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PROFESSIONAL AND OCCUPATIONAL STANDARDS

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Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS
Part XXXIX. Hearing Aid Dealers

Chapter 1. Organization of Board for Hearing Aid Dealers

§101. Offices of the Board

A. The offices of the Louisiana Board for Hearing Aid Dealers shall be at 100 South Pavilion Circle, Room 107, West Monroe, LA 71292. It may have offices at such other places as the board may designate from time to time or as the business of the board may require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 38:1589 (July 2012).

§103. Meetings of the Board

A. As required by R.S. 37:2458, the Louisiana Board for Hearing Aid Dealers shall meet at least once each year in the second week of January, and should the designated day be a recognized state holiday, then on the first legal day following. This date shall be designated as the annual meeting of the Louisiana Board for Hearing Aid Dealers.

B. At such annual meeting the members of the Louisiana Board for Hearing Aid Dealers shall elect by majority vote of those members present a chairman and a secretary-treasurer, who will serve in such office until the next annual meeting.

C. The chairman of the Louisiana Board for Hearing Aid Dealers shall also have the authority to call other meetings of the board to carry out the purposes of the board, provided that written notices of such meetings are mailed to the last known address of all members of the board at least 30 days before such meeting.

D. Unless otherwise specified for in other Sections of these bylaws, a majority of the board shall constitute a quorum for the transaction of business at any meeting, annual or special, and any business transaction shall be legal, valid and binding.

E. The members of the Louisiana Council of Advisors to the Board for Hearing Aid Dealers shall be notified of all meetings of the board in the same manner and method as the members of the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457, R.S. 37:2458 and R.S. 37:2460.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§105. Duties and Powers of the Board

A. It shall be the duty of the chairman to preside at all meetings, or in case of his inability to attend any meeting, to

designate one of the members of the board to preside in his stead. He will exercise a general supervision of the affairs of the board and it shall have the usual powers of such office and any other powers and duties as the board may direct. He shall, with the secretary-treasurer, sign all licenses and certificates issued by the board.

B. It shall be the duty of the secretary-treasurer to keep all the minutes and records of the board. He shall have custody of all monies received by the board including application fees, license fees, renewal fees, fines, penalties, and other payments. He shall be responsible, with the approval of the board, for the preparation of the annual budget of the board and the approval of the budget. He shall, with the chairman, sign all licenses and certificates issued by the board. The secretary-treasurer will execute a bond in the amount and manner acceptable to the board. The premium on said bond is to be paid for out of the funds in the hands of the board.

C. The powers of the board are defined in Section 17 of Act 302 of 1968 of the Louisiana Legislature, and are hereby made a part of these bylaws.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457 and R.S. 37:2460.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§107. Committees

A. The chairman of the Louisiana Board for Hearing Aid Dealers shall have the authority to appoint committees to assist the board in any and all matters regarding the purposes of the board, provided that all persons so appointed must be licensed hearing aid dealers and each committee so appointed will contain at least one member who shall also be a member of the Louisiana Board for Hearing Aid Dealers, who shall be appointed to head the committee.

B. Any and all members of any committee appointed by the chairman shall serve at the discretion of the chairman.

C. All committees appointed by the chairman shall present written reports of activities, accomplishments, and proposed programs at all meetings of the Louisiana Board for Hearing Aid Dealers.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

Chapter 3. Ethics

§301. Unethical Conduct

A. It shall be the responsibility of each holder of a license, temporary training permit, or certificate of

endorsement under R.S. 37:2441-2465 to be familiar with and to avoid commission of any of the acts regarded as unethical practices by the Act. Full responsibility for the ethical conduct of a temporary training permit holder shall rest with the license or certificate holders who sponsored his application for a temporary training permit; provided, however, that such sponsoring license or certificate holders may relieve themselves of such responsibility by discharging the holder of the temporary training permit, returning said license by registered mail, to the board, together with a letter explaining fully the circumstances under which the temporary training permit holder was separated from the employment of the sponsor(s). If the certificate cannot be returned, full explanation shall be included in same letter.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:1048 (June 2006), LR 38:1589 (July 2012).

§303. Ethics Committee

A. There shall be appointed by the chairman of the Board for Hearing Aid Dealers an Ethics Committee of not less than five members, each of whom must be from a different district, and one of whom shall be a member of the board who shall serve as chairman.

B. The Ethics Committee will meet at the discretion of its chairman.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457 and R.S. 37:2453.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§305. Purpose of Ethics Committee

A. The purpose of the Ethics Committee is to investigate all written complaints regarding violations of Act 302 of 1968 of the legislature of the state of Louisiana either of licensed hearing aid dealers or of any other person or entities. It is a further purpose of this committee to render written opinions to any person applying in writing for same, regarding proposed actions by the applying party.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

Chapter 5. Application for License

§501. Application Forms; Fee

A. Every person requesting an application for a license or certificate of endorsement under this act shall be furnished the necessary form.

B. The application forms shall be designed to provide the board with the information necessary to satisfy itself that all requirements pertaining to Act 302 of 1968 of the legislature of the state of Louisiana are being fulfilled.

C. Failure to complete all forms and provide all information required may be just cause for the application to be rejected by the board and returned to the applicant.

D. The application shall be accompanied by a cashiers check or postal money order in the amount specified by this act. It shall be understood by the applicant that the application fee is to cover the cost of administration and shall not be refunded.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2445 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:1048 (June 2006).

§503. Applications, Temporary Training Permit Notarized

A. All applications shall be subscribed by the applicant and sworn to by him before a notary public, and in the case of a temporary training permit, the sponsor's statement shall also be notarized.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2448, R.S. 37:2449 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:1048 (June 2006).

§505. False Information in Application

A. Any person furnishing false information in such application shall be denied the right to the examination, or if the applicant has already been licensed before the falseness of such information has been made known to the board, such license shall be subject to suspension or revocation and the applicant may be subject to prosecution for fraud and/or perjury.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2445 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

Chapter 7. Examination

§701. Dates

A. Examinations for applicants applying for license shall be given during the month of January of each year and on any other dates that the board may designate.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2446 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§703. Proctored by the Board

A. The examinations for licensing shall be proctored by the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2447 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§705. Written Notice of Examination Date

A. All applicants for licensing will be given written notice of the pending examination at least 30 days before the date of the examination. Such written notice should contain the exact time of the examination and the location of the examination.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§707. Contents of Examination

A. Examinations shall be both written and practical and shall be reviewed from time to time by the board with the objective of keeping them current with the accepted knowledge of the field of hearing aid audiology.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2446, R.S. 37:2447 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§709. Name Not to Appear on Examination

A. At the examination, each applicant will be furnished with an identification number, which the applicant is to record on his examination. The name of the applicant is not to appear on his examination.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§711. Grading of Examination

A. The examination of each applicant is to be graded by board members who do not reside in the district of the applicant. They shall not be furnished with the applicant's name, but only his identification number.

B. The board members assigned to grade the examinations of each applicant shall file with the board within 30 days after the examination:

1. the examination;
2. a joint written report of their opinion as to the qualification of the applicant; and
3. their reasons therefor.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

§713. Board's Decision

A. At the next meeting of the board following the receipt of the written report by the board examiners, the board shall then consider the examination of the applicant, the said joint written report, the opinion of the board examiners as to the qualifications of the applicant, and their reasons therefor, and shall by majority vote determine whether the applicant is qualified to receive a license. The joint written report will be used as a guide by the board, but the board's decision will be final.

B. There will be no rehearing or appeal from the decision of the board regarding the granting or denial of an application for a license.

C. Within 10 days after the decision of the board, the board shall notify in writing the applicant regarding the board's decision to grant or deny a license to the applicant.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2448 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.

Chapter 9. License**§901. Display of License**

A. On his application to the board each hearing aid dealer shall state the name and location of the office or place of business where his license or certificate will be regularly displayed. Such office shall be accessible to the public during reasonable business hours and shall contain adequate equipment and supplies for serving the needs of the licensee's clientele and such office and equipment shall at all times be kept in a sanitary condition.

B. In any case where the office of a license or a certificate holder is to be removed from the address shown in the files of the secretary-treasurer of the board, notice of such change must be filed with the secretary-treasurer, together with the new address, within five working days of such removal. Failure to give such notice shall be deemed just cause by the board to refuse him renewal of license.

C. An identification card will be issued to each license or certificate holder which shall list the location of the office where his certificate is displayed and which he shall be required to keep in his possession at all times during the performance of his duties. On the request of any client or prospective client, a board member, or any peace officer, he shall permit identification card to be inspected for the purpose of identification.

D. In any case where a temporary training permit holder is separated from the employment of his sponsor(s) for any cause, he shall surrender his identification card to his sponsor(s) for return to the board with his temporary permit. Upon application of a new sponsor and/or co-sponsor, a new identification card will be issued to the temporary training permit holder and his certificate shall be forwarded to his new sponsor and/or co-sponsor.

E. All persons holding temporary training permits must work out of the office of the sponsor or co-sponsor, where the sponsor or co-sponsor is permanently and regularly located, and must be directly supervised by the fully licensed sponsor or co-sponsor. Exceptions to this ruling must be hardship cases, such as death or disabling illness of sole owner of business. Each case to be handled individually by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:2443 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for

Hearing Aid Dealers, LR 32:1048 (June 2006), LR 38:1589 (July 2012).

§903. Revocation or Suspension of License

A. Ethics Committee's Procedure

1. Upon receipt of a valid written complaint, the Ethics Committee shall furnish to the accused party a copy of the written complaint, and shall request from the accused party a written answer to the said complaint.

2. In addition to the written answer of the accused party, the accused party shall also have the right to appear before the Ethics Committee in person to make any explanations or to give testimony in his defense.

3. After the Ethics Committee has investigated and considered the complaint, and if the committee is of the opinion that the complaint is justified and that disciplinary action is needed, it shall then file a written report of its findings of fact and opinion with the board.

4. If the committee is of the opinion that the complaint is not justified, then, in that event, it shall notify the complaining party and the accused party in writing of their decision.

B. Board's Procedure

1. Upon receipt of the written report from the Ethics Committee, the board shall consider the report and may additionally investigate the complaint.

2. After due consideration of the written complaint, the written answer to the complaint, if any, all evidence offered, the written report of the Ethics Committee, and any additional investigation by the board, the Louisiana Board for Hearing Aid Dealers may:

- a. dismiss the complaint as unjustified;
- b. take action under R.S. 37:2461 and/or R.S. 37:2462, in accordance with the decision of the board.

C. In the event that the board should seek the suspension or revocation of the license or temporary license of the accused party, the board shall:

- 1. set a time, date and location for a public hearing on the merits of the complaint;

2. notify the accused party of the time, date and location of such public hearing, in writing, and furnish him with the specific charges of the complaint at least 30 days before such hearing;

3. subpoena, compel the attendance and testimony of witnesses;

4. employ a public stenographer to transcribe all testimony adduced at the hearing;

5. any and all evidence and testimony relevant to the complaint may be presented to the board. The board will determine which evidence and testimony is relevant and make its consideration thereupon;

6. a majority of the board will preside;

7. obtain the services of legal counsel to assist the board at the hearing;

8. within 60 days after the hearing render its decision and reasons in writing, a copy of which is to be mailed to the complainant and the accused licensed hearing aid dealers.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2453 and R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969, amended by the Department of Health and Hospitals, Board for Hearing Aid Dealers, LR 32:1049 (June 2006).

Chapter 11. Status of Bylaws

§1101. Status

A. These bylaws being for the regulation of the practice of selling and fitting hearing aids and the protection of the hearing handicapped public, the provisions hereby are declared to be separable and the invalidity of any rules, Clause, sentence, Paragraph, or Section hereof shall not affect the validity of the remainder thereof.

B. Any of the above requirements and regulations are subject to change at any time at the will of the majority of the board.

AUTHORITY NOTE: Adopted in accordance with R.S. 37:2457.

HISTORICAL NOTE: Adopted by the Department of Health and Human Resources, Board for Hearing Aid Dealers, July 1969.