



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <https://rules.wyo.gov>

Revised August 2023

1. General Information			
a. Agency/Board Name* Hearing Aid Specialists, Board of			
b. Agency/Board Address 2001 Capitol Ave, Rm. 127		c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison JoAnn Reid		f. Agency Liaison Telephone Number 307-777-3507	
g. Agency Liaison Email Address joann.reid@wyo.gov			
h. Date of Public Notice 1/23/2024		i. Comment Period End Date 3/10/2024	
j. Public Comment URL or Email Address: joann.reid@wyo.gov			
k. Program Hearing Aid Specialists, Board of			
Amended Program Name (if applicable):			
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.			
2. Legislative Enactment For purposes of this Section 2, "new" only applies to regular non-emergency rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.			
a. Are these non-emergency regular rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?			
<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes. If the rules are new, please provide the Legislative Chapter Number and Year Enacted:		Chapter:	Year:
3. Rule Type and Information For purposes of this Section 3, "New" means an emergency or regular rule that has never been previously created.			
a. Provide the Chapter Number, Title and Proposed Action for Each Chapter. Please use the "Additional Rule Information" form to identify additional rule chapters.			
Chapter Number: 1	Chapter Name: General Provisions	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number: 3	Chapter Name: Licensure, Temporary Permit, and Renewal Requirements and Application Procedures	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number: 6	Chapter Name: Fees	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number: 7	Chapter Name: Professional Responsibility	<input type="checkbox"/> New	<input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number: 8	Chapter Name: Complaints: Practice and Procedure	<input type="checkbox"/> New	<input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			
Chapter Number: 9	Chapter Name: Practice and Procedures for Application	<input checked="" type="checkbox"/> New	<input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Amended Chapter Name (if applicable):			



Additional Rule Information

Revised June 2020

Include this page only if needed.

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e. Name of Agency Liaison JoAnn Reid		f. Agency Liaison Telephone Number 307-777-3507	
g. Agency Liaison Email Address joann.reid@wyo.gov			
h. Program Hearing Aid Specialist, Board of			
Amended Program Name (if applicable):			

<u>2. Rule Type and Information, Cont.</u>			
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.			
Chapter Number: 10	Chapter Name: Practice and Procedure for Discipline Matters	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number: 11	Chapter Name: Supervision	<input checked="" type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed	
Amended Chapter Name (if applicable):			

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

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 Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

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: _____

6. 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. The Agency has completed a takings assessment as required by 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: _____

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

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

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

Chapter 1 _____
(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 Principal Reasons).

(Provide chapter numbers)

b. Checklist

The Statement of Principal 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.

If applicable: 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 (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	JoAnn Reid
<i>Title of Authorized Individual</i>	Executive Director
<i>Date of Authorization</i>	January 23, 2024

**STATEMENT OF PRINCIPAL REASONS
FOR FORMAL ADOPTION OF REGULAR RULES**

Pursuant to authority granted under the Hearing Aid Licensure Act, W.S. 33-35-105 through W.S. 33-35-121, the Wyoming Board of Hearing Aid Specialists has adopted the following proposed amendments through the regular rulemaking process:

All Chapters – The authority section was created or amended from previous language to properly reflect the statutory authority allowing the Board to promulgate that chapter of rules. The Statement of Purpose was removed if in previous rule versions. Sections were renumbered due to the creation or removal of these sections as necessary.

Chapter 1 – General Provisions

- In Section 2, the definition of DC was changed to IC to reflect the new language used in Chapter 10 that is model language as recommended by the Attorney General’s Office for all boards.
- Definitions of Supervision, Direct Supervision and Indirect Supervision are created. These were previously used and not defined causing confusion from the public and licensees.
- Updated the Reference for the Contested Case Practice and Procedure to the most recent version. This update was overlooked in previous amendments.

Chapter 3 – Licensure, Temporary Permit, and Renewal Requirements and Application Procedures

- Section 3 was removed as it is now in Chapter 9.
- Removed the requirement of references for licensure and relicensure. The Board asks other questions on the applications that allows them to be able to consider the character of the person applying. This will also reduce the burden of the application process.
- The Board is reducing the burden of paperwork during the application and renewal processes. The changes would require the applicant to attest and certify they are using equipment that has been calibrated and have completed the required CE but not submit copies of the paperwork. The exception would be those chosen each year at random for audit.
- Removed the section regarding the application review committee as that is now in Chapter 9 of the rules.
- Updated the passing score for the practical examination to align with the testing agencies recommendation as a new examination has recently been created.
- Clarified that temporary permittees must comply with the updated rules on supervision defined in other chapters.
- Removed the notice for the Board to send out renewal applications by a certain date. The Board is currently sending the notices out significantly earlier than the date in the current rules.
- Added language to explain the time frame for correcting continuing education that the reviewer determines to not meet the criteria of this chapter.

- Added language to explain the audit process now that the documentation will not be required to be submitted with all renewal applications.
- Clarified the examinations required for relicensure to make it easier to read for those that need to seek this type of application.
- Clarified under what circumstance a person would seek reinstatement. Reinstatement is designed for those without an active license not for all those that have discipline on their license. The procedures for the language removed is now in Chapter 10.

Chapter 6 – Fees

- Removed fees that are no longer charged by the Board.
- Added fees for replacement documentation as the Board has expenses for the actual documents and mailing of the documents to the person requesting the document.

Chapter 7 – Professional Responsibility

- The Board removed language that does not fall under ethical standards but were determined to be best practices for a licensee’s business.
- Added language regarding the provisions of supervision as an ethical standard.
- Added language that allows the Board to request documentation of the calibration that is now being attested to with applications and renewals. This allows the Board to obtain the documents in case of an application or disciplinary matter as part of the investigation.
- Added language to clarify when a temporary permit holder is required to have indirect and direct supervision.

Chapter 8 – Practice and Procedures for Disciplinary, Application, and Licensure Matters

- This chapter is repealed and the language has been moved to separate the procedures in the new Chapters 9 and 10.

Chapter 9 – Practice and Procedure for Applications

- This chapter used model language prepared by the Wyoming Attorney General’s Office to outline the procedures for application and licensure matters. The model chapter is designed to establish uniform procedures for all regulatory boards in the state.

Chapter 10 – Practice and Procedures for Discipline Matters

- This chapter used model language prepared by the Wyoming Attorney General’s Office to outline the procedures for application and licensure matters. The model chapter is designed to establish uniform procedures for all regulatory boards in the state.

Chapter 11- Supervision

- This chapter is created to remove previous confusion regarding supervision by ensuring the standards are in Rule and not policy of the Board
- Requirements of a licensee to be a supervisor are established.
- Responsibilities of the supervisor are created including the paperwork requirement, how many supervisees the supervisor can have at one time, and their responsibility for the actions of the supervisee.
- Responsibilities of the supervisee are created including informing the public they are a

supervisee and when and what type of supervision they must have.

- Created language to provide notice that they permittee cannot practice until their supervisor has been approved by the Board.

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. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-118 (a) (viii) and 16-3-103(j)(i).~~

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

Section 32. Definitions.

(a) "Act" means the Hearing Aid Specialist Licensure Act, Wyoming Statute 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~~ "IC" means Investigation Committee which may be comprised of at least one (1) Board member ~~or the Executive Director.~~

(f) "IHS" means the International Hearing Society.

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

(h) "Supervision" means the oversight and observation of a temporary permit holder by a Board approved licensed hearing aid specialist.

(i) "Direct Supervision" means the licensed supervising hearing aid specialist is onsite and readily available for consultation until the permit holder has passed the practical examination.

(j) "Indirect Supervision" means that the licensed supervising hearing aid specialist is not required to be present in the same facility as is the person being supervised, but is available for voice to voice contact by telephone or other means at the initiation of the person being supervised.

Section 43. Board Meetings.

(a) The Board shall set its regular meetings by resolution.

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

Section 54. Board Office. The Board office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

Section 65. Reference by Incorporation.

(a) 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~~ July 20, 2017, found at: <http://hearingaid.wyo.gov>.

(ii) Chapter 2 - Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://hearingaid.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board's office and are available for public inspection and copying at the same location.

Section 78. Public Records Inspection. Public records inspections shall be conducted pursuant to the Department of Administration and Information's rules concerning public records.

Section 89. 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 3

Licensure, Temporary Permit, and Renewal Requirements and Application Procedures

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-113, -114, and -118(iv).

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 43. 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) Not be from relatives of the applicant; and~~

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

~~(iii)(ii) Submit a certification of calibration of all audiometric equipment in use signed by a qualified person during the previous twelve (12) months. Certify that the audiometric equipment being used has been calibrated during the previous twelve (12) months; and~~

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

~~(e) 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.~~

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

~~(i) Notify ~~NHHS~~ IHS 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.~~

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

~~(i) Pass, as determined by IHS, on the IHS 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 Pass, as determined by IHS, on the practical examination; and~~~~

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

~~(fe) 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 ~~54~~. 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~~ Certify that the audiometric equipment being used has been calibrated during the previous twelve (12) months; and

~~(iv)~~ (v) Successfully pass the jurisprudence examination.

Section 65. 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.

(f) Upon issuance of a Temporary Permit, the permit holder shall be subject to the supervision requirements in Chapters 7 and 11 of these Rules.

Section 76. 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~~ 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~~ Certify that the audiometric equipment being used has been calibrated during the previous twelve (12) months; and

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

(d) Continuing Education Requirements.

(i) Continuing education (CE) 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 IHS; 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.~~

(e) Continuing Education Audit. The Board will use an audit system to review CE hours obtained by the licensee.

(i) Every year a percentage of current licensees will be selected at random and required to submit verification of the CE hours as outlined in this section.

(ii) Selected licensees shall submit documentation verifying their completion of CE hours.

(iii) If a licensee fails to meet the CE requirement, the licensee shall have fifteen (15) days to submit evidence of completion of CE that complies with this section.

Section 87. 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)~~ (b) including payment of additional fee.

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

Section 98. 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 application 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~~ Certify that the audiometric equipment being used has been calibrated 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 and the applicant does not hold a valid license in another jurisdiction, the applicant shall:

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

(B) ~~Jurisprudence and Competency (written and practical).~~ Retake the following exams:

(1) Jurisprudence;

(2) IHS written; and

(3) Practical.

Section 109. Reinstatement of Licensure.

(a) Eligibility. An applicant may seek reinstatement of their license if that license has been revoked, surrendered, or 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 6

Fees

Section 1. Statement of Purpose. ~~These Board Rules are adopted to implement the Board's authority to determine and collect reasonable fees.~~ **Authority.** The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-118.

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)~~(i) Relicensure Application Fee \$250
- ~~(k)~~(j) Reinstatement Application Fee \$300
- ~~(l)~~ Non-Sufficient Funds Fee \$30
- ~~(m)~~ Rules and Regulations \$20
- ~~(n)~~ Copy Charge Fee 20¢/page
- (k) Replacement Wall Certificate \$20

(1) Replacement Pocket Cards \$10

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.~~ **Authority.** The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-115(b)(iii) and -118(a)(viii).

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;
- (i) Ensure that when advertising their services to the public such advertising is neither fraudulent nor misleading;
- (j) 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) Respond to all requests for information and all other correspondence from the Board.
- (l) 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) File the name and street address of their business with the Board;~~
- ~~(n) Use the business street address in all business advertisements, correspondence and any verbal communications with the consumer;~~
- ~~(o) Use the place of business in providing services to the consumer and to maintain consumer documents, records and files;~~
- (p) 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) 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) 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;
- (s) 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) 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) Provide a receipt to each person supplied with a hearing aid in accordance with W.S. 33-35-104; ~~and~~
- ~~(v) Consider that the date of sale is the date of delivery of the hearing aid;~~
- (t) Provide supervision as outlined in Chapter 11;
- (u) Only provide services as allowed in Chapter 11 while working under a temporary permit; and
- (v) Ensure that all audiometric equipment is calibrated on an annual basis. The Board may request copies of the reports at any time.

Section 3. Supervision

(a) Temporary permit holders shall only provide services under supervision.

(i) The permit holder shall only provide services under direct supervision until they have passed the practical examination as administered by the Board.

(ii) The permit holder may provide services under indirect supervision after having passed the practical examination until the time that their independent license is issued.

Chapter 8

Complaints: Practice and Procedure

These rules have been repealed.

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 9

Practice and Procedures for Applications

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-118(a)(vii) and 16-3-103(j)(i).

Section 2. Application Review.

(a) Assigning Application Review Committee (ARC).

(i) Board staff shall review all applications for a license.

(ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.

(b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.

(c) The ARC may recommend that the Board:

(i) Issue, renew, relicense, or reinstate a license;

(ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;

(iii) Approve a settlement agreement; or

(iv) Deny the application.

(d) Notice of Intent.

(i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.

(ii) The Notice of Intent shall contain:

(A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;

(B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

(i) Request that the Board hold a hearing on the ARC's recommendation;

(ii) Request that the Board table consideration of the application; or

(iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

Section 3. Hearing Procedure.

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least 30 days before the hearing. The Notice of Hearing shall contain:

(i) A brief statement of the matters asserted, including:

(A) The ARC's recommendation;

(B) The facts upon which the recommendation is based; and

(C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.

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

(iii) The legal authority and jurisdiction of the Board; and

(iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, re-entry, or reinstatement;

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Chapter 10

Practice and Procedures for Discipline Matters

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-9-110 and 16-3-103(j)(i).

Section 2. Disciplinary Action. The Board may take disciplinary action for the following:

- (a) Violating the Board’s practice act or rules;
- (b) Violating a Board order;
- (c) Any of the conduct defined in W.S. 33-9-110; and
- (d) Violating the Code of Ethics as found in Chapter 4, Section 2 of these Rules.

Section 3. Complaint Review and Disciplinary Investigation.

(a) Complaints that a licensee has violated the Board’s practice act or the Board’s rules shall be submitted to the Board’s office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

- (i) Dismiss the complaint;
- (ii) Summarily suspend a license;
- (iii) Approve a settlement agreement;
- (iv) Discipline the licensee, including:
 - (A) Suspend a license;
 - (B) Revoke a license; or
 - (C) Impose probationary conditions.

Section 4. Summary Suspension.

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

(i) A copy of the complaint, if any;

(ii) A description of the grounds for the summary suspension recommendation;
and

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires

emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(g) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(i) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within 30 days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 4(e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(j) Unless earlier terminated by the Board or a petition for discipline is filed under Section 6 of this chapter, summary suspensions shall lapse 180 days after the written order granting summary suspension is entered under subsection (h) of this section.

Section 5. Surrender in Lieu of Discipline and Licenses Issued in Error.

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 6 of this chapter and may seek summary suspension.

(B) A revocation solely for the reasons specified this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

Section 6. Hearing Procedure.

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek; and

(iii) Provide the Licensee no less than 30 days to show that the licensee has complied with all lawful license requirements.

(c) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(d) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(e) A licensee shall respond to a Petition within (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(f) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least 30 days before the hearing. The notice of hearing shall contain:

(i) The legal authority for the Petition and statement of the Board's jurisdiction;

(ii) The facts justifying the disciplinary action sought;

(iii) The statutory provisions or Board rules the licensee is alleged to have violated;

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

(v) Notice of the burden and standard of proof.

(g) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:

(i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;

(ii) Order that the licensee may not present evidence on some or all issues in the matter; or

(iii) Any other relief the Board determines is just.

(h) The Board may set aside an entry of default for good cause.

(i) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(j) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.

- (k) The Board may resolve a discipline matter by:
- (i) Resolving a dispositive motion in either party's favor;
- (ii) Accepting a settlement agreed on by both parties;
- (iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 5(a) of this Chapter;
- (iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:

(A) Find no violation of the Board's practice act or rules and therefore:

- (1) Impose no discipline on the licensee;
- (2) Issue an Advisory Letter; or
- (3) Issue a Letter of Warning

(B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline:

- (1) Impose probationary conditions;
- (2) Suspend a license; or
- (3) Revoke a license.

(l) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(m) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(n) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Section 7. Petition for Modifying Conditions or Restrictions.

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

- (i) Compliance with all previously entered Board orders;
 - (ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and
 - (iii) That the modification will ensure the public is adequately protected.
- (b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within 30 days of the Board office receiving the petition.
- (c) Board Consideration.
- (i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.
 - (ii) The Board may approve or deny the petition for modification.

Chapter 11

Supervision

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-110(b) and -115(a)(vii).

Section 2. General Requirements for a Supervisor. A supervisor shall meet the following requirements:

(a) Hold a current license in good standing as a Hearing Aid Specialist in the State of Wyoming for a least one calendar year prior to the application to supervise a temporary permit holder;

(b) Not have a current investigation into a disciplinary matter.

Section 3. Supervisor Responsibilities. The supervisor shall:

(a) Only supervise the following:

(i) One temporary permit holder that requires direct supervision;

(ii) One temporary permit holder that requires direct supervision and one temporary permit holder that requires indirect supervision; or

(iii) Two permit holders that require only indirect supervision.

(b) Assume equal responsibility for all acts and omissions of the permittee within the scope of the supervision.

(c) Inform the Board in writing of termination of the sponsorship.

(d) Make arrangements for another licensed Hearing Aid Specialist to provide supervision of a permit holder that requires indirect supervision when the sponsor is temporarily absent.

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

(f) 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.

Section 4. Supervisee Responsibilities.

(a) Identify themselves at all times as a trainee including on the sales receipt, verbally, in writing, and in any advertisements.

(b) Abstain from fitting and dispensing hearing aids without supervision.

(c) Remain under direct supervision until such time as the permittee passes the practical portion of the examination.

(d) Remain under indirect supervision when the permittee has passed the practical portion but not the written portion of the examination.

Section 5. Elements of Supervision. Clinical practice shall not be permitted until documentation of a supervisor has been provided to, and approved by, the Board and only under the direct or indirect supervision as required in Section 4.

Chapter 1
General Provisions

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-118 (a) (viii) and 16-3-103(j)(i).

Section 2. Definitions.

(a) “Act” means the Hearing Aid Specialist Licensure Act, Wyoming Statute 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) “IC” means Investigation Committee which may be comprised of at least one (1) Board member.

(f) "IHS" means the International Hearing Society.

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

(h) “Supervision” means the oversight and observation of a temporary permit holder by a Board approved licensed hearing aid specialist.

(i) “Direct Supervision” means the licensed supervising hearing aid specialist is onsite and readily available for consultation until the permit holder has passed the practical examination.

(j) “Indirect Supervision” means that the licensed supervising hearing aid specialist is not required to be present in the same facility as is the person being supervised, but is available for voice to voice contact by telephone or other means at the initiation of the person being supervised.

Section 3. Board Meetings.

(a) The Board shall set its regular meetings by resolution.

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

Section 4. Board Office. The Board office shall be located at 2001 Capitol Avenue, Cheyenne, Wyoming.

Section 5. Reference by Incorporation.

(a) 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 July 20, 2017, found at: <http://hearingaid.wyo.gov>.

(ii) Chapter 2 - Uniform Procedures, Fees, Costs and Charges for Inspecting, Copying and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at <http://hearingaid.wyo.gov>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length or nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section; and

(iii) The incorporated rules are maintained at the Board's office and are available for public inspection and copying at the same location.

Section 8. Public Records Inspection. Public records inspections shall be conducted pursuant to the Department of Administration and Information's rules concerning public records.

Section 9. 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 3

Licensure, Temporary Permit, and Renewal Requirements and Application Procedures

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-113, -114, and -118(iv).

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. 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) Certify that the audiometric equipment being used has been calibrated during the previous twelve (12) months; and

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

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

(i) Notify IHS 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.

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

- (i) Pass, as determined by IHS, on the IHS written examination;
- (ii) Pass, as determined by IHS, on the practical examination; and
- (iii) Seventy percent (70%) on the jurisprudence examination.

(e) 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 4. 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) Certify that the audiometric equipment being used has been calibrated during the previous twelve (12) months; and
- (iii) Successfully pass the jurisprudence examination.

Section 5. 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.

(f) Upon issuance of a Temporary Permit, the permit holder shall be subject to the supervision requirements in Chapters 7 and 11 of these Rules.

Section 6. 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. 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) Certify that the audiometric equipment being used has been calibrated during the previous twelve (12) months; and

(iii) Attest to completion of ten (10) hours of continuing education that complies with subsection (d).

(d) Continuing Education Requirements.

(i) Continuing education (CE) 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 IHS; 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.

(e) Continuing Education Audit. The Board will use an audit system to review CE hours obtained by the licensee.

(i) Every year a percentage of current licensees will be selected at random and required to submit verification of the CE hours as outlined in this section.

(ii) Selected licensees shall submit documentation verifying their completion of CE hours.

(iii) If a licensee fails to meet the CE requirement, the licensee shall have fifteen (15) days to submit evidence of completion of CE that complies with this section.

Section 7. 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 (b) including payment of additional fee.

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

Section 8. 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 application and payment of fee;

and

(B) Certify that the audiometric equipment being used has been calibrated during the previous twelve (12) months.

(ii) If the license lapsed more than two (2) years and the applicant does not hold a valid license in another jurisdiction, the applicant shall:

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

(B) Retake the following exams:

(1) Jurisprudence;

(2) IHS written; and

(3) Practical.

Section 9. Reinstatement of Licensure.

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

(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 6

Fees

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-118.

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
- (i) Relicensure Application Fee \$250
- (j) Reinstatement Application Fee \$300
- (k) Replacement Wall Certificate \$20
- (l) Replacement Pocket Cards \$10

Chapter 7

Professional Responsibility

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-115(b)(iii) and 33-35-118(a)(viii).

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;
- (i) Ensure that when advertising their services to the public such advertising is neither fraudulent nor misleading;
- (j) 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) Respond to all requests for information and all other correspondence from the Board.

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

(n) 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;

(o) 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;

(p) 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;

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

(r) 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);

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

(t) Provide supervision as outlined in Chapter 11; ~~and~~

(u) Only provide services as allowed in Chapter 11 while working under a temporary permit, ~~and~~.

(v) Ensure that all audiometric equipment is calibrated on an annual basis. The Board may request copies of the reports at any time.

Section 3. Supervision

(a) Temporary permit holders shall only provide services under supervision.

(i) The permit holder shall only provide services under direct supervision until they have passed the practical examination as administered by the Board.

(ii) The permit holder may provide services under indirect supervision after having passed the practical examination until the time that their independent license is issued.

Chapter 8

Complaints: Practice and Procedure

These rules have been repealed.

Chapter 9

Practice and Procedures for Applications

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-118(a)(vii) and 16-3-103(j)(i).

Section 2. Application Review.

(a) Assigning Application Review Committee (ARC).

(i) Board staff shall review all applications for a license.

(ii) When Board staff determines that there may be grounds to deny a license or approve a license subject to discipline or restrictions, Board staff shall refer the application to an ARC.

(b) The ARC shall investigate the application, which may include requesting additional information, meeting with the applicant, or any other action the ARC deems appropriate.

(c) The ARC may recommend that the Board:

(i) Issue, renew, relicense, or reinstate a license;

(ii) Issue, renew, relicense, or reinstate a license subject to reprimand, conditions, restrictions, or other disciplinary action;

(iii) Approve a settlement agreement; or

(iv) Deny the application.

(d) Notice of Intent.

(i) If the ARC intends to recommend that the Board deny an application or issue a license subject to other disciplinary action, the ARC shall notify the applicant of its recommendation.

(ii) The Notice of Intent shall contain:

(A) A brief description of the facts or conduct that the ARC alleges warrant denying the license or issuing the license subject to disciplinary action;

(B) Citations to the applicable statutory provisions or Board rules that the ARC alleges the applicant violated; and

(C) Notice that an applicant may request a hearing before the Board in writing within thirty (30) days from the date of mailing.

(e) The applicant shall have thirty (30) days from the date the ARC mailed the Notice of Intent to respond. The applicant may:

- (i) Request that the Board hold a hearing on the ARC's recommendation;
- (ii) Request that the Board table consideration of the application; or
- (iii) Withdraw the application.

(f) If an applicant fails to timely respond to the Notice of Intent, the Board may accept the ARC's recommendation.

(g) There shall be a presumption of lawful service of any communication required by these rules if sent by U.S. mail to the address stated on the application or, if applicable, an updated address later provided by the applicant.

Section 3. Hearing Procedure.

(a) Upon receiving a written request for a hearing from an applicant, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing on the applicant at least 30 days before the hearing. The Notice of Hearing shall contain:

- (i) A brief statement of the matters asserted, including:
 - (A) The ARC's recommendation;
 - (B) The facts upon which the recommendation is based; and
 - (C) The statutory provisions or Board rules the applicant is alleged to have violated or failed to meet to qualify for licensure.
- (ii) The time, place, and nature of the hearing;
- (iii) The legal authority and jurisdiction of the Board; and
- (iv) Notice of the burden and standard of proof.

(b) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(c) The applicant shall bear the burden to prove by a preponderance of the evidence that he or she meets the qualifications for licensure. The burden of production shall shift to the ARC to prove by clear and convincing evidence that the applicant should not be granted an unrestricted license or license subject to discipline. The burden of production then shifts to the applicant to demonstrate that the ARC's grounds for denial or issuance of a license subject to conditions or restrictions are insufficient and that the applicant is entitled to licensure.

(d) The Board may resolve an application matter by:

(i) Adopting the ARC's recommendation without a hearing if the applicant did not request a hearing;

(ii) Resolving a dispositive motion in either party's favor;

(iii) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may:

(A) Issue, renew, relicense, or reinstate a license;

(B) Issue, renew, relicense, or reinstate a license with conditions, restrictions, or other disciplinary action;

(C) Deny a license, renewal, re-entry, or reinstatement;

(e) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the applicant and the applicant's attorney or representative, if any.

(i) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(ii) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Chapter 10

Practice and Procedures for Discipline Matters

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-9-110 and 16-3-103(j)(i).

Section 2. Disciplinary Action. The Board may take disciplinary action for the following:

- (a) Violating the Board's practice act or rules;
- (b) Violating a Board order;
- (c) Any of the conduct defined in W.S. 33-9-110; and
- (d) Violating the Code of Ethics as found in Chapter 4, Section 2 of these Rules.

Section 3. Complaint Review and Disciplinary Investigation.

(a) Complaints that a licensee has violated the Board's practice act or the Board's rules shall be submitted to the Board's office. Board staff may initiate complaints.

(b) After receiving a complaint or initiating a complaint, Board staff shall assign the complaint to an Investigation Committee (IC) for investigation.

(c) After reviewing and investigating the complaint, the IC may recommend that the Board:

- (i) Dismiss the complaint;
- (ii) Summarily suspend a license;
- (iii) Approve a settlement agreement;
- (iv) Discipline the licensee, including:
 - (A) Suspend a license;
 - (B) Revoke a license; or
 - (C) Impose probationary conditions.

Section 4. Summary Suspension.

(a) An IC may recommend that the Board summarily suspend a license at any time when the IC or Board staff believes that the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(b) The IC shall notify the licensee of its intent to recommend summary suspension. The Notice of Intent shall contain:

(i) A copy of the complaint, if any;

(ii) A description of the grounds for the summary suspension recommendation;
and

(iii) Notice that an expedited summary suspension proceeding shall be set at the earliest opportunity a quorum of Board members may be assembled.

(c) When the date and time of the summary suspension hearing is set, the Board staff shall notify the licensee of the date and time of the proceeding by mailing written notice and emailing electronic notice to the licensee's mailing and email addresses.

(d) The scope of the expedited summary suspension proceeding shall be limited to a presentation of the information the IC believes warrants summary suspension and any information the licensee may present on his or her behalf.

(e) Hearing Format.

(i) The IC shall describe the allegations that it believes warrant emergency action against the licensee.

(ii) The IC shall present information that demonstrates probable cause that the allegations are true.

(iii) The IC shall explain why the licensee's continued practice imperatively requires emergency action to protect the public health, safety, or welfare.

(iv) The licensee, if present, may present any information demonstrating that the allegations are not true or that, even if the allegations are true, the licensee's continued practice does not imperatively require emergency action to protect the public health, safety, or welfare.

(f) The Board may order summary suspension if it concludes that probable cause exists that the allegations are true and that the licensee's continued practice imperatively requires

emergency action to protect the public health, safety, or welfare. The Board shall incorporate a finding to that effect in its order granting summary suspension.

(g) No summary suspension shall be effective until the Board has adopted a written order incorporating the reasons justifying its decision.

(h) The Board shall enter a written order granting or denying summary suspension at the summary suspension proceeding or within seven days after the proceeding. The Board shall send the order to the licensee by U.S. mail and by email.

(i) Post-Deprivation Hearing.

(i) A licensee may request a post-deprivation hearing within ten days from the date the summary suspension order is entered.

(ii) If a licensee requests a post-deprivation hearing, the Board shall conduct it within 30 days of the licensee's request and notify the licensee of the date, time, and location of the hearing.

(iii) Post-deprivation hearings shall be conducted in the same manner as summary suspension proceedings as articulated in Section 4(e) of this chapter. The sole issue before the Board at a post-deprivation hearing shall be whether the IC's allegations imperatively require emergency action to protect the public health, safety, and welfare. The Board shall affirm its decision to summarily suspend a license, and issue a written order to that effect, if it concludes that the IC has proven the allegations by a preponderance of the evidence and that the allegations imperatively require emergency action to protect the public health, safety, or welfare.

(j) Unless earlier terminated by the Board or a petition for discipline is filed under Section 6 of this chapter, summary suspensions shall lapse 180 days after the written order granting summary suspension is entered under subsection (h) of this section.

Section 5. Surrender in Lieu of Discipline and Licenses Issued in Error.

(a) A licensee may petition the Board, in writing, to voluntarily surrender a license in lieu of discipline.

(i) The IC shall recommend that the Board approve or deny the petition.

(ii) The Board may approve or deny the petition.

(b) If Board staff has reason to believe that a license has been issued despite an applicant not meeting licensure requirements and:

(i) If Board Staff has issued the license and the Board has not ratified its issuance, the license shall be rescinded and the matter shall be referred to an ARC.

(ii) If Board Staff has issued the license and the Board has ratified its issuance, the matter shall be referred to an IC.

(A) The IC may petition the Board to revoke the license or impose practice restrictions according to the procedures outlined in Section 6 of this chapter and may seek summary suspension.

(B) A revocation solely for the reasons specified this subsection shall not be considered license discipline. Nothing in this subsection prohibits discipline or application denial for a licensee's conduct.

(C) A licensee may surrender the license at issue under this provision in lieu of a hearing before the Board without Board approval.

Section 6. Hearing Procedure.

(a) There shall be a presumption of lawful service of a Notice of Intent, Petition, Notice of Hearing, or any other communication required by these rules if sent by U.S. mail to the address the licensee most recently supplied to the Board.

(b) The IC shall notify the licensee of its intent to file a petition for disciplinary action. The Notice of Intent shall:

(i) Include a brief description of the facts or conduct that warrant the intended action;

(ii) Include a description of the nature of the discipline the IC intends to seek; and

(iii) Provide the Licensee no less than 30 days to show that the licensee has complied with all lawful license requirements.

(c) The IC shall initiate proceedings for disciplinary action by filing a Petition with the Board office and serving a copy upon the licensee to the last known address of the licensee by regular U.S. mail.

(d) A licensee may respond to the Petition by filing an Answer admitting or denying the allegations in the Petition or by filing a dispositive motion.

(e) A licensee shall respond to a Petition within (20) days from the date the Petition is filed with the Board office or, if the licensee files a dispositive motion, from the date the dispositive motion is decided by entry of a written order. Failure to respond to the Petition within this time may result in a default judgment.

(f) When a petition for disciplinary action is filed, the Board or a hearing officer appointed by the Board shall begin a contested case proceeding. Board staff or the hearing officer shall serve a Notice of Hearing, with the Petition attached, on the applicant at least 30 days before the hearing. The notice of hearing shall contain:

- (i) The legal authority for the Petition and statement of the Board's jurisdiction;
- (ii) The facts justifying the disciplinary action sought;
- (iii) The statutory provisions or Board rules the licensee is alleged to have violated;
- (iv) The time, place, and nature of the hearing; and
- (v) Notice of the burden and standard of proof.

(g) If a licensee fails to timely answer the allegations in a Petition or appear at a noticed hearing, and upon the IC's motion, the Board may enter default against the licensee. In entering default, the Board may:

- (i) Order that the factual allegations in the Petition are to be taken as true for the purposes of the hearing;
- (ii) Order that the licensee may not present evidence on some or all issues in the matter; or
- (iii) Any other relief the Board determines is just.

(h) The Board may set aside an entry of default for good cause.

(i) Any hearing officer appointed by the Board shall preside over the contested case proceeding and shall conduct the proceeding according to the Wyoming Administrative Procedure Act and Chapter 2 of the Office of Administrative Hearings rules as incorporated by reference in Chapter 1.

(j) The IC shall bear the burden to prove by clear and convincing evidence that the licensee violated the Board's practice act or the Board's rules.

- (k) The Board may resolve a discipline matter by:
 - (i) Resolving a dispositive motion in either party's favor;
 - (ii) Accepting a settlement agreed on by both parties;
 - (iii) Granting a licensee's petition for voluntary surrender in lieu of discipline under Section 5(a) of this Chapter;
 - (iv) Conducting a contested case hearing. Following the hearing and the Board's deliberation, the Board may, as applicable:
 - (A) Find no violation of the Board's practice act or rules and therefore:
 - (1) Impose no discipline on the licensee;
 - (2) Issue an Advisory Letter; or
 - (3) Issue a Letter of Warning
 - (B) Find that the licensee has violated the Board's practice act or rules and impose the following discipline:
 - (1) Impose probationary conditions;
 - (2) Suspend a license; or
 - (3) Revoke a license.

(l) The Board shall issue a written decision or order. The decision or order shall be sent by U.S. Mail to the licensee and the licensee's attorney or representative, if any.

(m) Board action is effective on the date that the Board approves the written decision or order and it is entered into the administrative record.

(n) Written board decisions or orders are final agency action subject to judicial review according to the Wyoming Administrative Procedure Act and the Wyoming Rules of Appellate Procedure.

Section 7. Petition for Modifying Conditions or Restrictions.

(a) A licensee may petition the Board to modify any conditions or restrictions on his or her license. The licensee shall submit a written petition for modification to the Board office. The petition for modification shall include evidence demonstrating:

- (i) Compliance with all previously entered Board orders;
 - (ii) That the modification is consistent with any treatment plan or medical orders, if applicable; and
 - (iii) That the modification will ensure the public is adequately protected.
- (b) The IC assigned the matter shall review the petition and shall recommend that the Board either grant or deny the petition within 30 days of the Board office receiving the petition.
- (c) Board Consideration.
- (i) The Board shall consider the petition and the IC's recommendation at its earliest convenience.
 - (ii) The Board may approve or deny the petition for modification.

Chapter 11

Supervision

Section 1. Authority. The Board promulgates these rules according to authority granted by Wyoming Statute 33-35-110(b) and -115(a)(vii).

Section 2. General Requirements for a Supervisor. A supervisor shall meet the following requirements:

(a) Hold a current license in good standing as a Hearing Aid Specialist in the State of Wyoming for a least one calendar year prior to the application to supervise a temporary permit holder;

(b) Not have a current investigation into a disciplinary matter.

Section 3. Supervisor Responsibilities. The supervisor shall:

(a) Only supervise the following:

(i) One temporary permit holder that requires direct supervision;

(ii) One temporary permit holder that requires direct supervision and one temporary permit holder that requires indirect supervision; or

(iii) Two permit holders that require only indirect supervision.

(b) Assume equal responsibility for all acts and omissions of the permittee within the scope of the supervision.

(c) Inform the Board in writing of termination of the sponsorship.

(d) Make arrangements for another licensed Hearing Aid Specialist to provide supervision of a permit holder that requires indirect supervision when the sponsor is temporarily absent.

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

(f) 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.

Section 4. Supervisee Responsibilities.

- (a) Identify themselves at all times as a trainee including on the sales receipt, verbally, in writing, and in any advertisements.
- (b) Abstain from fitting and dispensing hearing aids without supervision.
- (c) Remain under direct supervision until such time as the permittee passes the practical portion of the examination.
- (d) Remain under indirect supervision when the permittee has passed the practical portion but not the written portion of the examination.

Section 5. Elements of Supervision. Clinical practice shall not be permitted until documentation of a supervisor has been provided to, and approved by, the Board and only under the direct or indirect supervision as required in Section 4.