

## Agency 67

# Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments

### Article 1.—Application for License

**67-1-1.** (Authorized by K.S.A. 74-5803 and 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-1-2.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-1-3.** (Authorized by K.S.A. 74-5803 and 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-1-4.** (Authorized by K.S.A. 74-5804 and 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-1-5. Applications.** (a) All applications shall be signed by the applicant. In the case of a temporary license, the sponsor's statement shall be signed by the sponsor.  
(b) A sponsor is defined as a trained person who holds a valid license or certificate of endorsement issued under K.S.A. 74-5812 or K.S.A. 74-5814.  
(c) All applications to the board shall state the name and location of the office or place of business where the hearing aid dispenser's license will be regularly displayed. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; amended May 1, 1984.)

**67-1-6. False information.** An applicant furnishing false information shall be denied the right to take the hearing aid dispenser's examination. If the applicant was licensed before the board's knowledge of the submission of false information, the license shall be subject to suspension or revocation. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982.)

**67-1-7. Change of information.** When the name or address of the licensee's business is changed, notice of this change shall be mailed to the executive officer within 10 days of the change. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; amended May 1, 1984.)

**67-1-8. Potentially disqualifying civil and criminal records; advisory opinion; fee.** (a) Any of the following criminal records may disqualify an applicant from receiving a license:  
(1) Conviction of any felony related to the fitting and dispensing of hearing instruments;  
(2) conviction of any class A misdemeanor that includes any of the following:  
(A) A crime whose victim was a client, customer, or other individual with whom the applicant had a professional or fiduciary relationship;  
(B) a crime that occurred at the applicant's work site or while the applicant was on work duty;  
(C) a crime involving fraud, theft, or misappropriation of another person's money or property;  
(D) a crime classified as a sex offense or requiring registration as a sex offender by the jurisdiction in which the conviction occurred;  
(E) a crime involving assault or battery as defined by the jurisdiction in which the conviction occurred;  
(F) a crime involving the unlawful use, possession, or distribution of drugs; or  
(G) a crime involving the abuse, neglect, or exploitation of a child, elderly person, or disabled person as defined by the jurisdiction in which the conviction occurred; or

(3) conviction of any other misdemeanor that meets both of the following conditions:  
(A) The crime involved at least one of the circumstances described in paragraph (a)(2); and  
(B)(i) Fewer than five years have passed since the applicant completed that individual's sentence, including any term of incarceration, probation, or community supervision; or  
(ii) the applicant has been convicted of another crime in the five years immediately preceding the date of application for license.

(b) Civil records that may disqualify an applicant from receiving a license shall be records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of the hearing instrument act or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement.

(c) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

- (1) The details of the individual's civil or criminal record, including a copy of the court records or the settlement agreement;
- (2) an explanation of the circumstances that resulted in the civil or criminal record; and
- (3) a check or money order in the amount of \$50.00. (Authorized by K.S.A. 74-120 and 74-5806; implementing K.S.A. 74-120 and 74-5818; effective Jan. 10, 2020.)

## **Article 2.—Examinations**

**67-2-1 to 67-2-3.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-2-1 to 67-2-3.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-2-4. Examinations.** (a) Each applicant shall be required to take an examination that includes both written and practical demonstrations of technical proficiency. Each applicant shall be required to take and pass the written examination before taking the practical examination. The passing score on the practical examination shall be at least 75 percent for each individual section. The written examination shall be graded by the international hearing society, subject to approval by the board.  
(b) After the board has approved the applicant's passing score on the written examination, the applicant shall be notified by letter of the date, time, and location of the practical examination. If the board receives proof of an applicant's passing score on the written examination from the international hearing society fewer than 30 days before the next scheduled practical examination and determines that the examination site can accommodate an additional examinee, the applicant may be permitted to take that practical examination. The applicant shall be notified by letter of the results of the practical examination within 30 days from the date of that examination. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5812; effective May 1, 1982; amended May 1, 1984; amended March 6, 1995; amended May 12, 2000; amended Feb. 17, 2017; amended Jan. 10, 2020.)

## **Article 3.—Duties of Sponsors of Temporary Licensees**

**67-3-1.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-3-2. Responsibilities and termination of responsibilities.** Responsibility for the ethical conduct of a temporary licensee shall rest with the sponsoring license holder. The sponsoring license holder shall be responsible for insuring that the applicant meets all requirements. The

sponsoring license holder may terminate this responsibility by discharging the temporary licensee and returning the license by registered mail to the board with an explanation of why the licensee was terminated. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982; amended May 12, 2000.)

**67-3-3. Surrender of temporary license.** When a temporary licensee is separated from employment by the sponsor, the licensee shall surrender the temporary license to the sponsor. The sponsor shall return the license to the board. Upon application of a new sponsor, a new temporary license shall be issued. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5806(i), 74-5812(d); effective May 1, 1982.)

**67-3-4. Maximum number of temporary licensees.** A sponsor shall be limited to three temporary licensees at any time. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5806(i), 74-5812(d); effective July 29, 1991.)

**67-3-5. Supervising sponsor.** (a) "Supervising sponsor" shall mean the person who supervises a temporary licensee pursuant to K.S.A. 74-5812(d) and amendments thereto.

(b) In addition to the requirement pursuant to K.S.A. 74-5812(d) and amendments thereto that a temporary licensee be under the supervision of a person who holds a valid license, the supervising sponsor shall meet the following requirements:

(1) Have a license that is in good standing with the board, which shall mean that the license is not suspended or subject to any condition or limitation ordered by the board, whether by a consent agreement or a final order of the board; and

(2) have been licensed to engage in the practice of fitting and dispensing hearing instruments for at least five years immediately preceding the date on which supervision begins. (Authorized by and implementing K.S.A. 2008 Supp. 74-5812; effective, T-67-2-8-07, Feb. 8, 2007; effective Aug. 21, 2009.)

#### **Article 4.—Educational Requirements**

**67-4-1 to 67-4-5.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-4-6. Notice to licensees of educational course offers.** Current and temporary licensees shall be notified at least thirty 30 days before the date the educational courses are to be offered by the board. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; amended May 1, 1984.)

**67-4-7. Educational requirements; duties of executive officer; national organizations; acceptance.** (a) A written certificate stating the number of credit hours earned by attending an educational course offered by the board shall be provided to each participant.

(b) Any licensee completing the educational requirements through an annual program presented by an approved national hearing organization shall obtain verification of attendance. The licensee shall present this verification to the board with the annual renewal. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; amended May 1, 1984; amended May 12, 2000.)

**67-4-8 and 67-4-9.** (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; revoked May 1, 1984.)

**67-4-10. Same; local organizations; notice of credit hours.** Any licensee who desires to complete the educational requirements set forth in K.S.A. 74-5821, and amendments thereto, through a program other than those specified in K.A.R. 67-4-7(b) shall present to the board the title of the proposed program, the name and qualifications of the instructor, and a short statement of the course content. Whether the proposed program meets the educational requirements set forth in K.S.A. 74-5821, and amendments thereto, shall be determined by the board after reviewing the proposed program, within 60 days of its receipt. The applicant shall be notified by the board of its determination and, if the program is accepted, of the number of credit hours allowed pursuant to K.S.A. 74-5821, and amendments thereto. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; amended May 1, 1984; amended May 12, 2000.)

**67-4-11 and 67-4-12.** (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5821; effective May 1, 1982; revoked May 1, 1984.)

**67-4-13. Same; temporary applicants.** An applicant for a temporary license shall present verification from the sponsoring license holder that the basic educational requirements set forth by the board have been met before the temporary license will be issued. These educational requirements shall cover specific areas of study as set forth in K.S.A. 74-5813, and amendments thereto, and shall not exceed 200 clock hours. (Authorized by and implementing K.S.A. 74-5806; effective May 12, 2000.)

#### **Article 5.—Renewals**

**67-5-1 and 67-5-2.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-5-3.** (Authorized by K.S.A. 74-5806; implementing K.S.A. 1999 Supp. 74-5810a; effective May 1, 1982; amended May 1, 1984; amended June 11, 1990; amended May 12, 2000; revoked May 25, 2007.)

**67-5-4. Permanent license renewals and reinstatement.** (a) Each person who wishes to renew a permanent license shall submit an application for renewal, the renewal fee specified in K.A.R. 67-5-5, and documentation of compliance with the continuing education requirements and with K.A.R. 67-7-4.

(b) An application for renewal of a permanent license shall be considered delinquent on and after the expiration date of the permanent license, but the license may be renewed within 30 days following the expiration date by submitting payment of the late renewal fee specified in K.A.R. 67-5-5 and documentation of compliance with the continuing education requirements and with K.A.R. 67-7-4. After the grace period of 30 days following the expiration date, the permanent license may be reinstated by submitting payment of the reinstatement fee specified in K.A.R. 67-5-5 and documentation of compliance with the continuing education requirements and with K.A.R. 67-7-4. (Authorized by K.S.A. 2006 Supp. 74-5806; implementing K.S.A. 2006 Supp. 74-5816 and K.S.A. 2006 Supp. 74-5821; effective May 1, 1982; amended June 11, 1990; amended May 12, 2000; amended May 25, 2007.)

**67-5-5. Fees.** The following fees shall be collected by the board:

- (a)(1) License application.....\$100
- (2) Licensure verification, for each state.....\$15
- (b)(1) Temporary license.....\$100
- (2) Temporary license renewal.....\$100
- (3) Change of supervisor.....\$15
- (c)(1) License.....\$100
- (2) License or certificate of endorsement renewal.....\$100
- (3) License or certificate of endorsement late renewal.....\$200
- (4) License or certificate of endorsement reinstatement.....\$300
- (5) Inactive license or renewal of inactive license.....\$25
- (6) Conversion of inactive license to active license.....\$100
- (d)(1) Written examination.....\$35
- (2) Practical examination, each section.....\$25
- (e) Replacement of license or certificate.....\$15
- (f) Insufficient funds check.....\$25

(Authorized by and implementing K.S.A. 74-5810a; effective May 25, 2007; amended Feb. 17, 2017; amended Jan. 10, 2020.)

### **Article 6.—Unethical Conduct**

**67-6-1.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-6-2. Unethical conduct.** Unethical conduct shall mean: (a) Obtaining a fee on the making of a sale of a hearing aid by fraud or misrepresentation;

(b) Directly or indirectly employing a suspended or unlicensed person to perform work covered by this act. A licensee who fits or dispenses a hearing aid during a period of suspension shall have that license revoked;

(c) Using, causing, or promoting the use of advertising matter, promotional literature, testimonials, guarantees, warranties, labels, brands, insignia, or other representation, however disseminated or published, which are misleading, deceiving, or untruthful;

(d) Representing that the services or advice of a person licensed to practice medicine will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true;

(e) Permitting another person to use the licensee's license or certificate;

(f) Directly or indirectly giving, or offering to give, money or anything of substantial value to a practitioner who is licensed by the Kansas board of healing arts for the purpose of inducing that practitioner to refer patients or clients to the licensee;

(g) Fitting, dispensing and servicing hearing aids in a grossly incompetent or negligent manner;

(h) Failing to return monies within 20 days after an aid has been returned in good condition and pursuant to contract;

(i) Using the term "hearing" in advertisements, letterheads, business cards, or upon the premises without including the term "hearing aid" in a conspicuous place; and

(j) Advertising or promoting the licensee's business without including the name and address of that business in the advertisement. (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; amended May 1, 1984.)

**67-6-3.** (Authorized by and implementing K.S.A. 74-5806(i); effective May 1, 1982; revoked May 1, 1984.)

**67-6-4.** Office conditions; license identification. (a) The office of each licensee shall contain properly maintained equipment and supplies that are necessary for servicing customers' needs. The office and equipment shall be maintained in a professional and hygienic manner.

(b) An identification card shall be issued to each licensee, and it shall indicate the license expiration date. This card shall be kept in the possession of the licensee, and, upon the request of a customer or board member, the licensee shall permit the identification card to be inspected. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982; amended May 1, 1984; amended May 12, 2000.)

### **Article 7.—Calibration of Audiometric Equipment**

**67-7-1 and 67-7-2.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-7-3.** (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982; revoked May 1, 1984.)

**67-7-4.** Calibration of audiometric equipment. (a) Any audiometric equipment that is used in connection with the sale or fitting of hearing aids in this state shall be calibrated at intervals not exceeding two years.

(b) Each licensee shall submit to the board written proof of each calibration required in subsection (a) of this rule and regulation within 30 days of the required dates of calibration. Written proof of calibration shall include the following:

(1) The name of the owner;

(2) the make, model, and serial number of the equipment;

(3) the date of calibration;

(4) the printed name of the person and company calibrating the equipment;

(5) the signature of the person calibrating the equipment; and

(6) the name of the licensee submitting proof of calibration.

(c) Any of the following acts may constitute unethical conduct for which a licensee may be disciplined under K.S.A. 74-5818 and amendments thereto:

(1) Provides false or misleading information under this rule and regulation;

(2) uses audiometric equipment that has not been calibrated as required by this rule and regulation;  
or

(3) uses audiometric equipment the calibration of which has not been reported as required by this rule and regulation. (Authorized by and implementing K.S.A. 74-5806 and K.S.A. 1999 Supp. 74-5818; effective, T-86-16, June 17, 1985; effective May 1, 1986; amended May 12, 2000.)

### **Article 8.—Filing and Investigation of Charges**

**67-8-1 and 67-8-2.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-8-3. Complaint.** A person may make a complaint before the board against a licensee by filing with the executive officer, in writing, a statement that includes the name of the licensee, the nature of the complaint, and the time and place of the complaint's origin. The complaint shall be signed by the complainant. This information shall be kept confidential unless this information is made the basis of a hearing before the board. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982; amended May 1, 1984.)

**67-8-4. Defense of complaint.** The board shall investigate all complaints before taking action and making public the name of the dispenser against whom the complaint was filed. The board shall also give a dispenser against whom a complaint has been filed an opportunity to defend his or her actions. This defense shall be filed in writing with the board within 10 days after he or she has been notified. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982.)

### **Article 9.—Suspension or Revocation Proceedings**

**67-9-1.** (Authorized by K.S.A. 74-5806 (j); effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-9-2.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-9-3 and 67-9-4.** (Authorized by K.S.A. 74-5806 (j); effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

**67-9-5. Proceedings.** In proceedings for a suspension or revocation of a license, temporary license, or certificate of endorsement, the licensee shall have the right to request a public hearing or a hearing before the board. The board shall mail to the licensee a notice of the charges against the licensee and shall set forth the time and place of the hearing. The licensee shall have 20 days from the date of the notice in which to prepare for hearing. The licensee, upon request, shall be given the opportunity to produce testimony in the licensee's favor and to confront any witness against the

licensee. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5806, K.S.A. 74-5820; effective May 1, 1982; amended May 1, 1984.)

**67-9-6. Notice.** This notice shall specifically state the nature of the complaints against the person to whom they are made and shall set forth the time and place of the hearing. (Authorized by and implementing K.S.A. 74-5806; effective May 1, 1982.)

#### **Article 10.—Educational Requirements**

**67-10-1 to 67-10-10.** (Authorized by K.S.A. 74-5821; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

#### **Article 11.—Renewals**

**67-11-1 and 67-11-2.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

#### **Article 12.—Filing and Investigation of Charges**

**67-12-1 to 67-12-3.** (Authorized by K.S.A. 74-5806; effective E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

#### **Article 13.—Suspension or Revocation Proceedings**

**67-13-1 and 67-13-2.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

#### **Article 14.—Display of License**

**67-14-1 to 67-14-4.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)

#### **Article 15.—Status of Rules**

**67-15-1.** (Authorized by K.S.A. 74-5806; effective, E-70-25, May 25, 1970; effective Jan. 1, 1971; revoked May 1, 1982.)