure to Timely Renew.

(a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice.

(b) Administrative Grace Period.

(i) The administrative grace period shall be from January 31st to March 1st.

(ii) Licensees that failed to timely renew may apply for renewal during the administrative grace period. However, licensees shall not practice until the Board approves their license.

(iii) Licensees that failed to timely renew shall meet the renewal requirements under Section 9 (i)-(iii) including payment of additional fee.

(iv) On March 2nd, any license not renewed shall lapse.

Section 9. Lapsed License and Relicensure.

(a) If a license lapses, the applicant shall apply for relicensure.

(b) Relicensure Requirements and Procedure.

(i) If the license lapsed for less than two (2) years, the applicant shall:

(A) Submit a completed relicensure applicant and payment of fee;

(B) Submit a certification of calibration of all audiometric equipment in use signed by a qualified person during the previous twelve (12) months; and

(C) Submit references from three (3) individuals as defined in Section 4(b)(ii).

(ii) If the license lapsed more than two (2) years, the applicant shall:

(A) Meet the requirements of Section 9(b)(i); and

(B) **Jurisprudence and Competency (written and practical?).**

Section 10. Reinstatement of Licensure.

(a) Eligibility. An applicant may seek reinstatement of their license if that license has been revoked, surrendered, suspended, conditioned, or restricted.

(b) Application Requirements. Applicant shall:

(i) Submit a completed reinstatement application and payment of fee;

(ii) Submit evidence of complying with the requirements of a previous Board order;

(iii) Submit evidence of applicant's ability to safely and competently practice; and

(iv) Submit evidence demonstrating just cause for reinstatement.

CHAPTER 3

LICENSURE, TEMPORARY PERMIT, AND RENEWAL REQUIREMENTS AND APPLICATION PROCEDURES

Section 1. Statement of Purpose. Prohibition from Doing Business Without License. ~~These Board Rules are adopted to implement the Board's authority to establish the requirements for licensure, temporary permits, and annual license renewal. Persons are prohibited from selling and fitting hearing aids and from making impressions for earmolds or molds for protection in the State of Wyoming without a license or a temporary permit issued by this Board unless exempt from licensure by the Hearing Aid Specialist Licensure Act, pursuant to W.S. 33-35-106.~~

Section 2. Application Status.

~~(a) For those applicants seeking licensure, all requirements shall be met during the timeframe identified immediately prior to submitting a completed application.~~

~~(b) Applications shall be deemed "complete" when all necessary documentation has been received by the Board office.~~

~~(c) Applications shall expire one year after submission. If an application expires, an applicant shall submit a new application, including payment of fee.~~

Section 3. Application Review Committee.

~~(a) Every application shall be reviewed by the ARC.~~

~~(b) An applicant for licensure shall have committed no acts which are grounds for disciplinary action, or if the act was committed, the ARC has found after investigation that sufficient restitution has been made and the applicant no longer presents a threat to the public safety.~~

~~(c) If the ARC is unable to ascertain from documents submitted by the applicant that the applicant is eligible for examination or licensure, the ARC may require the applicant to provide additional documentation, information, or meet informally with the ARC.~~

~~**Section 2. Licensure Qualifications.** All applicants for licensure must provide satisfactory evidence to the Board that they:~~

~~(a) Are of majority age; and~~

~~(b) Have an education equivalent to a four (4) year course in an accredited high school;~~

and

~~(e) — Have successfully passed the qualifying examination as administered by the Board.~~

~~**Section 3. — Application for Examination Procedures.** The completed application must be received and accepted by the Board at least thirty (30) days prior to the scheduled administration of the examination or the applicant will be required to wait until the next administration of the exam. The following documents are required for a complete application:~~

~~(a) — A complete and notarized official application form accompanied by the application fee.~~

~~(b) — Legal proof of age.~~

~~(c) — A copy of the applicant's high school or general equivalency diploma, or diploma or transcript of higher level of education.~~

~~(d) — References from three (3) individuals familiar with the applicant with whom the applicant has had contact within the past five (5) years.~~

~~(i) — References must have been written within six (6) months of the date of application.~~

~~(ii) — References will be accepted from the applicant's previous or current employers, teachers, business associates or state licensing boards.~~

~~(iii) — References will not be accepted from relatives of the applicant.~~

~~(iv) — References must contain an original signature and be submitted directly to the office of the Board from the respondent and not forwarded through the applicant.~~

~~(e) — A certification of calibration of all audiometric equipment in use signed by a qualified person during the twelve (12) months prior to the date of application for licensure.~~

Section 4. — Licensure by Examination.

(a) Eligibility. An applicant may seek licensure by examination if the applicant is not licensed to practice in another jurisdiction or that jurisdiction's licensure requirements are not as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fee;

(ii) Submit references from three (3) individuals familiar with the applicant with whom the applicant has had contact within the past five (5) years. References shall:

(A) Be written within the last six (6) months;

(B) Be from the applicant's previous or current employers, teachers, business associates or state licensing boards;

(C) Not be from relatives of the applicant; and

(D) Contain an original signature and be submitted directly to the office of the Board from the respondent and not forwarded through the applicant.

(iii) Submit a certification of calibration of all audiometric equipment in use signed by a qualified person during the previous twelve (12) months; and

(iv) Successfully pass the written, practical, and jurisprudence examinations.

(c) Application Review Committee Action. After reviewing the application, the ARC may:

(i) Recommend eligibility for the applicant sit for necessary examinations; or

(ii) Recommend denial of the license.

(d) Examination Procedures. Based on the ARC's recommendation of eligibility, the Board office shall:

(i) Notify NIHIS that applicant is eligible to sit for the written examination; and

(ii) Schedule an appointment for the applicant to be administered the practical and jurisprudence examinations within one (1) calendar year. Failure to sit for these examinations shall result in the expiration of the application, and applicant shall reapply.

(e) Passing Score. To successfully pass each examination, the applicant shall obtain a score of:

(i) Sixty-seven and a half percent (67.5%) on the NIHIS written examination;

(ii) Sixty-five percent (65%) on each section of the practical examination, with an overall average of seventy percent (70%) on the entire practical examination; and

(iii) Seventy percent (70%) on the jurisprudence examination.

(f) Reexamination. Any applicant that fails to successfully pass any or all examinations may be eligible for re-examination and shall pay the examination fee.

Section 5. Licensure by Endorsement.

(a) Eligibility. An applicant may seek licensure by endorsement if the applicant is licensed to practice in another jurisdiction with licensure requirements as stringent as Wyoming.

(b) Application Requirements. Applicant shall:

(i) Submit a completed application and payment of fee;

(ii) Submit references from three (3) individuals as defined in Section 4(b)(ii);

(iii) Submit a certification of calibration of all audiometric equipment in use signed by a qualified person during the previous twelve (12) months; and

(iv) Successfully pass the jurisprudence examination.

Section 6. Temporary Permit.

(a) Eligibility. After the ARC recommends eligibility to sit for examinations, an applicant may seek a temporary permit to practice pending administration of those examinations. Applicant shall take the first available examination.

(b) Without Supervision Application. Any applicant that meets the requirements established in W.S. 33-35-110 may apply for a temporary permit without supervision. The applicant shall submit a completed application and payment of fee.

(c) With Supervision Application. Applicant shall submit a completed application, an executed sponsorship agreement form, and payment of fee.

(d) Expiration of Temporary Permits. Any temporary permit granted by the Board shall expire within one (1) year from issuance or when the applicant is granted a license, whichever occurs first.

(e) Renewal of Temporary Permits. Applicant may renew a temporary permit with supervision once upon payment of a fee. A temporary permit without supervision shall not be renewed.

Section 7. Annual Licensure Renewal.

(a) Licensure Expiration. Licenses expire January 30 of each year. Licensees shall renew

their license on or before January 30. Licensees that fail to timely renew shall forfeit the right to practice.

(b) Renewal Notice. On or before December 31, the Board shall send a renewal notice to each licensee at their last business address of record. Failure to receive notice shall not excuse a licensee from the requirement for renewal under the Act and these Board Rules.

(c) Renewal Procedure. A licensee seeking renewal shall:

(i) Submit a completed renewal application and payment of fee;

(ii) Verify audiometer calibration certification; and

(iii) Submit evidence of completion of ten (10) hours of continued education that complies with subsection (d).

(d) Continuing Education Requirements.

(i) Continuing education activity shall be completed during the twelve (12) months prior to the license expiration. The following continuing education programs shall be accepted by the Board:

(A) Programs approved or sponsored by NIHIS; and

(B) With ninety (90) days prior written approval of the Board, college credits and programs sponsored by the Wyoming Speech, Hearing, and Language Association; the American Speech, Hearing, and Language Association; and other relevant programs or courses.

(ii) Successful completion of the licensure examination shall be deemed fulfillment of the continuing education requirement for the initial renewal of a license.

(iii) If a licensee fails to meet the continuing education requirement, the licensee shall present satisfactory evidence of educational study of a standard and pay an additional fee.

Section 8. Failure to Timely Renew.

(a) Unlicensed Practice. Failure to timely renew may subject the licensee to disciplinary action for unlicensed practice.

(b) Administrative Grace Period.

(i) The administrative grace period shall be from January 31st to March 1st.

(ii) Licensees that failed to timely renew may apply for renewal during the administrative grace period. However, licensees shall not practice until the Board approves their license.

(iii) Licensees that failed to timely renew shall meet the renewal requirements under Section 9 (i)-(iii) including payment of additional fee.

(iv) On March 2nd, any license not renewed shall lapse.

Section 9. Lapsed License and Relicensure.

(a) If a license lapses, the applicant shall apply for relicensure.

(b) Relicensure Requirements and Procedure.

(i) If the license lapsed for less than two (2) years, the applicant shall:

(A) Submit a completed relicensure applicant and payment of fee;

(B) Submit a certification of calibration of all audiometric equipment in use signed by a qualified person during the previous twelve (12) months; and

(C) Submit references from three (3) individuals as defined in Section 4(b)(ii).

(ii) If the license lapsed more than two (2) years, the applicant shall:

(A) Meet the requirements of Section 9(b)(i); and

(B) Jurisprudence and Competency (written and practical?).

Section 10. Reinstatement of Licensure.

(a) Eligibility. An applicant may seek reinstatement of their license if that license has been revoked, surrendered, suspended, conditioned, or restricted.

(b) Application Requirements. Applicant shall:

(i) Submit a completed reinstatement application and payment of fee;

(ii) Submit evidence of complying with the requirements of a previous Board order;

(iii) Submit evidence of applicant's ability to safely and competently practice; and

(iv) Submit evidence demonstrating just cause for reinstatement.

~~**Section 4. Licensure Examination.** A written and practical examination will be administered~~

~~in the form and manner prescribed by the Board twice annually.~~

~~(a) — Any applicant approved for examination must make their first sitting for the exam within one (1) calendar year from the date of approval. Failure to sit for the exam within one (1) calendar year will result in forfeiture of all fees and closure of the application without notice.~~

~~(b) — Failure to obtain a score of at least sixty seven and a half percent (67.5%) on the National Examination requires retaking the entire National Examination.~~

~~(c) — Failure to obtain a score of at least sixty five percent (65%) on each section of the practical examination, with an overall average of seventy percent (70%) on the entire practical examination, constitutes failure of the practical examination and requires re-taking the entire practical examination at the next administration. Failure to obtain a score of seventy percent (70%) on the Wyoming Law Examination requires re-taking the entire Wyoming Law Examination.~~

~~**Section 5. — Re-examination.** Applicants failing a part or all of the examination, upon payment of a new examination fee, may be eligible for re-examination at the next scheduled administration.~~

~~**Section 6. — Persons Licensed in Other Jurisdictions.** Persons holding a current license in good standing issued by another state shall be issued a license without examination by the Board provided that the applicant presents proof satisfactory to the Board that the other state has requirements and programs for determining whether applicants are qualified to dispense or fit hearing aids that are equivalent or more stringent than those in effect in Wyoming.~~

~~**Section 7. — When Eligibility is Unclear.** If the Board is unable to ascertain from documents submitted by the applicant that the applicant is eligible for examination or licensure, the Board may require the applicant to provide additional documentation or information deemed by the Board as necessary to make that decision. Oral interviews may be requested.~~

~~**Section 8. — Notification of Applicants and Right of Appeal.** If the Board approves the applicant's initial application, this finding will be communicated in writing to the applicant along with information and instruction for sitting for the examination. If the applicant is denied on the basis of initial application materials, the reasons for this rejection shall be communicated in writing. The applicant shall have the right of reconsideration based on submission of new information and/or an appearance before the Board with the opportunity to demonstrate to the Board that they meet the licensure requirements.~~

~~**Section 9. — Issuance of License.** The Board shall issue to the successful applicant a license bearing the full name of the license holder, date of issuance, expiration date, license number, signatures of the Board and appropriate seal.~~

~~(a) — A Hearing Aid Specialist License issued by the Board shall be valid until January 30 of the year following the year of issue.~~

~~(b) — A duplicate license shall be issued by the Board to valid license holders operating more than one (1) office, without additional payment.~~

~~**Section 10. — Display of License.** Every licensee or permittee shall conspicuously display the license or permit at each place of business.~~

CHAPTER 4
TEMPORARY PERMIT
REPEALED

CHAPTER 4

TEMPORARY PERMIT

REPEALED

Section 1. — Temporary Permit. ~~A temporary permit may be issued for a period of one (1) year to an applicant pending the next administration of the examination who otherwise meets the qualifications set forth in Chapter 3, Section 2.~~

Section 2. — Without Supervision.

~~(a) — One temporary permit per business will be issued when the applicant has entered into a hearing aid dealership as sole owner, principal of the firm or as an employee manager of a corporation when the applicant has been principally engaged in the practice of fitting, dispensing or dealing in hearing aids for at least two (2) years within the three (3) years immediately prior to the date of application.~~

~~(b) — A temporary permit issued without supervision may not be renewed.~~

~~(c) — Permittees are required to take the first available licensure examination.~~

~~(d) — The permittee must surrender the temporary permit to the Board upon expiration or issuance of a license as a Hearing Aid Specialist, whichever occurs first.~~

Section 3. — With Supervision.

~~(a) — A temporary permit will be issued to an applicant who is sponsored by a licensed hearing aid specialist who:~~

~~(i) — Holds a current license in good standing as a Hearing Aid Specialist in the State of Wyoming for at least one (1) calendar year prior to the application for the temporary permit;~~

~~(ii) — Has no license revocation hearing in process;~~

~~(iii) — Sponsors no other temporary permittee; and~~

~~(iv) — Agrees in writing to:~~

~~(A) — Assume equal responsibility for all acts and omissions of the permittee within the scope of the sponsorship.~~

~~(B) Inform the Board in writing of termination of the sponsorship.~~

~~(C) Directly supervise the temporary permittee until the temporary permittee passes at least the practical portion of the hearing aid specialist licensure examination, and which supervision allows for the temporary supervision of the permittee by another licensee when the sponsor is temporarily absent.~~

~~(D) Retain total responsibility for evaluations and fittings performed by the temporary permittee even after termination of employment of the permittee.~~

~~(E) Review and countersign all sales receipts, audiograms and any other documents pertaining to the sale and fitting of hearing aids and make such countersignatures available to the Board or the Board's authorized representative for a maximum of three years or until an audit by the Board has been completed.~~

~~(b) The sponsored permittee is required to identify them self at all times as a trainee, including on the sales receipt, verbally, in writing, and in any advertisements.~~

~~(c) The sponsored permittee is prohibited from selling hearing aids without supervision.~~

~~(d) Direct supervision is required until such time as the permittee passes the practical portion of the examination.~~

~~(e) Indirect supervision is required when the permittee has passed the practical portion but not the written portion of the examination.~~

~~(f) Permittees are required to take the first available licensure examination.~~

~~(g) A temporary permit issued with supervision may be renewed once (1) upon written request of the permittee and the sponsor and payment of the renewal fee.~~

~~(h) The permittee must surrender the temporary permit to the Board upon expiration or issuance of a license as a Hearing Aid Specialist, whichever occurs first.~~

CHAPTER 5
LICENSURE RENEWAL
REPEALED

CHAPTER 5

LICENSURE RENEWAL

REPEALED

Section 1. — Renewal Procedure. ~~A Hearing Aid Specialist license may be renewed without penalty by submitting the following to the Board postmarked on or prior to January 30 of each year:~~

- ~~(a) — A complete application for renewal accompanied by the required fee.~~
- ~~(b) — A continuing education certification form with evidence attached.~~
- ~~(c) — An audiometer calibration certification form with evidence attached.~~

Section 2. — Continuing Education Requirements. ~~Each licensee shall earn a minimum of ten (10) clock hours of Board approved continuing education every year as a condition of renewal.~~

- ~~(a) — Continuing education activity must be completed during the twelve (12) months prior to the expiration date. The thirty (30) day grace period for renewal shall also apply to the continuing education requirement.~~
- ~~(b) — The following programs shall be accepted by the Board:
 - ~~(i) — Programs approved or sponsored by the National Institute of Hearing Instruments Studies (N.I.H.I.S.).~~
 - ~~(ii) — Programs sponsored by the Board.~~
 - ~~(iii) — Programs sponsored by the Wyoming Hearing Aid Dealers Society.~~
 - ~~(iv) — With ninety (90) days prior written approval of the Board, college credits and programs sponsored by the Wyoming Speech, Hearing, and Language Association; the American Speech, Hearing, and Language Association; and other relevant programs or courses.~~~~
- ~~(c) — Successful completion of the licensure examination shall be deemed fulfillment of the continuing education requirement for the initial renewal of a license.~~
- ~~(d) — Excess continuing education credit hours acquired in one twelve (12) month period may not be carried forward to the next renewal period.~~

~~(e) — Licensees are responsible for maintaining their own continuing education documentation files.~~

Section 3. — Renewal Notice.

~~(a) — Thirty (30) days prior to the license renewal date the Board will send notice to the licensee at their last business address of record to submit their renewal fee and documentation to the Board for review.~~

~~(b) — License renewal documents will not be accepted more than thirty (30) days prior to the license expiration date.~~

~~(c) — Failure to receive notice and application for renewal of license from the Board does not excuse a licensee from the requirement for renewal under the Act and these rules.~~

~~(d) — License renewal documents received which are postmarked more than thirty (30) days after the license expiration date will not be accepted by the Board and will be returned to the licensee and the license will become lapsed.~~

Section 4. — Late Renewal. A Hearing Aid Specialist license may be renewed by submitting the items required in Section 1 of this Chapter and the late renewal fee to the Board postmarked within thirty (30) days of the expiration date.

Section 5. — Lapsed License. A license which has been lapsed for no more than two (2) years may be renewed without re-examination provided:

~~(a) — The renewal request occurs within twenty-four (24) months of the expiration date of the license; and~~

~~(b) — The following is submitted to the Board:~~

~~(i) — A new Hearing Aid Specialist License renewal application; and~~

~~(ii) — A current audiometer calibration certificate with evidence attached; and~~

~~(iii) — A continuing education certification form with evidence attached; and~~

~~(iv) — The renewal fee for each year that the license was lapsed.~~

Section 6. — Failure to Meet Continuing Education Requirement. In the event that any licensee shall fail to meet the annual educational requirement, his license shall not be renewed by the Board, but the Board may renew the license upon the presentation of satisfactory evidence of

~~educational study of a standard approved by the Board as well as the requirements stated in Section 5 above within sixty (60) days of the expiration date.~~

CHAPTER 6

FEES

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to determine and collect reasonable fees.

Section 2. General Information.

(a) Fees shall be payable in the exact amount by money order, cashier's check, or certified check. Renewal fees may be paid by personal check.

(b) All fees collected by the Board are non-refundable.

Section 3. Fees. Services for which the Board charges a fee shall include, but not limited to, the following fee schedule:

(a)	Application Fee	\$200
(b)	Jurisprudence Examination Fee	\$50
(c)	Practical Examination	\$300
(d)	Initial License Fee	\$200
(e)	Temporary Permit Fee	\$300
(f)	Temporary Permit Renewal Fee (With Supervision)	\$300
(g)	License Renewal Fee	\$300
(h)	License Renewal Late Fee (Jan 31 - Mar 1)	\$100
(j)	Relicensure Application Fee	\$250
(k)	Reinstatement Application Fee	\$300
(l)	Non-Sufficient Funds Fee	\$30
(m)	Rules and Regulations	\$20
(n)	Copy Charge Fee	20¢/page

CHAPTER 6

FEES

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to determine and collect reasonable fees.

Section 2. General Information.

(a) Fees shall be payable in the exact amount by money order, cashier's check, or certified check. Renewal fees may be paid by personal check.

(b) All fees collected by the Board are non-refundable.

~~Section 1.~~ **Section 3. Fees.** Services for which the Board charges a fee shall include, but not limited to, the following fee schedule: This fee schedule is adopted by the Board pursuant to W.S. 33-1-201.

(a) Application Fee -\$200.00

~~(b) Examination Fees~~

~~(i) Wyoming Law Only \$50.00~~ Jurisprudence Examination Fee

\$50

~~(b)~~

~~(ii) National Exam Fee paid directly to provider~~

~~(iii)~~ (c) Practical Examination -\$300.00

~~(e)~~ (d) Initial License Fee- \$200.00

~~(d)~~ (e) Temporary Permit Fee -\$300.00

~~(e)~~ (f) Temporary Permit Renewal Fee (With Supervision) -\$300.00

~~(f)~~ (g) License Renewal Fee-

\$300.00

(h) License Renewal Late Fee (Jan 31 - Mar 1) Penalty- \$100

(j) Relicensure Application Fee \$250

~~(g)~~ (k) Reinstatement Application Fee \$300.00

~~(h)(1)~~ Non-Sufficient Funds Fee _____ ~~-\$30.00~~

~~(m)~~ _____ Rules and Regulations _____ ~~-\$20~~

~~(i)~~ _____ Copy Charge Fee _____ ~~20¢/page.00~~

Section 2. Refunds:

~~(a)~~ _____ All fees are non-refundable and must be in the form of a certified check or money order made payable to the Hearing Aid Specialists Licensing Board.

~~(b)~~ _____ Only renewal fees may be paid by non-certified means.

Section 3. Applications Unaccompanied by Fees. ~~No application shall be considered by the Board unless accompanied by the appropriate fee(s).~~

Section 4. Forfeiture of Examination Fees:

~~(a)~~ _____ If an applicant fails to appear for a scheduled examination, the examination fee shall be forfeited.

~~(b)(n)~~ _____ The Board may negate forfeiture of examination fees for failure to appear at an examination upon written submission by the applicant of good cause.

CHAPTER 7

PROFESSIONAL RESPONSIBILITY

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to regulate the practice of hearing aid specialists.

Section 2. Ethical Standards. The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of licensees and permittees. Licensees and permittees shall:

(a) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare;

(b) Be able to justify all services rendered to consumers as necessary for diagnostic purposes;

(c) Practice only within the competency areas for which they are licensed or permitted;

(d) Report to the Board known or suspected violations of the laws and regulations governing the practice of licensed professionals;

(e) Ensure that consumers are aware of fees and billing arrangements before rendering services;

(f) Provide consumers with accurate and complete information regarding the extent and nature of services available to them;

(g) Respect the privacy of consumers and hold in confidence all information obtained in the course of professional service;

(h) Disclose consumer records to others only with the expressed written consent of the consumer or as required by law;

(j) Ensure that when advertising their services to the public such advertising is neither fraudulent nor misleading;

(k) Not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation origin, marital status, political belief, mental or physical handicap or other preferences or characteristics;

- (l) Respond to all requests for information and all other correspondence from the Board.
- (m) Display their license at all times in a conspicuous location readily accessible to all consumers at each of the licensee's or permittee's place of business;
- (n) File the name and street address of their business with the Board;
- (o) Use the business street address in all business advertisements, correspondence and any verbal communications with the consumer;
- (p) Use the place of business in providing services to the consumer and to maintain consumer documents, records and files;
- (q) Be available to the consumer to whom a hearing aid has been sold, in order to make necessary adjustments or to provide instruction or information about the hearing aid;
- (r) Allow the Board or an authorized representative of the Board to inspect sales receipts, audiograms and any other documents related to testing for and fitting of hearing aids on receipt of a relevant complaint or to review adequate supervision of a temporary permittee;
- (s) Notify the Board of all licensees and permittees working out of the same place of business if the licensee is an owner of a hearing aid business;
- (t) Fit each new hearing aid in person unless the aid is one of the same make and model as a previously owned hearing aid;
- (u) Refer each consumer to a licensed physician, preferably a physician who specializes in diseases of the ear, or provide a waiver of this referral to be signed by the consumer on a form separate from the receipt, in accordance with W.S. 33-35-105(b);
- (v) Provide a receipt to each person supplied with a hearing aid in accordance with W.S. 33-35-104; and
- (w) Consider that the date of sale is the date of delivery of the hearing aid.

CHAPTER 7

PROFESSIONAL RESPONSIBILITY

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to regulate the practice of hearing aid specialists.

~~Section 1.~~Section 2. Ethical Standards. The protection of the public health, safety and welfare and the best interest of the public shall be the primary guide in determining the appropriate professional conduct of ~~all persons whose activities are regulated by the Board. Persons licensed or permitted by the Board~~ licensees and permittees. Licensees and permittees shall:

(a) Practice in a manner that is in the best interest of the public and does not endanger the public health, safety or welfare;

(b) Be able to justify all services rendered to consumers as necessary for diagnostic purposes;

(c) Practice only within the competency areas for which they are licensed or permitted;

(d) Report to the Board known or suspected violations of the laws and regulations governing the practice of licensed professionals;

(e) Ensure that consumers are aware of fees and billing arrangements before rendering services;

(f) Provide consumers with accurate and complete information regarding the extent and nature of services available to them;

(g) Respect the privacy of consumers and hold in confidence all information obtained in the course of professional service;

(h) Disclose consumer records to others only with the expressed written consent of the consumer or as required by law;

~~(i) (j)~~ (i) (j) ~~When advertising their services to the public,~~ Ensure that when advertising their services to the public such advertising is neither fraudulent nor misleading;

~~(j) (k)~~ (j) (k) Not practice, facilitate or condone discrimination on the basis of race, sex, sexual orientation, age, religion, nation origin, marital status, political belief, mental or physical handicap or other preferences or characteristics;

~~(k)~~(l) Respond to all requests for information and all other correspondence from the Board.

~~(l)~~(m) Display their license at all times in a conspicuous location readily accessible to all consumers at each of the licensee's or permittee's place of business;

~~(m)~~(n) File the name and street address of their business with the Board;

~~(n)~~(o) Use the business street address in all business advertisements, correspondence and any verbal communications with the consumer;

~~(o)~~(p) Use the place of business in providing services to the consumer and to maintain consumer documents, records and files;

~~(p)~~(q) Be available to the consumer to whom a hearing aid has been sold, in order to make necessary adjustments or to provide instruction or information about the hearing aid;

~~(q)~~(r) Allow the Board or an authorized representative of the Board to inspect sales receipts, audiograms and any other documents related to testing for and fitting of hearing aids on receipt of a relevant complaint or to review adequate supervision of a temporary permittee;

~~(r)~~(s) Notify the Board of ~~If the licensee is an owner of a hearing aid business, list with the Board the names of~~ all licensees and permittees working out of the same place of business if the licensee is an owner of a hearing aid business;

~~(s)~~(t) Fit each new hearing aid in person unless the aid is one of the same make and model as a previously owned hearing aid;

~~(t)~~(u) Refer each consumer to a licensed physician, preferably a physician who specializes in diseases of the ear, or provide a waiver of this referral to be signed by the consumer on a form separate from the receipt, in accordance with W.S. 33-35-105(b);

~~(u)~~(v) Provide a receipt to each person supplied with a hearing aid in accordance with W.S. 33-35-104; and;

~~(v)~~(w) Consider that the date of sale is the date of delivery of the hearing aid.

Section 2. Change of Name, Address or Telephone Number.

~~(a) ——— Licensees and permittees must register with the Board any change in their legal name within thirty (30) days of the change, must submit documentation demonstrating the change of name, and must surrender the old certificate(s) and a new certificate(s) shall be issued by the Board.~~

~~(b) — Each applicant, licensee and permittee must file with the Board in writing their current street and mailing address for both home and business and telephone numbers within thirty (30) days of the change.~~

~~**Section 3. Grounds for Disciplinary Action.** The Board is authorized to suspend or revoke the license of any person violating provisions of the Act pursuant to W.S. 33-35-118(v). The following are grounds for the suspension or revocation of a hearing aid specialist license or permit:~~

~~(a) — Willful violation of any provision of the Hearing Aid Specialist Licensure Act, W.S. 33-35-101 through 121.~~

~~(b) — Willful violation of any provision of these rules and regulations. —~~

CHAPTER 8

PRACTICE AND PROCEDURES FOR DISCIPLINARY, APPLICATION AND LICENSURE MATTERS

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Alleged violations of the Act or the Board Rules; or
 - (ii) Actions relating to an application for a licensure including granting or denying.
- (b) Determine and administer appropriate disciplinary action against licensee.

Section 2. Grounds for Discipline. The Board may take disciplinary action or refuse to issue or renew a license for the any one (1) or more violations of the Act or Board Rules.

Section 3. Application Review and Investigation Process.

- (a) Application Review.
 - (i) Every application for a license or permit issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied.
 - (ii) If any application, including renewals, reveals any information which merits further investigation, the matter shall be assigned to the ARC.
- (b) Application Review Committee Action. The ARC may:
 - (i) Recommend a license or permit be issued or renewed;
 - (ii) Recommend a settlement agreement which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand or a combination thereof; or
 - (iii) Recommend denial of the application.
- (c) Notice of Intent to Recommend Denial. The ARC shall notify the applicant of its intent to recommend denial. Such notification shall contain:
 - (i) A brief description of the facts or conduct which warrant the denial of licensure;
 - (ii) A statement of the nature of the actions which warrant the denial or other

authorized action, the facts upon which the denial or other action is based, the specific statutory provisions or the specific Board Rules involved; and

(iii) Notice of the right to a hearing if a written request is received in the Board office within thirty (30) days of the date of mailing the letter of the denial.

(d) Applicant's Request for Hearing. If the ARC recommends denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

Section 4. Complaint Review and Disciplinary Investigation Process.

(a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.

(b) Disciplinary Committee Action. The DC may:

(i) Recommend dismissal of a complaint;

(ii) Recommend issuance of an advisory letter;

(iii) Recommend a settlement agreement which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand or other discipline;

(iv) Recommend disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline; or

(v) Recommend summary suspension.

(c) Summary Suspension. The Board may conduct an expedited hearing if the DC believes that the licensee's continued practice presents a danger to the public health, safety or welfare and recommends summary suspension.

Section 5. Petition and Notice of Hearing.

(a) Petition. Formal proceedings for disciplinary action against a licensee shall be commenced by serving a notice of hearing and petition and complaint by certified or regular mail at least twenty (20) days prior to the date set for hearing.

(b) Notice of Hearing. The Notice of Hearing shall contain:

(i) The name and last address of the licensee;

(ii) A statement in ordinary and concise language of the matters asserted, which shall contain the nature of the complaint filed with the Board, the facts upon which the complaint is based, the specific statutory provisions and the specific Board Rules that the licensee is alleged to have violated;

(iii) The time, place and nature of the hearing;

(iv) The legal authority and jurisdiction; and

(v) A statement indicating that failure to respond to the petition within twenty (20) days of its receipt may result in a default judgment.

Section 6. Lawful Service. There shall be a presumption of lawful service of a Petition, Notice of Hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by certified or regular mail.

Section 7. Default. The Board may enter an order of default judgment based on the allegations contained in the Petition and Complaint in any case where the licensee or the licensee's representative has not responded nor appeared at a scheduled noticed hearing.

Section 8. Contested Case Hearing. The hearing officer shall preside over the formal contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings rules concerning contested case proceedings.

Section 9. Board Decision and Order.

(a) Board Action. The Board may resolve a complaint by:

(i) Approving the recommendations of the DC or ARC; or

(ii) Conduct a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:

(A) Dismiss the complaint due to lack of clear and convincing evidence;

(B) Issue an advisory letter; or

(C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof, for a violation of any provision of the HASLA or the Board Rules.

(b) Board Order. The Board shall make and enter a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

Section 10. Appeals. Appeals from decisions of the Board are governed by the WAPA and the Wyoming Rules of Appellate Procedure. Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

CHAPTER 8

COMPLAINTS: PRACTICE AND PROCEDURES FOR DISCIPLINARY, APPLICATION AND LICENSURE MATTERS

Section 1. Statement of Purpose. These Board Rules are adopted to implement the Board's authority to:

- (a) Conduct investigations, hearings, and proceedings concerning:
 - (i) Alleged violations of the Act or the Board Rules; or
 - (ii) Actions relating to an application for a licensure including granting or denying.
- (b) Determine and administer appropriate disciplinary action against licensee.

Section 2. Grounds for Discipline. The Board may take disciplinary action or refuse to issue or renew a license for the any one (1) or more violations of the Act or Board Rules.

Section 3. Application Review and Investigation Process.

(a) Application Review.

(i) Every application for a license or permit issued by the Board shall be subject to investigation to determine whether the requirements set forth in the Act and Board Rules are satisfied.

(ii) If any application, including renewals, reveals any information which merits further investigation, the matter shall be assigned to the ARC.

(b) Application Review Committee Action. The ARC may:

- (i) Recommend a license or permit be issued or renewed;
- (ii) Recommend a settlement agreement which may include the issuance of a license or renewal with the imposition of restrictions, conditions, reprimand or a combination thereof; or
- (iii) Recommend denial of the application.

(c) Notice of Intent to Recommend Denial. The ARC shall notify the applicant of its intent to recommend denial. Such notification shall contain:

- (i) A brief description of the facts or conduct which warrant the denial of licensure;
- (ii) A statement of the nature of the actions which warrant the denial or other

authorized action, the facts upon which the denial or other action is based, the specific statutory provisions or the specific Board Rules involved; and

(iii) Notice of the right to a hearing if a written request is received in the Board office within thirty (30) days of the date of mailing the letter of the denial.

(d) Applicant's Request for Hearing. If the ARC recommends denial of an application, the applicant may request a contested case hearing in writing within thirty (30) days of the mailing of the notification.

Section 1. Complaints.

~~(a) All complaints against a licensee or permittee shall be filed with the Board in writing and shall contain:~~

~~(b) Name and address of licensee or permittee;~~

~~(i) Name, address and telephone number of complainant;~~

~~(ii) Nature of alleged violations;~~

~~(iii) A short and concise statement of facts relating to the alleged violations; and~~

~~(iv) Signature of complainant.~~

~~(e) A formal complaint must be filed with the Board within one (1) year of the date of action upon which the complaint is based.~~

Section 4. Complaint Review and Disciplinary Investigation Process.

(a) Complaint Review. Every complaint submitted to the Board or initiated on behalf of the Board shall be investigated by a DC.

(b) Disciplinary Committee Action. The DC may:

(i) Recommend dismissal of a complaint;

(ii) Recommend issuance of an advisory letter;

(iii) Recommend a settlement agreement which may include voluntary surrender, suspension, imposition of restrictions or conditions, reprimand or other discipline;

(iv) Recommend disciplinary action against the licensee including revocation, suspension, reprimand, restrictions or conditions, or other discipline; or

(v) Recommend summary suspension.

(c) Summary Suspension. The Board may conduct an expedited hearing if the DC believes that the licensee's continued practice presents a danger to the public health, safety or welfare and recommends summary suspension.

Section 5. Petition and Notice of Hearing.

(a) Petition. Formal proceedings for disciplinary action against a licensee shall be commenced by serving a notice of hearing and petition and complaint by certified or regular mail at least twenty (20) days prior to the date set for hearing.

(b) Notice of Hearing. The Notice of Hearing shall contain:

(i) The name and last address of the licensee;

(ii) A statement in ordinary and concise language of the matters asserted, which shall contain the nature of the complaint filed with the Board, the facts upon which the complaint is based, the specific statutory provisions and the specific Board Rules that the licensee is alleged to have violated;

(iii) The time, place and nature of the hearing;

(iv) The legal authority and jurisdiction; and

(v) A statement indicating that failure to respond to the petition within twenty (20) days of its receipt may result in a default judgment.

Section 6. Lawful Service. There shall be a presumption of lawful service of a Petition, Notice of Hearing, or any other communication required by these Board Rules if sent to the last known address of the licensee or applicant by certified or regular mail.

Section 7. Default. The Board may enter an order of default judgment based on the allegations contained in the Petition and Complaint in any case where the licensee or the licensee's representative has not responded nor appeared at a scheduled noticed hearing.

Section 2. Investigation.

~~(a) The Board shall consider the complaint to determine if further investigation of the matter is warranted. If further investigation is deemed necessary, the Board shall assign an investigation committee comprised of one (1) or two (2) Board members or other individuals with assistance from a representative of the Attorney General's Office.~~

~~(b) Upon completion of the investigation, the committee shall:~~

~~(i) Prepare and file a formal complaint and notice of hearing with the Board, setting the matter for a contested case hearing;~~

- (ii) ~~Recommend to the Board that a reprimand be given to the licensee or permittee;~~
- (iii) ~~Recommend to the Board offers of settlement; or~~
- (iv) ~~Recommend to the Board that the complaint be dismissed.~~
- (e) ~~The Board may resolve a complaint at any time by:~~
 - (i) ~~Sending a written letter of reprimand/warning to the licensee or permittee;~~
 - (ii) ~~Accepting a voluntary surrender of a license;~~
 - (iii) ~~Accepting conditional terms for settlement;~~
 - (iv) ~~Dispensing with it in an informal manner; or~~
 - (v) ~~Dismissal.~~

Section 3. Service of Notice and Formal Complaint. ~~Notice and Complaint shall be served by mail at least twenty (20) days prior to the date set for hearing. It shall be sent by certified or registered mail with return receipt thereof to the licensee's or permittee's last known business address.~~

Section 4. Docket. ~~A contested case shall be assigned a number when a complaint is filed with the Board. A separate file shall be established for each docketed case, in which shall be systematically placed all papers, pleadings, documents, transcripts, evidence and exhibits.~~

Section 5. Answer or Appearance. ~~The licensee or permittee shall file an Answer or Notice of Appearance, which shall be received by the Board at least three (3) working days prior to the date set for hearing in the matter.~~

Section 6. Default in Licensee or Permittee Answering or Appearing. ~~In the event of the failure of a licensee or permittee to answer or otherwise appear within the time allowed, a default may be entered and the allegations as set forth in the Notice and Complaint shall be taken as true and an Order of the Board entered accordingly.~~

Section 7. Discovery. ~~In all contested cases coming before the Board, the taking of depositions and discovery shall be available to the parties.~~

Section 8. Subpoenas. ~~Subpoenas for appearance and to produce testimony, books, papers, documents, or exhibits may be issued by the Board or hearing officer on behalf of any party to the contested case.~~

Section 9. Section 8. Contested Case Hearing. The hearing officer shall preside over the formal

~~contested case hearing which shall be conducted pursuant to the WAPA and the Office of Administrative Hearings rules concerning contested case proceedings. All issues and matters set forth in the Notice and Complaint shall be presented to the Board. A licensee or permittee may be represented by an attorney, licensed to practice law in this State or otherwise associated at the hearing with an attorney licensed to practice law in this State.~~

~~**Section 10. — Hearing Officer. — The Board may employ and secure a hearing officer to assist and advise the Board in the conduct of a hearing and the preparation of recommended findings of fact, conclusions of law and order.**~~

~~**Section 11. — Order of Procedure. — As nearly as may be, hearings shall be conducted in accordance with the following order of procedure:**~~

~~(a) — **The Board or hearing officer shall announce that the hearing is convened upon the call of the docket number and title of the matter and case to be heard, and thereupon the Board or hearing officer shall incorporate all pleadings into the record and shall note for the record all subpoenas issued and all appearances of record;**~~

~~(b) — **All persons testifying at the hearing shall be administered the standard oath;**~~

~~(c) — **The attorney or representative of the State shall thereupon proceed to present the State's evidence. Witnesses may be cross-examined by the licensee or permittee or attorney if represented. Redirect examination may be permitted;**~~

~~(d) — **The licensee or permittee shall be heard in the same manner as the State's evidence. The State shall have the opportunity of cross-examination and redirect examination may be permitted;**~~

~~(e) — **Opening statements may be made;**~~

~~(f) — **Closing statements, at the conclusion of the presentation of evidence, may be made by parties or attorneys. A rebuttal statement may be made by the State. The time for oral argument may be limited by the Board or hearing officer;**~~

~~(g) — **After all proceedings have been concluded, the Board or hearing officer shall dismiss and excuse all witnesses and declare the hearing closed. Any party who may wish or desire to tender written briefs of law unto the Board may do so. The Board may take the case under advisement and shall declare unto each of the parties that the decision of the Board shall be announced within due and proper time following consideration of all the matters presented at the hearing; and**~~

~~(h) — **The Board and hearing officer shall retain the right and opportunity to examine**~~

any witness upon the conclusion of all testimony offered by a particular witness.

Section 12. — Rules of Civil Procedure to Apply. — The rules of practice and procedure contained in the Wyoming Rules of Civil Procedure insofar as they are applicable and not inconsistent with the matters before the Board and applicable to the rules and orders promulgated by the Board shall apply.

Section 13. — Attorneys. — The filing of an answer or other appearance by an attorney constitutes an appearance for the party for whom the pleading is filed. — The Board and all parties shall be notified in writing of any withdrawal. — Any person appearing before the Board at a hearing in a representative capacity shall be precluded from examining or cross-examining any witness unless the person is an attorney licensed to practice law in this State, or associated with an attorney licensed to practice law in this State. — This rule shall not be construed to prohibit any licensee or permittee from representing themselves in any hearing before the Board, but any licensee or permittee appearing in their own behalf shall not be relieved of abiding by all rules established for the hearing proceedings.

Section 14. — Attorney General to be Present. — In all hearings held upon formal action brought before the Board, a representative of the Office of the Attorney General of Wyoming shall appear on behalf of the State, and shall present all evidence, testimony and legal authority in support of the Notice and Complaint to be considered by the Board.

Section 15. — Record of Proceedings. — When the denial, revocation or suspension of any license is the subject for hearing, it shall be regarded as a contested case and the proceedings, including all testimony, shall be reported verbatim by a court reporter or other adequate recording device.

Section 16. **Section 9. Decision, Findings of Fact and Conclusions of Law and Order.** Board Decision and Order.

- (a) Board Action. The Board may resolve a complaint by:
 - (i) Approving the recommendations of the DC or ARC; or
 - (ii) Conduct a contested case hearing. Following the hearing and deliberation of all evidence admitted at a contested case hearing, the Board may:
 - (A) Dismiss the complaint due to lack of clear and convincing evidence;
 - (B) Issue an advisory letter; or
 - (C) Impose discipline by revocation, suspension, reprimand, restriction, condition, non-renewal, or a combination thereof, for a violation of any provision of the HASLA

or the Board Rules.

(b) Board Order. The Board shall make and enter a written decision and order. The decision and order shall be sent to the applicant, licensee, or their attorneys by certified or regular mail.

~~(a) The Board shall, with the assistance of the hearing officer, following the full and complete hearing, make and enter a written decision and order containing findings of fact and conclusions of law. The decision and order shall be filed with the Board and shall, without further action, become the decision and order as a result of the hearing.~~

~~(b) No member, staff or agent of the Board who participated or advised in the investigation or presentation of evidence at the hearing shall participate or advise in the decision.~~

~~(c) Upon entry and filing, the Board shall mail copies of the decision to each licensee or permittee and attorneys of record.~~

Section 10. Appeals. Appeals from decisions of the Board are governed by the WAPA and the Wyoming Rules of Appellate Procedure. Costs of transcripts and any reasonable costs assessed by the Board regarding the record on appeal shall be borne by the party making the appeal.

Section 17. to District Court. ~~Appeals from Board decisions shall be taken to the district court having jurisdiction and proper venue in accordance with applicable statutes and the Wyoming Rules of Appellate Procedure.~~

Section 18. Transcript in Case of Appeal. ~~In the case of an appeal to the district court, the appellant shall pay and arrange for the transcript of the testimony. The transcript shall be verified by the oath of the reporter who took the testimony as a true and correct transcript of the testimony and other evidence in the case.~~

Section 19. Stay of Board Decisions. ~~All Board decisions shall be final and enforceable upon execution and there shall be no stay of decisions unless agreed to by the Board or upon proper order of the district court.~~