
Agency 67

Kansas State Board of Hearing Aid Examiners

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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.)

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.)

67-2-4. Examinations. (a) Applicants shall be required to take an examination that includes both written and practical demonstrations of technical proficiency. The passing score shall be 75 percent for each individual section.

(b) The applicant shall be notified by letter of the date, time, and location of the examination. The applicant shall be notified by letter of the examination results within 30 days from the date of the examination.

(c) For an applicant to be scheduled for an examination, the application shall be received by the board at least 30 days before the next scheduled examination. Any application received fewer than 30 days before the next examination shall be processed according to standard procedures, and, if approved, seating for the examination shall be provided if available. (Authorized by K.S.A. 74-5806; implementing K.S.A. 74-5806, 74-5812(a); effective May 1, 1982; amended May 1, 1984; amended March 6, 1995; amended May 12, 2000.)

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.)

Article 3.—DUTIES OF SPONSORS OF TEMPORARY LICENSEES

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 that a temporary licensee be under the supervision of a person who holds a valid license pursuant to K.S.A. 74-5812(d) and amendments thereto, 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. 2006 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 established 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	\$ 15
(e) Replacement of license or certificate	\$ 15
(f) Insufficient funds check	\$ 25

(Authorized by and implementing K.S.A. 2006 Supp. 74-5810a; effective May 25, 2007.)

67-5-4. Delinquent permanent license renewals. A permanent license renewal shall be judged delinquent on the expiration date of the permanent license and may be renewed after that day only by payment of a \$200.00 permanent license late renewal fee. After a grace period of 30 days, beginning with the expiration date, the permanent license extended late renewal fee shall be \$300.00. (Authorized by K.S.A. 74-5806 and K.S.A. 1999 Supp. 74-5810a; implementing K.S.A. 1999 Supp. 74-5810a and K.S.A. 74-5816; effective May 1, 1982; amended June 11, 1990; amended May 12, 2000.)

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.)