

ARTICLE 3. LICENSING HEARING AID DISPENSERS

Section

- R9-16-301. Definitions
- R9-16-302. Appointed Committees
- R9-16-303. Individuals to Act for Applicant
- R9-16-304. Approval to Test
- R9-16-305. Jurisprudence Examination
- R9-16-306. Practical Examination
- R9-16-307. Application for an Initial License
- R9-16-308. Application for Initial License by Reciprocity
- R9-16-309. Application for an Organization Hearing Aid Dispenser License
- R9-16-310. Application for a Temporary Hearing Aid Dispenser License
- R9-16-311. Sponsors
- R9-16-312. Examination Requirements
- R9-16-313. Examination Scoring
- R9-16-314. Renewal of an Initial License or Initial License by Reciprocity
- R9-16-315. Renewal for an Organization Hearing Aid Dispenser License
- R9-16-316. Renewal for a Temporary Hearing Aid Dispenser License
- R9-16-317. Preapproved Continuing Education Coursework Requirements
- R9-16-318. Licensee Submission of Continuing Education Coursework
- R9-16-319. Licensing Exceptions for Military Personnel
- R9-16-320. Responsibilities of a Hearing Aid Dispenser
- R9-16-321. Inspection Requirements
- R9-16-322. Complaint Procedure
- R9-16-323. Enforcement Actions
- R9-16-324. Time-frames
- Table 3.1. Time-frames (in calendar days)
- R9-16-325. Duplicate License

R9-16-301. Definitions

~~In this Article, unless the context otherwise requires, "CE" means continuing education or the on-going process of receiving in-service education and training that directly relates to the practice of fitting and dispensing hearing aids as defined in A.R.S. § 36-1901(6).~~

In addition to the definitions in A.R.S. § 36-1901, the following definitions apply in this Article unless otherwise specified:

1. "Applicant" means an individual or a business organization who submits to the Department an approval to test, initial, renewal or temporary license application packet to practice as a hearing aid dispenser.
2. "Application packet" means the information, documents, and fees required by the Department to apply for licensure.
3. "Calendar day" means each day, not including the day of the act, event, or default from which a designated period of time begins to run, but including the last day of the period unless it is a Saturday, Sunday, statewide furlough day or legal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, statewide furlough day, or legal holiday.
4. "Continuing education" means the on-going process of receiving instruction and training that directly relates to the practice of fitting and dispensing hearing aids as defined in A.R.S. § 36-1904.
5. "Controlling person" has the same meaning as A.R.S. § 36-881.
6. "Course" means a workshop, seminar, lecture, conference, class or instruction.
7. "Designated agent" means an individual who is authorized by an applicant or hearing aid dispenser to receive communications from the Department, including legal service of process, and to file or sign documents on behalf of the applicant or hearing aid dispenser.
8. "Disciplinary action" means a proceeding that is brought against a licensee by the Department under A.R.S. § 36-1934 or a state licensing agency or board.
9. "Hearing aid dispenser" has the same meaning as A.R.S. § 36-1901.
10. "Initial license" means the same as "regular license" in A.R.S. § 36-1901.
11. "In-service education" means organized instruction or information that is provided to a licensed hearing aid dispenser.
12. "License" has the same meaning as A.R.S. § 36-1901.

R9-16-302. Appointed Committees

~~A. Advisory committee~~

1. ~~The advisory committee members appointed by the Director pursuant to A.R.S. § 36-1902(A)(1) and (C) shall assist the Director by making recommendations to the Department regarding the following:~~
 - a. ~~Hearing aid dispenser licensing program,~~
 - b. ~~Resolution of any consumer complaint referred to the committee by the Department involving alleged unethical conduct or incompetence by a dispenser,~~
 - e. ~~Hearing aid dispenser licensing examination,~~
 - d. ~~Membership on the examining committee, and~~
 - e. ~~Membership on the advisory committee.~~
 2. ~~Committee members shall serve a three year term except for the Department's hearing aid dispenser program manager who shall serve as a permanent member of the committee.~~
- B. ~~Examining committee The examining committee members appointed by the Director pursuant to A.R.S. § 36-1902(B)(4) and (D) shall assist the Director as follows:~~
1. ~~Examine applicants for licensure,~~
 2. ~~Score delegated sections of the examination,~~
 3. ~~Provide testimony at administrative hearings related to the examination for licensure, and~~
 4. ~~Evaluate examination materials and procedures and make recommendations for change to the Department.~~
- A. Hearing aid dispensers who are appointed to the advisory committee according to A.R.S. § 36-1902 (C), shall perform duties as specified in A.R.S. §§ 36-1902(A) and (H).
- B. Advisory committee members appointed according to A.R.S. § 36-1902 (C) shall serve a three-year term except for the Department's hearing aid dispenser program manager who shall serve as a permanent member of the committee.
- C. Hearing aid dispensers who are appointed to the examining committee according to A.R.S. § 36-1902 (D) shall assist the Director with the hearing aid dispenser's examination for licensure by:
1. Evaluating the:
 - i. Examination materials, and
 - ii. Examination procedures, and
 2. Recommending changes in the examination that are consistent with A.R.S Title 36, Chapter 17 and this Article.

R9-16-303. Licensing Process

- A. ~~For a hearing aid dispenser license by examination:~~

1. ~~At least 75 days before the date the Department gives a hearing aid dispenser examination, an applicant shall submit to the Department a nonrefundable \$250 application fee and an application on a form provided by the Department that contains:~~
 - a. ~~The applicant's name, social security number, home address, and home telephone number;~~
 - b. ~~If applicable, the name of the applicant's employer and the employer's business address and business telephone number;~~
 - c. ~~Whether the applicant has been convicted in any state of a felony or of a misdemeanor involving moral turpitude and a list that includes each conviction;~~
 - d. ~~Whether the applicant currently has or had, within the five years before the application date, a condition that impairs the applicant's ability to dispense hearing aids safely;~~
 - e. ~~A statement that the applicant completed at least a four year course in an accredited high school or passed the general education development tests and:~~
 - i. ~~A list of each high school and post secondary school attended; and~~
 - ii. ~~A copy of the applicant's high school diploma, general education development diploma, or post secondary degree;~~
 - f. ~~A list of each state that has issued the applicant a hearing aid dispenser license;~~
 - g. ~~Whether:~~
 - i. ~~Any state has, within the two years before the application date, suspended or revoked a hearing aid dispenser license issued to the applicant; and~~
 - ii. ~~The applicant currently is not eligible to apply for a hearing aid dispenser license in any state due to a suspension or revocation; and~~
 - h. ~~A statement signed by the applicant verifying the truthfulness of the information provided on the application form.~~
2. ~~The Department shall give one hearing aid dispenser examination in August and may give additional examinations according to A.R.S. § 36-1923(C).~~
3. ~~According to R9-16-315 and Table 1, the Department shall notify an applicant:~~
 - a. ~~By certified mail to the applicant's address on the application, that the applicant does not meet the requirements of A.R.S. § 36-1923(A) and subsection (A)(1) and the Department denies a regular hearing aid dispenser license to the applicant; or,~~

- ~~b. By regular mail to the applicant's address on the application, that the applicant meets the requirements of A.R.S. § 36-1923(A) and subsection (A)(1), and the date, time, and place of the examination.~~
- ~~4. According to R9-16-315 and Table 1, the Department shall notify an applicant whose examination results do not meet the requirements in R9-16-305:
 - ~~a. By certified mail to the applicant's address on the application, unless the applicant provided a different address at the examination;~~
 - ~~b. Of the applicant's examination results; and~~
 - ~~c. That the Department denies a regular hearing aid dispenser license to the applicant.~~~~
- ~~5. According to R9-16-315 and Table 1, the Department shall notify an applicant whose examination results meet the requirements in R9-16-305:
 - ~~a. By regular mail to the applicant's address on the application, unless the applicant provided a different address at the examination;~~
 - ~~b. Of the applicant's examination results; and~~
 - ~~c. That the Department approves a regular hearing aid dispenser license for the applicant.~~~~
- ~~6. The Department shall issue a regular hearing aid dispenser license to an applicant who is notified under subsection (A)(5) and who submits to the Department a nonrefundable \$100 license fee. If the applicant does not submit the license fee within 30 days after the date of the notification in subsection (A)(5), the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination.~~
- ~~7. If an applicant who was notified under subsection (A)(3)(b) does not take the examination on the date provided in the notification, the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination.~~
- ~~8. Except for an applicant who fails the hearing aid dispenser examination three times, an applicant who fails an examination may reapply to take the next examination by submitting to the Department the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination.~~

9. ~~An applicant who fails the hearing aid dispenser examination three times may reapply by submitting the application fee and information required under subsection (A)(1) no earlier than one year after the date of the third examination failed by the applicant.~~
10. ~~An applicant who is denied a regular hearing aid dispenser license by examination may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.~~

~~B. For a hearing aid dispenser license by reciprocity:~~

1. ~~An applicant shall submit to the Department an application packet that contains:~~
 - a. ~~A nonrefundable \$100 application fee and a \$100 license fee;~~
 - b. ~~An application on a form provided by the Department with the information required in subsections (A)(1)(a) through (A)(1)(h) and:~~
 - i. ~~The name of each state that issued the applicant a current hearing aid dispenser license;~~
 - ii. ~~The license number of each current hearing aid dispenser license, and~~
 - iii. ~~The date each current hearing aid dispenser license was issued; and~~
 - e. ~~For each state named in subsection (B)(1)(b)(i):~~
 - i. ~~A statement, on the letterhead of the government agency that issued the hearing aid dispenser license and signed by an officer of the government agency, that the applicant holds a current hearing aid dispenser license in good standing;~~
 - ii. ~~A copy of the state statutes and administrative rules for hearing aid dispensers;~~
 - iii. ~~A copy of the written and practical portions of a hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;~~
 - iv. ~~The government agency's statement of the applicant's score on each section of a hearing aid dispenser examination taken by the applicant, of the minimum passing score for each section, and of the minimum passing score for the examination; and~~
 - v. ~~A copy of the applicant's current license.~~
2. ~~Based on the information submitted under subsections (B)(1)(b) and (B)(1)(e), the Department shall determine whether:~~
 - a. ~~The content of a hearing aid dispenser examination taken by the applicant is substantially the same as the content of the Department's examination as described in R9-16-306;~~

- b. ~~The applicant's scores on the written and practical portions of a hearing aid dispenser examination taken by the applicant meet the requirements in R9-16-305 for passing the Department's hearing aid dispenser examination; and~~
 - c. ~~The applicant meets the requirements in A.R.S. §§ 36-1922 and 36-1923(A) and subsections (B)(1), (B)(2)(a), and (B)(2)(b) for a regular hearing aid dispenser license by reciprocity.~~
3. ~~If an applicant meets the requirements in the statutes and rules listed in subsection (B)(2)(c), the Department shall:~~
- a. ~~According to R9-16-315 and Table 1, notify the applicant:~~
 - i. ~~By regular mail to the applicant's address on the application, and~~
 - ii. ~~That the Department approves a regular hearing aid dispenser license by reciprocity for the applicant; and~~
 - b. ~~Issue a regular hearing aid dispenser license by reciprocity to the applicant.~~
4. ~~If an applicant does not meet a requirement in the statutes and rules listed in subsection (B)(2)(c), the Department shall:~~
- a. ~~According to R9-16-315 and Table 1, notify the applicant:~~
 - i. ~~By certified mail to the applicant's address on the application, and~~
 - ii. ~~That the Department denies a regular hearing aid dispenser license by reciprocity to the applicant; and~~
 - b. ~~Return the license fee to the applicant.~~
5. ~~An applicant who is denied a regular hearing aid dispenser license by reciprocity may:~~
- a. ~~Appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10; and~~
 - b. ~~Apply for:~~
 - i. ~~A regular hearing aid dispenser license by examination by submitting the application fee and information required in subsection (A)(1) at least 75 days before the date the Department gives a hearing aid dispenser examination, or~~
 - ii. ~~A temporary hearing aid dispenser license by submitting the application fee and information required in subsection (D)(1).~~
- C. ~~For an organization hearing aid dispenser license:~~
- 1. ~~A corporation, partnership, trust, unincorporated association, or other organization with an Arizona business address shall submit to the Department a nonrefundable \$100 application fee, a \$100 license fee, and an application on a form provided by the Department that contains:~~

- a. ~~The name of the organization;~~
 - b. ~~The organization's Arizona business name, address, and telephone number;~~
 - c. ~~The name, address, and telephone number of the individual authorized by the organization to receive service of process in Arizona for the organization;~~
 - d. ~~The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the organization in Arizona;~~
 - e. ~~Whether the organization or a hearing aid dispenser working for the organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;~~
 - f. ~~Whether the organization or a hearing aid dispenser working for the organization currently is not eligible for licensing in any state due to a suspension or revocation; and~~
 - g. ~~A statement verifying the truthfulness of the information provided on the application form and signed by:
 - i. ~~If the organization is a corporation, two officers;~~
 - ii. ~~If the organization is a partnership, two partners;~~
 - iii. ~~If the organization is a trust, the trustee, or two trustees if the trust has multiple trustees;~~
 - iv. ~~If the organization is an unincorporated association, two officers;~~
 - v. ~~If the organization is a limited liability company, the designated manager, or two members if a manager is not designated;~~
 - vi. ~~If the organization is a political subdivision or government agency, the political subdivision head or agency head; or~~
 - vii. ~~If the organization is a sole proprietorship, the owner.~~~~
2. ~~If an organization meets the requirements in A.R.S. § 36-1910 and subsection (C)(1), the Department shall:~~
- a. ~~According to R9-16-315 and Table 1, notify the organization:
 - i. ~~By regular mail to the organization's Arizona business address on the application, and~~
 - ii. ~~That the Department approves a regular hearing aid dispenser license for the organization; and~~~~
 - b. ~~Issue a regular hearing aid dispenser license to the organization.~~
3. ~~If an organization does not meet the requirements in A.R.S. § 36-1910 and subsection (C)(1), the Department shall:~~

- a. ~~According to R9-16-315 and Table 1, notify the organization:~~
 - i. ~~By certified mail to the organization's Arizona business address on the application, and~~
 - ii. ~~That the Department denies a regular hearing aid dispenser license to the organization; and~~
 - b. ~~Return the license fee to the organization.~~
 - 4. ~~An organization notified under subsection (C)(3) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.~~
- D. For a temporary hearing aid dispenser license:
- 1. An applicant shall submit to the Department a nonrefundable \$100 application fee and an application on forms provided by the Department that contain:
 - a. The information required in subsections (A)(1)(a) through (A)(1)(h);
 - b. The sponsor's name, business address, business telephone number, and Arizona hearing aid dispenser license number; and
 - c. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice.
 - 2. According to R9-16-315 and Table 1, the Department shall notify:
 - a. An applicant who does not meet the requirements in A.R.S. § 36-1926 and subsection (D)(1):
 - i. ~~By certified mail to the applicant's address on the application, and~~
 - ii. ~~That the Department denies a temporary hearing aid dispenser license to the applicant; or~~
 - b. An applicant who meets the requirements in A.R.S. § 36-1926 and subsection (D)(1):
 - i. ~~By regular mail to the applicant's address on the application, and~~
 - ii. ~~That the Department approves a temporary hearing aid dispenser license for the applicant.~~
 - 3. ~~The Department shall issue a temporary hearing aid dispenser license to an applicant who is notified under subsection (D)(2)(b) and who submits to the Department a nonrefundable \$100 license fee. If the applicant does not submit the license fee within 30 days after the date of the notification in subsection (D)(2)(b), the Department shall consider the application withdrawn. The applicant may reapply by submitting the application fee and information required in subsection (D)(1).~~

4. ~~An applicant notified under subsection (D)(2)(a) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.~~

R9-16-303. Individuals to Act for Applicant

When an applicant or a hearing aid dispenser is required by this Article to provide information on or sign an application form or other document, the following shall satisfy the requirement on behalf of the applicant or hearing aid dispenser:

1. If the applicant or the hearing aid dispenser is an individual, the individual, or
2. If the applicant or hearing aid dispenser is a business organization, the designated agent who:
 - a. Is a controlling person of the business organization;
 - b. Is a U.S. citizen or legal resident; and
 - c. Has an Arizona address.

R9-16-304. Sponsors

~~A sponsor of a temporary dispenser shall be responsible for the following:~~

1. ~~Providing a minimum of 64 hours per month of onsite training and supervision. The supervision shall include coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary dispenser. The training shall directly relate to the type of training and education needed to pass the licensing examination as described in A.R.S. S 36-1924.~~
2. ~~Maintaining a record, signed by the temporary dispenser, that details the date, time and content of the training and supervision provided to the temporary dispenser by the sponsor during the sponsorship period. The record shall be maintained and available for inspection by the Department for one year following the end of the sponsorship agreement.~~
3. ~~When terminating a sponsorship agreement, complying with the following:~~
 - a. ~~Provide a written statement to the temporary dispenser indicating the sponsorship agreement is terminated and that the temporary dispenser shall return the temporary license to the Department, and~~
 - b. ~~Provide a copy of the written statement of termination and documentation that the temporary dispenser received the termination notice to the Department.~~
4. ~~Complying with the other requirements in A.R.S. § 36-1926.01.~~

R9-16-304. Approval to Test

- A. Before applying for an initial license as a hearing aid dispenser, an individual shall:
1. Apply for and be approved to take the national hearing aid dispenser examination required in subsection (B); and
 2. Within two years after the date of the approval notification received according to subsection (D), complete and obtain a passing score on:
 - a. The national hearing aid dispenser examination required in subsection (E);
 - b. The jurisprudence examination required in R9-16-305; and
 - c. The practical examination required in R9-16-306.
- B. An applicant applying for an approval to take the national hearing aid dispenser examination shall submit an application in a format provided by the Department that contains:
1. The applicant's name, home address, telephone number, and e-mail address;
 2. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
 3. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;
 4. Whether the applicant has ever been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
 5. If the applicant was convicted of a felony or misdemeanor:
 - a. The date of the conviction,
 - b. The state or jurisdiction of the conviction,
 - c. An explanation of the crime of which the applicant was convicted, and
 - d. The disposition of the case;
 6. A copy of the applicant's:
 - a. U.S. passport, current or expired;
 - b. Birth certificate;
 - c. Naturalization documents; or
 - d. Documentation of legal resident alien status;
 7. Documentation that the applicant:
 - a. Completed a four-year course in an accredited high school;
 - b. Passed the general education development tests;
 - c. Complete an associate degree or higher from an accredited college or university;
or
 - d. Continuously engaged in the practice of fitting and dispensing hearing aids during the three years before August 11, 1970;

8. Documentation of each state if:
 - a. The applicant was issued a hearing aid dispenser license;
 - b. Within the two years before the application date, a hearing aid dispenser license issued to the applicant was suspended or revoked; and
 - c. The applicant is currently ineligible to apply for a hearing aid dispenser license due to a prior revocation or suspension of the applicant's hearing aid dispenser license;
9. Whether the applicant agrees to allow the Department to submit supplemental requests for information under R9-16-324;
10. An attestation that information required as part of the application has been submitted and is true and accurate;
11. The applicant's signature and date of signature; and
12. A non-refundable \$250 application fee.
- C. The Department shall review an application for approval to take the national hearing aid dispenser examination according to R9-16-324 and Table 3.1.
- D. According to R9-16-324 and Table 3.1, the Department shall provide written notification to an applicant if the applicant:
 1. Does not meet the requirements of subsection (B) and the Department denies approval to take the national hearing aid dispenser examination, or
 2. Meets the requirements of subsection (B) and is approved to take the national hearing aid dispenser examination.
- E. According to R9-16-324 and Table 3.1, if the applicant meets the requirements of subsection (D)(2) and takes the national hearing aid examination, the Department shall provide written notification to an applicant if the applicant:
 1. Does not receive a passing score on the national hearing aid dispenser examination according to R9-16-313, or
 2. Receives a passing score on the national hearing aid dispenser examination according to R9-16-313.
- F. Within two years from the date of the written notification received according to subsection (D)(2), the applicant may take the national hearing aid dispenser examination as many times as desired without reapplying according to subsection (B).
- G. An applicant shall reapply for an approval to take the national hearing aid dispenser examination according to subsection (B) if the applicant:

1. Does not receive a passing score on the national hearing aid dispenser examination according to subsection (E)(1), and
 2. Does not pass the national hearing aid dispenser examination within two years from the date of the written notification received according to subsection (D)(2).
- H. An applicant is approved to take the jurisprudence examination according to R9-16-305 if the applicant receives a passing score on the national hearing aid dispenser examination:
1. According to subsection (E)(2), and
 2. Within two years from the date of the written notification received according to subsection (D)(2).
- I. The Department shall:
1. Identify the national hearing aid dispenser examination required in this section, and
 2. Ensure the national hearing aid dispenser examination is consistent with the requirements in A.R.S. Title 36, Chapter 17.

R9-16-305. Examination for Licensure

- A. ~~An applicant, upon appearing at the examination site, shall present a current driver's license or other government issued photo identification before the applicant shall be allowed to take the examination.~~
- B. ~~An applicant who fails to arrive for, or is not allowed to take, the examination pursuant to subsection (A) may reapply for the next scheduled examination by submitting all fees and information required in R9-16-303(A).~~
- C. ~~An applicant admitted late for the examination shall be limited to the time remaining to complete the examination.~~
- D. ~~An applicant found cheating shall fail the examination and shall be ineligible to take the examination or renew a hearing aid license for two years.~~
- E. ~~Each applicant shall bring another person who is not taking the examination to the examination to serve as a test subject along with impression material, cotton or foam dam, syringe, otoscope, and packing box to take an impression of the test subject's ear canal for the purpose of fitting a hearing aid. The applicant may bring additional equipment and materials to accomplish this task.~~
- F. ~~Each applicant shall bring to the examination an otoscope, a listening tube, and a screwdriver to evaluate different types and models of hearing aids and to identify the major problem that renders the hearing aid inoperable. The applicant may bring additional equipment to accomplish this task.~~
- G. ~~The successful applicant shall pass a practical and written examination with a combined average score of 75% or above for the two parts of the examination; however, no more than one section of~~

~~either the practical or the written examination shall have a score under 75%. A rounding procedure shall not be used in determining any score.~~

R9-16-305. Jurisprudence Examination

- A. If an applicant meets the requirements in R9-16-304(H) the applicant shall:
1. Schedule a date and time with the Department to take the jurisprudence examination.
 2. Take the jurisprudence examination on the date and time scheduled with the Department,
and
 3. Comply with R9-16-312.
- B. According to R9-16-324 and Table 3.1, if the applicant meets the requirements of subsection (A) the Department shall provide written notification to an applicant if the applicant:
1. Does not receive a passing score on the jurisprudence examination according to R9-16-313, or
 2. Receives a passing score on the jurisprudence examination according to R9-16-313.
- C. Within two years from the date of the written notification received according to R9-16-304(D)(2), the applicant may take the jurisprudence examination as many times as desired without reapplying according to R9-16-304(B).
- D. An applicant shall reapply for an approval to take the national hearing aid dispenser examination according to subsection R9-16-304(B) if the applicant:
1. Does not receive a passing score on the jurisprudence examination according to subsection (B)(2), and
 2. Does not pass the jurisprudence examination within two years from the date of the written notification received according to R9-16-304(D)(2).
- E. An applicant is approved to take the practical examination test according to R9-16-306 if the applicant receives a passing score on jurisprudence examination:
1. According to subsection (B)(2), and
 2. Within two years from the date of the written notification received according to R9-16-305(C)(2).
- F. If an applicant who was notified under subsection (A)(2) does not appear for the jurisprudence examination on the date and time provided in the notification, the Department shall consider the application withdrawn.
- G. The Department shall develop and administer the jurisprudence examination required in this section.

R9-16-306. Structure of the Examination

- A. The written and practical part of the examination shall be administered on the same day. The practical part shall include the following subjects:
1. Identification of medical aspects or conditions relating to abnormal middle ear problems;
 2. Oral exam on pure tone audiometry;
 3. Oral exam on speech audiometry;
 4. Obtaining air and bone conduction thresholds using simulators;
 5. Hearing aid maintenance and service;
 6. Selecting a particular hearing aid based on an audiogram review;
 7. Determining the effects of different earmold modifications; and
 8. Taking an earmold impression.
- B. The written part of the examination shall contain the following:
1. Examination booklet provided by the International Hearing Society;
 2. Questions on the Arizona Revised Statutes, and Arizona and federal rules; and
 3. Questions on the evaluation and rehabilitation services for the hearing impaired in Arizona.

R9-16-306. Practical Examination

- A. If an applicant meets the requirements in R9-16-305(E) the applicant shall:
1. Take the practical examination on the date and time scheduled with the Department, and
 2. Comply with R9-16-312.
- B. According to R9-16-324 and Table 3.1, if the applicant meets the requirements of subsection (A) and takes the practical examination, the Department shall provide written notification to an applicant if the applicant:
1. Does not receive a passing score on the practical examination according to R9-16-313, or
 2. Receives a passing score on the practical examination according to R9-16-313.
- C. Within two years from the date of the written notification received according to R9-16-304(D)(2), the applicant may take the practical examination as many times as desired without reapplying according to R9-16-304(B).
- D. An applicant shall reapply for an approval to take the national hearing aid dispenser examination according to subsection R9-16-304(B) if the applicant:
1. Does not receive a passing score on the practical examination according to subsection (B)(2), and

2. Does not pass the practical examination within two years from the date of the written notification received according to R9-16-304(D)(2).
- E. An applicant is approved to apply for an initial hearing aid dispenser license according to R9-16-307 if the applicant receives a passing score on practical examination
 1. According to subsection (B)(2), and
 2. Within two years from the date of the written notification received according to R9-16-304(D)(2).
- F. The Department shall:
 1. Develop the practical examination required in this section,
 2. Administer the practical exam:
 - a. In October each year, and
 - b. According to A.R.S. § 36-1923(C); and
 3. Ensure the practical examination is consistent with the requirements in A.R.S. Title 36, Chapter 17.

R9-16-307. License Renewal

- ~~A. This subsection applies to renewal of a hearing aid dispenser license initially issued under R9-16-303(A) or R9-16-303(B).~~
1. ~~A hearing aid dispenser shall submit to the Department, before the license expiration date:~~
 - a. ~~A nonrefundable \$100 license renewal fee,~~
 - b. ~~Confirmation of CE hours according to R9-16-308(C) and R9-16-308(D), and~~
 - e. ~~A license renewal application on a form provided by the Department that contains:~~
 - i. ~~The hearing aid dispenser's name, home address, and home telephone number;~~
 - ii. ~~If applicable, the name of the hearing aid dispenser's employer and the employer's business address and business telephone number;~~
 - iii. ~~The hearing aid dispenser's license number and expiration date;~~
 - iv. ~~Whether the hearing aid dispenser has been convicted of a felony or of a misdemeanor involving moral turpitude since the hearing aid dispenser's previous license application;~~

- v. ~~Whether the hearing aid dispenser has had, within two years before the renewal application date, a hearing aid dispenser license suspended or revoked by any state;~~
 - vi. ~~Whether the hearing aid dispenser currently is under investigation by any state or government agency, has a disciplinary action pending in any state, or has an agreement with any state or government agency that resolves a violation by the hearing aid dispenser; and~~
 - vii. ~~A statement signed by the hearing aid dispenser verifying the truthfulness of the information on the application form.~~
2. ~~According to A.R.S. § 36-1904(B), the Department shall allow a hearing aid dispenser to renew the license within 30 days after the expiration date of the license by submitting to the Department the information and renewal fee required in subsection (A)(1) and a \$25 late fee.~~
3. ~~If a hearing aid dispenser does not meet the requirements in A.R.S. § 36-1904 and subsections (A)(1) and (A)(2), the Department shall notify the hearing aid dispenser:~~
- a. ~~According to R9-16-315 and Table 1,~~
 - b. ~~By certified mail to the hearing aid dispenser's address on the renewal application, and~~
 - c. ~~That the Department denies a renewal license to the hearing aid dispenser.~~
4. ~~If a hearing aid dispenser meets the requirements in A.R.S. § 36-1904 and subsections (A)(1) and (A)(2), the Department shall~~
- a. ~~Notify the hearing aid dispenser:~~
 - i. ~~According to R9-16-315 and Table 1,~~
 - ii. ~~By regular mail to the hearing aid dispenser's address on the renewal application, and~~
 - iii. ~~That the Department approves a renewal license for the hearing aid dispenser; and~~
 - b. ~~Issue a renewal license, valid for one year after the expiration date of the previous license, to the hearing aid dispenser.~~
5. ~~An individual notified under subsection (A)(3) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.~~
6. ~~If a hearing aid dispenser does not submit to the Department, within 30 days after the expiration date of the previous license, the renewal fee and information required in subsection (A)(1) and the late fee required in subsection (A)(2), the license is~~

~~nonrenewable. The individual may apply for a new license under subsection (A)(7) or subsection (A)(8).~~

- ~~7. An individual whose hearing aid dispenser license is nonrenewable under subsection (A)(6) may apply for a new license by submitting to the Department, within one year after the expiration date of the nonrenewable license:
 - a. A nonrefundable \$100 application fee,
 - b. A \$100 license fee,
 - c. The information required in R9-16-303(A)(1)(a) through R9-16-303(A)(1)(h), and
 - d. Confirmation of CE hours according to R9-16-308(C) and R9-16-308(D).~~
- ~~8. An individual who applies for a new license more than one year after the expiration date of a license that is nonrenewable under subsection (A)(6) shall follow the licensing process in R9-16-303(A).~~
- ~~B. This subsection applies to renewal of a hearing aid dispenser license initially issued under R9-16-303(C):
 - ~~1. An organization renewing a hearing aid dispenser license shall submit to the Department the information required in R9-16-303(C)(1)(a) through R9-16-303(C)(1)(g) and a nonrefundable \$100 renewal fee. According to A.R.S. § 36-1904(B), the Department shall assess a \$25 late fee for a renewal application submitted within 30 days after the expiration of the previous license.~~
 - ~~2. If an organization meets the requirements in A.R.S. § 36-1910 and subsection (B)(1), the Department shall:
 - a. Notify the organization:
 - i. According to R9-16-315 and Table 1,
 - ii. By regular mail to the organization's address on the application, and
 - iii. That the Department approves a renewal license for the organization; and
 - b. Issue a renewal license to the organization.~~
 - ~~3. If an organization does not meet the requirements in A.R.S. § 1910 and subsection (B)(1), the Department shall notify the organization:
 - a. According to R9-16-315 and Table 1,
 - b. By certified mail to the organization's address on the application, and
 - c. That the Department denies a renewal license to the organization.~~
 - ~~4. An organization notified under subsection (B)(3) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.~~~~

5. ~~If an organization does not submit to the Department, within 30 days after the expiration of the previous license, the renewal fee and information required in subsection (B)(1) and the \$25 late fee, the license is nonrenewable. The organization may apply for a new organization hearing aid dispenser license according to subsection R9-16-303(C)(1).~~
- C. ~~This subsection applies to renewal of an initial temporary hearing aid dispenser license issued under R9-16-303(D).~~
1. ~~An individual whose temporary hearing aid dispenser license expires according to A.R.S. §§ 36-1926(B) or 36-1926(G) may renew the license according to subsection (C)(2) without taking the next hearing aid dispenser examination.~~
 2. ~~According to A.R.S. §§ 36-1926(E) and 36-1926(F), the Department shall allow one renewal of a temporary hearing aid dispenser license by submitting to the Department, by the expiration date of the initial temporary hearing aid dispenser license, a nonrefundable \$100 renewal fee and the following:~~
 - a. ~~The individual's name, home address, and home telephone number;~~
 - b. ~~The name of the individual's employer and the employer's business address and business telephone number; and~~
 - c. ~~The information required in R9-16-303(D)(1)(a) through R9-16-303(D)(1)(e).~~
 3. ~~If an individual meets the requirements in A.R.S. § 36-1926 and subsection (C)(2), the Department shall:~~
 - a. ~~Notify the individual:~~
 - i. ~~According to R9-16-315 and Table 1,~~
 - ii. ~~By regular mail to the individual's address on the renewal application, and~~
 - iii. ~~That the Department approves a renewal license for the individual; and~~
 - b. ~~Issue a renewal license to the individual.~~
 4. ~~If an individual does not meet the requirements in A.R.S. § 36-1926 and subsection (C)(2), the Department shall and notify the individual:~~
 - a. ~~According to R9-16-315 and Table 1,~~
 - b. ~~By certified mail to the individual's address on the renewal application, and~~
 - c. ~~That the Department denies a renewal license to the individual.~~
 5. ~~An individual notified under subsection (C)(4) may appeal the denial of a renewal license according to A.R.S. Title 41, Chapter 6, Article 10.~~
 6. ~~If an individual does not submit the renewal fee and information required in subsection (C)(2) by the expiration date of the initial temporary hearing aid dispenser license, the~~

~~license is nonrenewable. The individual may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in R9-16-303(D)(1).~~

- ~~7. An individual whose initial temporary hearing aid dispenser license terminates according to A.R.S. § 36-1926(D) may apply for a new temporary hearing aid dispenser license by submitting the application fee and information required in subsection R9-16-303(D)(1).~~

R9-16-307. Application for an Initial License

- A. According to R9-16-323 and Table 3.1, if an applicant meets the requirements in R9-16-306(E) the Department shall provide written notification to the applicant within five calendar days after the date of the practical examination, to submit to the Department:
1. A non-refundable licensing fee of \$100, and
 2. An attestation that information submitted in R9-16-303 is currently true and accurate.
- B. The Department shall issue an initial hearing aid dispenser license:
1. Within five calendar days after receiving the licensing fee and documentation required in subsection (A), and
 2. That is valid for two years from the date of issue.
- C. If an applicant does not submit the licensing fee and documentation required in subsection (A) within 30 calendar days after the date of the notification in subsection (A), the Department shall consider the application withdrawn.
- D. An applicant who is denied an initial hearing aid dispenser license may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-308. Continuing Education Licensure Requirements

- ~~A. Each dispenser shall complete eight hours of continuing education approved under R9-16-309 within 12 months of the effective date of the regular license.~~
- ~~B. A CE hour shall contain 60 minutes of actual course work instruction.~~
- ~~C. If the CE course work complies with the preapproved provisions of R9-16-309 (B) or (C), the dispenser shall complete a CE form provided by the Department that contains the information required in subsections (D)(1), (2), (3), (7), (8) and (9).~~
- ~~D. A dispenser submitting confirmation of CE hours earned which do not comply with the preapproved provisions of R9-16-309(B) or (C) shall complete the CE form that contains the following information:~~
- ~~1. Name, business address, and license number of the dispenser;~~

2. ~~Name of the organization providing the course work, date, and location;~~
 3. ~~Specific courses attended;~~
 4. ~~Detailed description of each course's content;~~
 5. ~~Description of each course's educational objectives;~~
 6. ~~Description of each instructor's education, training and experience background;~~
 7. ~~Number of CE hours earned for each course;~~
 8. ~~Statement indicating if the course work was preapproved in accordance with R9-16-309;~~
~~and~~
 9. ~~Signed statement under penalty of perjury that the dispenser attended the CE course and that all information on the CE form is complete and accurate.~~
- E. ~~The Director shall approve course work that meets the course requirements outlined in R9-16-309(A). The Director shall notify the dispenser stating whether or not the CE hours have been approved.~~
- F. ~~The Director shall not give a dispenser credit for CE course work which is substantially the same in content to courses utilized to meet the CE requirements within the preceding year.~~
- G. ~~A dispenser who does not complete eight hours of approved CE may be issued a renewal license if the dispenser applies for and obtains a waiver issued by the Director in accordance with R9-16-310.~~
- H. ~~The dispenser shall maintain, for a period of three years, CE receipts, canceled checks, certificates, attendance sheets, or other documentation which establishes completion of the CE requirement. The Department may randomly audit the dispenser's compliance with the CE requirements.~~

R9-16-308. Application for an Initial License by Reciprocity

- A. An applicant for an initial hearing aid dispenser license by reciprocity shall submit an application in a format provided by the Department that contains:
1. The information required in R9-16-304(B)(1) through (B)(11);
 2. The name of each state that issued the applicant a current hearing aid dispenser license;
 3. The license number of each current hearing aid dispenser license;
 4. The date each current hearing aid dispenser license was issued;
 5. For each state named in (A)(2):
 - a. A statement, on the letterhead of the government agency that issued the hearing aid dispenser license and signed by an officer of the government agency, that the applicant holds a current hearing aid dispenser license in good standing;

- b. A copy of the written and practical portions of the hearing aid dispenser examination taken by the applicant or a detailed description of each portion of the examination;
 - c. The government agency's statement:
 - i. Of the applicant's score on each section of the hearing aid dispenser examination taken by the applicant,
 - ii. The minimum passing score for each section of the hearing aid dispenser examination taken by the applicant, and
 - iii. The minimum passing score for the hearing aid dispenser examination taken by the applicant; and
 - e. A copy of the applicant's current license;
 - 6. An attestation that information required as part of the application for an initial hearing aid dispenser license by reciprocity has been submitted and is true and accurate;
 - 7. The applicant's signature and date of signature; and
 - 8. A non-refundable \$100 application fee and a \$100 license fee.
- B. Based on the information submitted under subsections (A)(1) through (A)(5), the Department shall determine whether:
- 1. The content of the examination taken by the applicant is substantially the same as the content of the Department's examinations in:
 - a. The national hearing aid dispenser examination as described in R9-16-304, and
 - b. The practical examination described in R9-16-306;
 - 2. The applicant's scores on the examinations in (A)(d)(i), (ii), and (iii) meet the requirements in R9-16-313 for passing; and
 - 3. The applicant meets the requirements in:
 - a. A.R.S. §§ 36-1922 and 36-1923(A),
 - b. Subsection (A), and
 - c. Subsections (B)(1) and (B)(2).
- C. According to R9-16-324 and Table 3.1, if the applicant meets the requirements in subsections (A) and (B), the Department shall provide written notification to the applicant:
- 1. That the Department approves an initial hearing aid dispenser license by reciprocity for the applicant,
 - 2. That the Department will issue an initial hearing aid dispenser license by reciprocity to the applicant, and
 - 3. To take and pass a jurisprudence examination according to R9-16-312(B):

- a. According to R9-16-305, and
- b. Within six months after initial licensure by reciprocity;
- 4. To take and pass an ethics examination according to R9-16-312(D) that is:
 - a. Developed and administered by the Department, and
 - b. Taken within six months after initial licensure by reciprocity; and
- 5. To comply with R9-16-312.
- E. According to R9-16-324 and Table 3.1, if the applicant does not meet the requirements in subsections (A) and (B), the Department shall provide written notification to the applicant:
 - 1. That the Department denies an initial hearing aid dispenser license by reciprocity to the applicant, and
 - 2. That the license fee will be returned to the applicant.
- F. An applicant who is denied an initial hearing aid dispenser license by reciprocity may:
 - 1. Appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10; and
 - 2. Apply for:
 - a. An initial hearing aid dispenser license by submitting the application fee and information required in subsection R9-16-304(B), or
 - b. A temporary hearing aid dispenser license by submitting the application fee and information required in subsection R9-16-310.
- G. If an applicant does not meet the requirements in subsections (C)(3) or (C)(4), the Department may revoke the initial hearing aid dispenser license by reciprocity according to A.R.S. § 36-1934 and R9-16-323.
- H. An initial hearing aid dispenser license by reciprocity issued to an applicant is valid for two years from the date of issue.

R9-16-309. Continuing Education Course Requirements

- A. ~~For course work to be eligible for preapproval for CE hours, the course content shall directly relate to the practice of fitting and dispensing hearing aids and the educational objectives shall exceed an introductory level of knowledge as it relates to fitting and dispensing hearing aids. The course work shall include advances, within the last five years, in the field as follows:~~
 - 1. ~~Procedures in the selection and fitting of hearing aids,~~
 - 2. ~~Pre- and post-fitting management of clients,~~
 - 3. ~~Instrument circuitry and acoustic performance data,~~
 - 4. ~~Earmold design and modification contributing to improved client performance,~~

5. ~~Audiometric equipment or testing techniques which demonstrate an improved ability to identify and evaluate hearing loss;~~
 6. ~~Auditory rehabilitation;~~
 7. ~~Ethics;~~
 8. ~~Federal and state statutes or rules, or~~
 9. ~~Assistive listening devices~~
- B. ~~Course work that meets the requirements of subsection (A) and is endorsed or sponsored by the following organizations shall be deemed preapproved for CE hours:~~
1. ~~Arizona Hearing Aid Society;~~
 2. ~~Arizona Speech Language Hearing Association;~~
 3. ~~American Speech Language Hearing Association;~~
 4. ~~International Hearing Society;~~
 5. ~~National Institute of Hearing Instrument Studies;~~
 6. ~~National Society of Hearing Professionals;~~
 7. ~~American Academy of Audiology;~~
 8. ~~Academy of Dispensing Audiologists;~~
 9. ~~Arizona Society of Otolaryngology Head and Neck Surgery, or~~
 10. ~~American Academy of Otolaryngology Head and Neck Surgery.~~
- C. ~~The Director shall preapprove other CE course work that complies with subsection (A) upon the following:~~
1. ~~The organization providing the course work shall submit the following information 45 days before the course is offered:~~
 - a. ~~Name, date, and location of the CE course work;~~
 - b. ~~Detailed description of the course content;~~
 - c. ~~Description of the educational objectives;~~
 - d. ~~Description of each instructor's education, training, and experience background;~~
~~and~~
 - e. ~~CE hours offered for completing the course.~~
 2. ~~The provider shall report any change in the course content or instructor to the Department before the course begins.~~
- D. ~~The Director shall withdraw the approval of any CE provider for failure to comply with the provisions of this Section.~~

R9-16-309. Application for an Organization Hearing Aid Dispenser License

A. For an organization hearing aid dispenser license:

1. An applicant that is a business organization shall submit an application in a format provided by the Department that contains:
 - a. The name of the organization;
 - b. The organization's Arizona business name, address, and telephone number;
 - c. The name, address, and telephone number of the individual authorized by the organization to receive service of process in Arizona for the organization;
 - d. The name, business telephone number, and Arizona hearing aid dispenser license number of each hearing aid dispenser employed by the organization in Arizona;
 - e. Whether the organization or a hearing aid dispenser working for the organization has had a hearing aid dispenser license suspended or revoked by any state within two years before the application date;
 - f. Whether the organization or a hearing aid dispenser working for the organization currently is not eligible for licensing in any state due to a suspension or revocation;
 - g. An attestation that information required as part of the application has been submitted and is true and accurate;
 - h. The signature and date of signature from the controlling person;
 - i. A non-refundable \$100 application fee; and
 - j. A \$100 license fee.
2. According to R9-16-324 and Table 3.1, if the applicant meets the requirements in A.R.S. § 36-1910 and subsection (A)(1), the Department shall provide written notification to the applicant:
 - a. That the Department approves a regular hearing aid dispenser license for the organization, and
 - b. Issue a regular hearing aid dispenser license to the organization.
3. According to R9-16-324 and Table 3.1, if the applicant does not meet the requirements in A.R.S. § 36-1910 and subsection (A)(1), the Department shall provide written notification to the applicant:
 - a. That the Department denies a regular hearing aid dispenser license to the organization, and
 - b. Return the license fee to the organization; and
4. An organization notified under subsection (C)(3) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

- B. A regular hearing aid dispenser license issued to an organization according to subsection (A)(2), is valid for two years from the date of issue.
- C. An organization licensed according to this Section shall comply with A.R.S. § 36-1910.

R9-16-310. Expired

R9-16-310. Application for a Temporary Hearing Aid Dispenser License

- A. An applicant for a temporary hearing aid dispenser license shall submit an application in a format provided by the Department that contains:
 - 1. The information required in R9-16-304(B)(1) through (B)(11);
 - 2. The sponsor's:
 - a. Name,
 - b. Business address,
 - c. Business telephone number, and
 - d. Arizona hearing aid dispenser license number; and
 - 3. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905, and
 - 4. A non-refundable \$100 application fee.
- B. According to R9-16-324 and Table 3.1, the Department shall provide written notification to the applicant who:
 - 1. Meets the requirements in A.R.S. § 36-1926 and subsection (A), and the Department approves a temporary hearing aid dispenser license for the applicant; or
 - 2. Does not meet the requirements in A.R.S. § 36-1926 and subsection (A), and the Department denies a temporary hearing aid dispenser license to the applicant.
- C. The Department shall issue a temporary hearing aid dispenser license to an applicant who:
 - 1. Is notified under subsection (B)(1), and
 - 2. Submits to the Department a non-refundable \$100 license fee.
- D. If an applicant does not submit the license fee according to subsection (C)(2) within 30 calendar days after the date of the notification in subsection (B)(1):
 - 1. The Department shall consider the application withdrawn, and
 - 2. The applicant may reapply for a temporary hearing aid dispenser license by submitting the information and application fee required in subsection (A).

- E. An applicant notified under subsection (B)(2) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.
- F. A temporary licensee who is issued a temporary license according to subsection (C) shall take the national hearing aid dispenser examination:
 - 1. According to R9-16-304(D)(2), and
 - 2. Within 6 months after issuance of a temporary license according to subsection (C).
- G. According to R9-16-324 and Table 3.1, if the applicant meets the requirements of subsection R9-16-304(D)(2) and takes the national hearing aid examination according to subsection (F), the Department shall provide written notification to an applicant if the applicant:
 - 1. Does not receive a passing score on the national hearing aid dispenser examination according to R9-16-313, or
 - 2. Receives a passing score on the national hearing aid dispenser examination according to R9-16-313.
- H. If a temporary licensee takes and fails the examination required in subsection (F), the temporary licensee shall:
 - 1. Renew the temporary license according to R9-16-316 before the temporary license expires, and
 - 2. Take the next examination required in subsection (F)(1) following the issuance of the renewal license.
- I. A temporary license issued according to subsection (C) terminates:
 - 1. In 12 months from the date of licensure noted on the license, or
 - 2. On the date the director receives notice from the sponsor that the sponsor is terminating sponsorship.
- J. An individual whose license is terminated according to subsection (I)(2), shall:
 - 1. Not practice until granted a new license, and
 - 2. May apply for a new temporary license according to subsection (A).

R9-16-311. Dispenser Operating Guidelines

- A. A dispenser shall conduct audiometric tests, before selecting a hearing aid for a prospective user, that provide detailed information about the client's hearing loss as follows:
 - 1. Type, degree, and configuration of hearing loss;
 - 2. Ability, as measured by the percentage of words the client is able to repeat correctly, to discriminate speech; and
 - 3. Client's most comfortable and uncomfortable loudness levels in decibels.

- B. ~~Audiometric testing may be excluded prior to selling a client a hearing aid if the client presents to the dispenser the information outlined in subsection (A) which was obtained within the last 12 months for an adult or within the last six months for a person under the age of 18.~~
- C. ~~Audiometric tests listed in subsection (A) that cannot be performed due to the young age or mental or physical disability of the client may be excluded; however, documentation shall be maintained by the dispenser for three years that supports the exclusion of the specific audiometric tests.~~
- D. ~~Prior to any hearing aid sale, the dispenser shall evaluate the performance characteristics of the hearing aid for the purpose of assessing the degree of benefit to the client.~~
- E. ~~Prior to any hearing aid sale, the dispenser shall follow the requirements contained in 21 CFR 801.420 and 801.421, April 1, 1989, and no further amendments, incorporated herein by reference and on file with the Office of the Secretary of State.~~
- F. ~~In addition to complying with the requirements in A.R.S. § 36-1932, the bill of sale, signed by the client, shall include the following:~~
 - 1. ~~Detailed description of warranty information;~~
 - 2. ~~Year hearing aid was manufactured, and~~
 - 3. ~~Full disclosure of the conditions of any offer of a trial period with a money back guarantee or partial refund. A trial period shall not include any time that the hearing aid is in the possession of the dispenser or the manufacturer.~~
- G. ~~A dispenser shall notify the Director in writing of any change in business address within 30 days of the change.~~

R9-16-311. Sponsors

- A. A sponsor shall:
 - 1. Provide to a temporary licensee a minimum of 64 hours per month of onsite training and supervision that:
 - a. Consists of coordinating, directing, watching, inspecting, and evaluating the fitting and dispensing activities of the temporary licensee; and
 - b. Directly relates to the type of training and education needed to pass the licensing examination as described in A.R.S. § 36-1924;
 - 2. Maintain a record that:
 - a. Is signed by the temporary licensee,
 - b. Has the date, time, and content of the training and supervision provided to the temporary licensee as required in subsection (A)(1), and

R9-16-312. Examination Requirements

- A. An applicant approved to take the jurisprudence examination according to R9-16-305, the practical examination according to R9-16-306, or the ethics examination according to R9-16-308, shall:
 - 1. Arrive on the scheduled date and time of the examination,
 - 2. Provide proof of identity by a government-issued photographic identification card that is provided by the applicant upon the request of the individual administering the examination, and
 - 3. Exhibit ethical conduct during the examination process.
- B. Applicants who do not comply with subsection (A)(1) or (A)(2) shall be ineligible to take the examination on the scheduled date and time.
- C. Applicants who do not comply with subsection (A)(3) shall:
 - 1. Fail the examination, or
 - 2. Be prohibited from obtaining and from renewing a hearing aid dispenser license for two years.
- D. The content of the jurisprudence examination required in R9-16-305 shall cover applicable Arizona Revised Statutes and Arizona and federal rules.
- E. The Department shall administer a practical examination consistent with A.R.S. § 36-1924 as specified in R9-16-306.

R9-16-313. Complaint Procedure

- A. ~~All complaints filed against a dispenser relating to the practice of fitting and dispensing hearing aids shall be submitted in writing to the Department. The complainant shall submit a statement of the facts and provide copies of all documentation which may support the alleged violation of state statutes or rules.~~
- B. ~~The Department shall send a certified letter to the dispenser describing each complaint. The dispenser shall provide to the Department, within 15 days of receipt of the certified letter, a written response addressing each allegation.~~
- C. ~~The Department shall review each complaint and the corresponding response by the dispenser. A certified letter shall be sent to both the complainant and the dispenser notifying them of any action to be taken by the Department.~~
- D. ~~A dispenser may appeal an action taken by the Department in accordance with 9 A.A.C. 1, Article 1, Rules of Practice and Procedures.~~

R9-16-313. Examination Scoring

- A. An applicant approved to take the national hearing aid examination according to R9-16-304, shall receive a passing or failing score as determined by the national professional organization identified in R9-16-304(I).
- B. An applicant approved to take the jurisprudence examination according to R9-16-305 shall:
1. Receive a passing score if 75% or more of the responses are correct, as determined by the Department; or
 2. Not receive a passing score if fewer than 75% of the responses are incorrect, as determined by the Department.
- C. An applicant approved to take the practical examination according to R9-16-306 shall:
1. Receive a passing score if 75% or more of the responses are correct, as determined by the Department; or
 2. Not receive a passing score if fewer than 75% of the responses are incorrect, as determined by the Department.
- D. An applicant approved to take the ethics examination according to R9-16-308 shall:
1. Receive a passing score if 75% or more of the responses are correct, as determined by the Department; or
 2. Not receive a passing score if fewer than 75% of the responses are incorrect, as determined by the Department.

R9-16-314. Enforcement Actions

- A. In accordance with A.R.S. § 36-1934, the following factors shall be considered in determining the length of suspension or revocation, or conditions thereof, or the level of disciplinary action for any violation of A.R.S., Title 36, Chapter 17 or this Article:
1. Severity of the offense;
 2. Danger to the public;
 3. Number of specified offenses;
 4. Degree of damage, physical or otherwise, to the consumer;
 5. Number and nature of prior offenses;
 6. Degree of cooperation displayed in resolving past or recent complaints and violations;
 7. Degree of negligence pertaining to any violation; and
 8. Other mitigating or aggravating circumstances.
- B. Upon consideration of the factors outlined in subsection (A), the Director may revoke or suspend a license permanently or for a fixed period and may impose the following:

1. ~~Suspend all or certain areas of the dispenser's practice where the dispenser has shown unethical conduct or incompetence in the conduct of the practice;~~
2. ~~Restrict the practice of a dispenser to only those activities that are directly supervised by a licensed dispenser; and~~
3. ~~Prescribe a period of probation in which the dispenser shall obtain a specified number of CE hours in areas where the dispenser has shown negligence, unethical behavior, or incompetence in the conduct of the practice.~~

R9-16-314. Renewal of an Initial License or Initial License by Reciprocity

- A. A hearing aid dispenser licensed according to R9-16-307 or R9-16-308 shall submit a renewal application:
1. At least 30 calendar days before the expiration date on the license; and
 2. In a format provided by the Department that contains:
 - a. The applicant's name, home address, telephone number, and e-mail address;
 - b. The applicant's Social Security Number, as required under A.R.S. §§ 25-320 and 25-502;
 - c. If applicable, the name of the applicant's employer and the employer's business address and business telephone number;
 - d. The applicant's license number and expiration date;
 - e. Since the hearing aid dispenser's previous license application, whether the applicant has been convicted of a felony or a misdemeanor in this or another state or jurisdiction;
 - f. If the applicant was convicted of a felony or misdemeanor:
 - i. The date of the conviction,
 - ii. The state or jurisdiction of the conviction,
 - iii. An explanation of the crime of which the applicant was convicted, and
 - iv. The disposition of the case;
 - g. Whether the applicant had, within two years before the renewal application date, a hearing aid dispenser license suspended or revoked by any state;
 - h. As to the applicant's hearing aid dispenser's license, whether the applicant is:
 - i. Currently under investigation by any state or government agency,
 - ii. Has a disciplinary pending in another state or jurisdiction, or
 - iii. Has an agreement with any state or government agency that resolves a violation;

- i. Documentation of continuing education hours according to R9-16-318;
 - j. An attestation that information required as part of the application has been submitted and is true and accurate;
 - k. The applicant's signature and date of signature; and
 - l. A non-refundable \$100 license renewal fee.
- B. A hearing aid dispenser who renews a license within 30 calendar days after the expiration date of the license shall submit to the Department:
- 1. The information and renewal fee required in subsection (A), and
 - 2. A \$25 late fee.
- C. According to R9-16-324 and Table 3.1, the Department shall provide written notification to a hearing aid dispenser who:
- 1. Meets the requirements in subsections (A) or (B), and the Department approves a renewal license; or
 - 2. Does not meet the requirements in subsections (A) or (B) and the Department denies a renewal license.
- D. A renewal license issued to a hearing aid dispenser according to subsection (C)(1), is valid for two years after the expiration date of the previous license issued by the Department to the hearing aid dispenser.
- E. If a hearing aid dispenser does not comply with subsections (A) or (B):
- 1. The license is nonrenewable, and
 - 2. The individual may apply for a new license according to subsections (F) or (G).
- F. A hearing aid dispenser whose license is nonrenewable under subsection (E) shall submit an application:
- 1. Within one year after the expiration date of the nonrenewable license; and
 - 2. In a format provided by the Department that contains:
 - a. The information required in R9-16-304(B)(1) through (B)(11),
 - b. Documentation of continuing education hours according to R9-16-318,
 - c. A nonrefundable \$100 application fee, and
 - d. A \$100 license fee.
- G. More than one year after the expiration date of a hearing aid dispenser's nonrenewable license, according to subsection (F), the hearing aid dispenser shall comply with R9-16-304, R9-16-305, R9-16-306 and R9-16-307.
- H. The Department may refuse to renew an initial license for any reason specified in A.R.S. § 36-1934.

- I. A hearing aid dispenser who is denied a renewal license according to subsection (C)(2) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

R9-16-315. Time-frames

- A. For purposes of this Section, "application packet" means the information, documents, and fees required by the Department for:
1. Approval to take an examination;
 2. An initial regular license or renewal of a regular license;
 3. An initial temporary license or renewal of a temporary license, or
 4. Approval of a continuing education course that is requested separately from an application for renewal of a license.
- B. The overall time frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is specified in Table 1. The applicant and the Department may agree in writing to extend the substantive review time frame and the overall time frame. An extension of the substantive review time frame and the overall time frame may not exceed 25% of the overall time frame.
- C. The administrative completeness review time frame described in A.R.S. § 41-1072 for each type of approval granted by the Department under this Article is specified in Table 1.
1. The administrative completeness review time frame begins:
 - a. For approval to take an examination, on the date the Department receives an application packet;
 - b. For approval of a regular license by examination, when the applicant takes the examination; and
 - c. For approval of a regular license by reciprocity, a regular license for a business, an initial temporary license, a renewal of a regular license, a renewal of a temporary license, or approval of a continuing education course that is requested separately from an application for renewal of a license, on the date the Department receives an application packet.
 2. When an application packet is complete, or when an applicant for approval of a regular license by examination submits an examination for scoring, the Department shall provide a written notice of administrative completeness to the applicant.
 3. If the Department grants an approval during the administrative completeness review time frame, the Department shall not issue a separate written notice of administrative completeness.

4. ~~If an application packet is incomplete, the Department shall provide to the applicant a written notice of deficiencies specifying the missing documents or incomplete information. The administrative completeness review time frame and the overall time frame are suspended from the date of the notice until the date the Department receives a complete application packet from the applicant.~~
5. ~~If the applicant fails to submit to the Department all of the items and information listed in the notice of deficiencies within 90 days from the date of the notice of deficiencies, the Department shall consider the application withdrawn.~~

~~D. The substantive review time frame described in A.R.S. § 41-1072 is specified in Table 1 and begins on the date of the notice of administrative completeness.~~

1. ~~During the substantive review time frame, the Department may make one comprehensive written request for additional documents or information, or a supplemental request for additional documents or information by mutual written agreement with the applicant.~~
2. ~~If the Department provides to the applicant a comprehensive written request or a supplemental request for additional documents or information, the substantive review time frame and the overall time frame are suspended from the date of the request until the date the Department receives all of the documents or information requested.~~
3. ~~If the applicant fails to submit to the Department the documents or information requested by the Department in a comprehensive written request or supplemental request for additional documents or information within 90 days from the date of the request, the Department shall consider the application withdrawn.~~

R9-16-315. Renewal for an Organization Hearing Aid Dispenser License

A. An organization licensed according to R9-16-309 shall submit a renewal application:

1. At least 30 calendar days before the expiration date on the license; and
2. In a format provided by the Department that contains:
 - a. The information in subsections R9-16-309(A)(1)(a) through R9-16-309(A)(1)(h),
and
 - b. A non-refundable \$200 license renewal fee.

B. An organization that renews a license within 30 calendar days after the expiration date of the license shall submit to the Department:

1. The information and renewal fee required in subsection (A), and
2. A \$25 late fee.

- C. According to R9-16-324 and Table 3.1, the Department shall provide written notification to an organization that:
1. Meets the requirements in subsections (A) or (B), and the Department approves a renewal license; or
 2. Does not meet the requirements in subsections (A) or (B) and the Department denies a renewal license.
- D. A renewal license issued to an organization according to subsection (C)(1), is valid for two years after the expiration date of the previous license issued by the Department to an organization.
- E. If an organization does not comply with subsections (A) or (B):
1. The license is nonrenewable, and
 2. The organization may apply for a new license according to R9-16-309.
- F. The Department may refuse to renew a license for any reason specified in A.R.S. § 36-1934.
- G. An organization that is denied a renewal license according to subsection (C)(2) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.

Table 1. Time frames (in calendar days)

Type of Approval	Statutory Authority	Overall Time-frame	Administrative Completeness Review Time-frame	Substantive Review Time-frame
Approval to take an examination (R9-16-303(A)(1) and (A)(2))	A.R.S. §§ 36-1904, 36-1923	60	30	30
Regular License by Examination (R9-16-303(A)(3), (A)(4), and (A)(5))	A.R.S. §§ 36-1904, 36-1923	60	30	30
Regular License by Reciprocity (R9-16-303(B))	A.R.S. §§ 36-1904, 36-1922	60	30	30
Regular License for a Business (R9-16-303(C))	A.R.S. §§ 36-1904, 36-1910	60	30	30
Initial Temporary License (R9-16-303(D))	A.R.S. § 36-1926	60	30	30
Renewal of a Temporary License (R9-16-303(D))	A.R.S. § 36-1926	60	30	30
Renewal of a Regular License (R9-16-303(C) and R9-16-307)	A.R.S. §§ 36-1904, 36-1904, 36-1910	60	30	30
Approval of a continuing education course that is requested separately from an application for renewal of a license (R9-16-308 and R9-16-309)	A.R.S. § 36-1904(C)	60	30	30

R9-16-316. Duplicate License Fee

- A. ~~An individual licensed under 9 A.A.C. 16, Article 3, may obtain a duplicate license by submitting to the Department a request for a duplicate license containing the individual's name and address, the number and expiration date of the license to be duplicated, the individual's signature, and a nonrefundable \$25 duplicate license fee.~~
- B. ~~An organization licensed under 9 A.A.C. 16, Article 3, may obtain a duplicate license by submitting to the Department a request for a duplicate license containing the organization's name and address, the number and expiration date of the license to be duplicated, the titles and signatures of the individuals specified in R9-16-303(C)(1)(g) for the type of organization requesting the duplicate license, and a nonrefundable \$25 duplicate license fee.~~

R9-16-316. Renewal for a Temporary Hearing Aid Dispenser License

- A. If a temporary licensee renews a temporary hearing aid dispenser license according to R9-16-310(H), the temporary licensee shall renew the temporary hearing aid dispenser license only once before the temporary license expires.
- B. If a temporary licensee renews a temporary hearing aid dispenser license according to subsection (A), the temporary licensee shall submit an application in a format provided by the Department that contains:
 - 1. The applicant's name, home address, telephone number, and e-mail address;
 - 2. The name of the applicant's employer and the employer's business address and business telephone number;
 - 3. The information required in R9-16-304(B)(1) through (B)(11);
 - 4. The sponsor's:
 - a. Name,
 - b. Business address,
 - c. Business telephone number, and
 - d. Arizona hearing aid dispenser license number; and
 - 5. A statement signed by the sponsor that the sponsor is a licensed hearing aid dispenser who agrees to train, supervise, and be responsible for the applicant's hearing aid dispenser practice according to A.R.S. § 36-1905; and
 - 6. A non-refundable \$100 renewal fee.
- C. According to R9-16-324 and Table 3.1, the Department shall provide written notification to the applicant who:

1. Meets the requirements in subsection (B), and the Department approves a temporary hearing aid dispenser license for the applicant;
 2. Does not meet the requirements in subsection (B), and the Department denies a temporary hearing aid dispenser license to the applicant; or
 3. Is denied a temporary hearing aid license according to A.R.S. § 36-1926(G).
- D. A temporary licensee who is denied a renewal license according to subsections (C)(2) and (C)(3) may appeal the denial according to A.R.S. Title 41, Chapter 6, Article 10.
- E. If a hearing aid dispenser does not comply with subsection (B) by the expiration date of the initial temporary hearing aid dispenser license:
1. The license is nonrenewable, and
 2. The individual may apply for a new temporary hearing aid dispenser license according to R9-16-310.
- F. An individual whose initial temporary hearing aid dispenser license terminates according to R9-16-310(I)(1) may apply for a new temporary hearing aid dispenser license according to R9-16-310.

R9-16-317. Preapproved Continuing Education Coursework Requirements

- A. Continuing education coursework shall:
1. Directly relate to the practice of fitting and dispensing hearing aids;
 2. Have educational objectives that exceed an introductory level of knowledge of fitting and dispensing hearing aids;
 3. Comply with the requirements in A.R.S. § 36-1904;
 4. Consist of coursework that includes advances within the last five years in:
 - a. Procedures in the selection and fitting of hearing aids,
 - b. Pre- and post-fitting management of clients,
 - c. Instrument circuitry and acoustic performance data,
 - d. Earmold design and modification contributing to improved client performance,
 - e. Audiometric equipment or testing techniques which demonstrate an improved ability to identify and evaluate hearing loss,
 - f. Auditory rehabilitation,
 - g. Ethics,
 - h. Federal and state statutes or rules, or
 - i. Assistive listening devices.
- B. A continuing education hour shall contain 60 minutes of actual coursework instruction.

- C. The Department shall preapprove continuing education coursework that:
1. Meets the requirements of subsections (A) and (B); and
 2. Is endorsed or sponsored by:
 - a. Hearing Healthcare Providers of Arizona,
 - b. Arizona Speech-Language-Hearing Association,
 - c. American Speech-Language-Hearing Association,
 - d. International Hearing Society,
 - e. International Institute for Hearing Instrument Studies,
 - f. American Auditory Society,
 - g. American Academy of Audiology,
 - h. Academy of Doctors of Audiology,
 - i. Arizona Society of Otolaryngology-Head and Neck Surgery, or
 - j. American Academy of Otolaryngology-Head and Neck Surgery.
- D. An organization not specified in subsection (C)(2) may be preapproved to provide continuing education coursework that:
1. Meets the requirements of subsections (A) and (B); and
 2. Submits to the Department 45 days before the course is offered, an application in a format provided by the Department that contains:
 - a. Name, date, and location where the continuing education coursework will be provided;
 - b. Detailed description of the course content;
 - c. Description of the educational objectives;
 - d. Description of each instructor's education, training, and experience background;
and
 - e. Continuing education hours offered for completing the course; and
 3. The organization shall report any change in the course content or instructor to the Department before the course begins.
- E. According to R9-16-324 and Table 3.1, the Department shall provide written notification to an organization if the organization:
1. Does not meet the requirements of subsection (B) and the Department denies preapproval to provide continuing education coursework, or
 2. Meets the requirements of subsection (B) and is preapproved to provide continuing education coursework.

- F. The Department shall withdraw the preapproval of any continuing education provider for failure to comply with the provisions of this Section.

R9-16-318. Licensee Submission of Continuing Education Coursework

- A. Before renewal of an initial license according to R9-16-314, a hearing aid dispenser shall:
1. Complete 24 hours of approved continuing education courses according to R9-16-317, and
 2. Take the courses required in subsection (A)(1) within the 24 months before the expiration date on the initial license.
- B. A hearing aid dispenser who complies with subsection (A) shall submit to the Department an application in a format provided by the Department that contains:
1. Name, business address, and license number of the hearing aid dispenser;
 2. Name of the organization providing the coursework, date, and location where the continuing education coursework was provided;
 3. Specific courses attended;
 4. Number of continuing education hours earned for each course;
 5. An attestation that:
 - a. The coursework meets the requirements specified in R9-16-317,
 - b. The hearing aid dispenser attended the continuing education course, and
 - c. The information required as part of the application has been submitted and is true and accurate; and
 6. The hearing aid dispenser's signature and date of signature.
- C. Before renewal of an initial license according to R9-16-314, a hearing aid dispenser who does not comply with R9-16-317 (C) or (D) may submit to the Department an application in a format provided by the Department that contains:
1. Documentation:
 - a. Of the completion of 24 hours of education courses not preapproved according to R9-16-317, and
 - b. That the courses described in subsection (C)(1)(a) were taken within the 24 months before the expiration date on the initial license;
 2. Name, business address, and license number of the hearing aid dispenser;
 3. Name of the organization providing the coursework, date, and location where the continuing education coursework was provided;
 4. Specific courses attended;

5. Description of each course's content;
 6. Description of each course's educational objectives;
 7. Description of each instructor's education, training and experience background;
 8. Number of continuing education hours earned for each course;
 9. An attestation that:
 - a. The hearing aid dispenser attended the continuing education course, and
 - b. The information required as part of the application has been submitted and is true and accurate; and
 10. The hearing aid dispenser's signature and date of signature.
- D. According to R9-16-324 and Table 3.1, the Department shall provide written notification to a hearing aid dispenser if the hearing aid dispenser:
1. Does not meet the requirements of subsections (B) or (C) and the Department does not approve the continuing education coursework, or
 2. Meets the requirements of subsection (B) or (C) and the Department approves the continuing education coursework.
- E. The Department shall not approve a continuing education course which is substantially the same in content to courses utilized to meet the continuing education requirements within the preceding year.
- F. A hearing aid dispenser shall maintain for a period of three years, continuing education:
1. Receipts,
 2. Canceled checks,
 3. Certificates,
 4. Attendance sheets, and
 5. Any other documentation which establishes completion of the continuing education requirement.

R9-16-319. Licensing Exceptions for Military Personnel

- A. Except for subsection (E), a license issued according to this Article to a hearing aid dispenser who is a member of the Arizona National Guard or the United States armed forces reserves:
1. Does not expire while serving on federal active duty; and
 2. Is extended 180 calendar days after returning from federal active duty, if the hearing aid dispenser or the legal representative of the hearing aid dispenser notified the Department of the hearing aid dispenser's federal active duty status, according to subsection (D).

- B. Except for subsection (E), a license issued according to this Article to a hearing aid dispenser who is a member of the regular component of the United States armed forces:
1. Does not expire while serving on federal active duty; and
 2. Is extended 180 calendar days after the date of expiration, if the hearing aid dispenser or the legal representative of the hearing aid dispenser notified the Department of the hearing aid dispenser's federal active duty status, according to subsection (D).
- C. A hearing aid dispenser who renews a regular license during the 180 calendar days extended time period after returning from federal active duty shall:
1. Pay the license renewal fee, and
 2. Not pay a license late fee or any additional costs.
- D. To qualify for the extended time period, a hearing aid dispenser or the legal representative of the hearing aid dispenser shall provide notification to the Department before the end of the hearing aid dispenser's 180-calendar-day extended time period in one of the following forms:
1. Official military orders,
 2. Redacted military identification card, or
 3. Written verification from the member's commanding officer.
- E. A license issued according to this Article to a hearing aid dispenser who is a member of the Arizona National Guard, the United States armed forces reserves, or the regular component of the United States armed forces:
1. Does not expire; and
 2. Is extended 180 calendar days from the date the hearing aid dispenser is able to perform activities required in R9-16-320, if the hearing aid dispenser:
 - a. Is released from active duty service, and
 - b. Suffers an injury as a result of active duty service that temporarily prevents the hearing aid dispenser from being able to perform activities required in R9-16-320.

R9-16-320. Responsibilities of a Hearing Aid Dispenser

- A. A hearing aid dispenser licensed according to subsections R9-16-307, R9-16-308, or R9-16-310 shall:
1. Notify the Department in writing:
 - a. Upon licensure, of the address where the hearing aid dispenser practices the fitting and dispensing of hearing aids; and

- iv. The serial number of the hearing aid;
 - b. Whether the hearing aid is:
 - i. New,
 - ii. Used, or
 - iii. Rebuilt;
 - c. A complete description of:
 - i. Warranty information, and
 - ii. The conditions of any offer of a trial period with a money back guarantee or partial refund;
 - d. The amount charged;
 - e. An attestation that the client has been informed about audio switch technology including:
 - i. Increased access to telephones;
 - ii. Assistive listening devices;
 - iii. Information on the proper use of audio switch technology, if the client purchased a hearing device that has audio switch technology; and
 - iv. That an audio switch is also referred to as a telecoil, t-coil, or t-switch;
 - f. Information about the Arizona equipment distribution program established in A.R.S. § 36-1947;
 - g. The hearing aid dispenser's:
 - i. Signature and date of signature,
 - ii. Business address, and
 - iii. License number;
 - h. The client's signature and date of signature;
 - 9. Comply with the requirements of this Article; and
 - 10. Not:
 - a. Practice without a license according to A.R.S. § 36-1907,
 - b. Commit unlawful acts according to A.R.S. § 36-1936, and
 - c. Commit actions described in A.R.S. § 36-1934(A).
- B. The trial period described in subsection (A)(8)(c)(ii) shall not include any time that the hearing aid is in the possession of the hearing aid dispenser or the manufacturer of the hearing aid.

R9-16-321. Inspection Requirements

- A. A hearing aid dispenser's place of business shall have available for inspection by the Department:

1. An audiometer that performs the audiometric tests as described in R9-16-319;
 2. Documentation which provides evidence of annual calibration of the audiometer in accordance with the American National Institute Standards, S3.6-1989, Standards Secretariat, c/o Acoustical Society of America, 335 East 45th Street, New York, New York 10017-3483, revised March 1998, and no further amendments, incorporated herein by reference and on file with the Office of the Secretary of State; and
 3. A customer record for each client with:
 - a. A written statement from a licensed physician that the customer has medical clearance to use hearing aids or a medical waiver signed by the customer who is 18 years of age or older;
 - b. A copy of the bill of sale;
 - c. The:
 - i. Audiometric test results by date,
 - ii. Name of the person who performed the audiometric tests, and
 - iii. Signature of the person who performed the audiometric tests;
 - d. Documented verification of the effectiveness of the hearing aid, and
 - e. The contracts, agreements, warranties, trial periods, or other documents involving the client.
- B. The records required in subsection (A) shall be retained for 36 months from date of sale.

R9-16-322. Complaint Procedure

- A. A complainant shall submit to the Department:
1. A written statement of the alleged violation regarding the practice of fitting or the dispensing of hearing aids; and
 2. Documentation that supports the alleged violation of:
 - a. State statute, or
 - b. State rule.
- B. Within 30 calendar days after receiving the written notification required in subsection (A), the Department shall provide written notification to the hearing aid dispenser describing each alleged violation.
- C. Within 15 calendar days after receiving the written notification required in subsection (B), the hearing aid dispenser shall provide to the Department, a written response addressing each allegation.
- D. The Department shall:

1. Review the hearing aid dispenser's response required in subsection (C); and
 2. Within 30 calendar days after receiving the hearing aid dispenser's response required in subsection (C), provide written notification to the hearing aid dispenser and complainant of any action to be taken by the Department.
- E. If a hearing aid dispenser does not submit the written response required in subsection (C) within 30 calendar days after the date of the written notification in subsection (B), the Department shall provide written notification to the hearing aid dispenser and complainant of any action to be taken by the Department.
- F. A hearing aid dispenser may appeal an action taken by the Department in accordance with 9 A.A.C. 1, Article 1, Rules of Practice and Procedures.

R9-16-323. Enforcement Actions

- A. According to A.R.S. § 36-1934, the Department may deny, revoke, or suspend a hearing aid dispenser's license for:
1. Conviction of a felony or misdemeanor involving moral turpitude;
 2. Securing a hearing aid dispenser license through fraud or deceit;
 3. Unprofessional conduct;
 4. Incompetence in the conduct of the hearing aid dispenser's practice;
 5. Using a false name or alias in the practice of the hearing aid dispenser profession;
 6. Violating the requirements in this Article;
 7. Violating the requirements in A.R.S., Title 36, Chapter 17; or
 8. Failing to comply with existing federal regulations regarding the fitting and dispensing of hearing aids.
- B. In determining the length of the revocation, suspension, or disciplinary action for any violation of subsection (A), the Department shall consider:
1. Severity of the offense;
 2. Danger to the public;
 3. Number of specified offenses;
 4. Degree of damage, physical or otherwise, to the consumer;
 5. Number and nature of prior offenses;
 6. Degree of cooperation displayed in resolving past or recent complaints and violations;
 7. Degree of negligence pertaining to any violation; and
 8. Other mitigating or aggravating circumstances.

- C. Upon consideration of the factors outlined in subsection (B), the Department may revoke or suspend a license permanently or for a fixed period and may:
1. Suspend all or certain areas of the hearing aid dispenser's practice where the hearing aid dispenser has shown unethical conduct or incompetence in the conduct of the practice;
 2. Restrict the practice of a hearing aid dispenser to only those activities that are directly supervised by a licensed hearing aid dispenser; and
 3. Prescribe a period of probation in which the hearing aid dispenser shall obtain a specified number of continuing education hours in areas where the hearing aid dispenser has shown negligence, unethical behavior, or incompetence in the conduct of the practice.
- D. Instead of denying, revoking, or suspending a license according to subsections (A), (B), or (C) the Department may:
1. File a letter of concern,
 2. Issue a decree of censure,
 3. Prescribe a period of probation, or
 4. Restrict or limit the practice of the hearing aid dispenser.
- E. The Department may impose a civil penalty according to A.R.S. §36-1939.
- F. If the Department initiates a disciplinary against a hearing aid dispenser, the Department shall notify the hearing aid dispenser's employer within 15 calendar days after the effective date of the disciplinary action.

R9-16-324. Time-frames

- A. The overall time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department is specified in Table 3.1. The applicant and the Department may agree in writing to extend the substantive review time-frame and the overall time-frame. An extension of the substantive review time-frame and the overall time-frame may not exceed 25 percent of the overall time-frame.
- B. The administrative completeness review time-frame described in A.R.S. § 41-1072 for each type of approval granted by the Department is specified in Table 3.1.
1. The administrative completeness review time-frame begins:
 - a. For an applicant submitting an application for approval to take the national hearing aid dispenser examination, when the Department receives the application required in R9-16-304;

- b. For an applicant requesting approval to take the jurisprudence examination, when the Department receives notification that the applicant received a passing score required in R9-16-304(H);
 - c. For an applicant requesting approval to take the practical examination, when the Department receives notification that the applicant received a passing score according to R9-16-305(E);
 - d. For an applicant submitting an application for initial licensure, when the Department receives the notification and fee required in R9-16-307;
 - e. For an applicant submitting an application for initial licensure by reciprocity, when the Department receives the application required in R9-16-308;
 - f. For a business submitting an application for an organization hearing aid dispenser licensure, when the Department receives the application required in R9-16-309;
 - g. For an applicant submitting an application for temporary hearing aid dispenser licensure, when the Department receives the application required in R9-16-310;
 - h. For a hearing aid dispenser applying to renew an initial license or initial license by reciprocity, when the Department receives the application required in R9-16-314;
 - i. For a business applying to renew an organization hearing aid dispenser license, when the Department receives the application required in R9-16-315;
 - j. For an organization submitting an application to provide continuing education coursework, when the Department receives the application required in R9-16-317; and
 - k. For a hearing aid dispenser submitting an application for approval of continuing education coursework, when the Department receives the application required in R9-16-318;
2. The Department shall provide a notice of deficiencies to the applicant or hearing aid dispenser describing the missing documentation, incomplete information, or deficiencies if:
- a. An application is incomplete;
 - b. An applicant fails to receive a passing score on the national hearing aid dispenser examination, the jurisprudence examination, or the practical examination as required in this Article; or

- c. An applicant fails to take the national hearing aid dispenser examination, the jurisprudence examination, or the practical examination as required in this Article:
 - 3. The administrative review time-frame and the overall time-frame are suspended from the date of the notice until the date the Department receives the documentation or information listed in the notice of deficiencies as described in subsection (B)(2);
 - 4. An applicant or hearing aid dispenser shall submit to the Department the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1 for responding to a notice of deficiencies as described in subsection (B)(2);
 - 5. If the applicant of hearing aid dispenser submits the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall provide a written notice of administrative completeness to the applicant or hearing aid dispenser;
 - 6. If the applicant or hearing aid dispenser does not submit the documentation or information listed in the notice of deficiencies within the time specified in Table 3.1, the Department shall consider the application withdrawn;
 - 7. When an application is complete the Department shall provide a notice of administrative completeness to the applicant or the hearing aid dispenser; and
 - 8. If the Department issues a notice of approval to take the national hearing aid dispenser examination, the jurisprudence examination, the practical examination or to apply for an initial license during the administrative completeness review time-frame, the Department shall not issue a separate written notice of administrative completeness.
- C. The substantive review time-frame described in A.R.S. § 41-1072 is specified in Table 3.1 and begins on the date of the notice of administrative completeness.
 - 1. If an application complies with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, or the applicant receives a passing score on the national hearing aid dispenser examination, the jurisprudence examination, or the practical examination, the Department shall issue to the applicant a notice of approval to:
 - a. Apply for an initial license; or
 - b. Take the national hearing aid dispenser examination, the jurisprudence examination, or the practical examination;
 - 2. If an application complies with the requirements in this Article and A.R.S. Title 36, Chapter 6, Article 7, the Department shall issue a license to a hearing aid dispenser;

3. If the Department provides to the applicant a comprehensive written request or a supplemental request for additional documents or information, the substantive review time-frame and the overall time-frame are suspended from the date of the request until the date the Department receives all of the documents or information requested; and
4. If the applicant fails to submit to the Department the documents or information requested by the Department in a comprehensive written request or supplemental request for additional documents or information within 90 days from the date of the request, the Department shall consider the application withdrawn.

Table 3.1. Time-frames (in calendar days)

<u>Type of Approval</u>	<u>Statutory Authority</u>	<u>Overall Time-frame</u>	<u>Administrative Completeness Review Time-frame</u>	<u>Substantive Review Time-frame</u>
<u>Approval to take the National Hearing Aid Dispenser Examination</u>	<u>A.R.S. §§ 36-1904, 36-1923, 36-1924</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Approval to take the Jurisprudence Examination</u>	<u>A.R.S. §§ 36-1904, 36-1923, 36-1924</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Approval to take the Practical Examination</u>	<u>A.R.S. §§ 36-1904, 36-1922, 36-1924</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Initial License</u>	<u>A.R.S. §§ 36-1904, 36-1923</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Initial License by Reciprocity</u>	<u>A.R.S. § 36-1922</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Organization Hearing Aid Dispenser License</u>	<u>A.R.S. § 36-1910</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Temporary Hearing Aid Dispenser Licensure</u>	<u>A.R.S. § 36-1926</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Renewal of an Initial License</u>	<u>A.R.S. § 36-1904</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Renewal of an Initial License by Reciprocity</u>	<u>A.R.S. § 36-1926</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Renewal of an Organization Hearing Aid Dispenser License</u>	<u>A.R.S. § 36-1910</u>	<u>60</u>	<u>30</u>	<u>30</u>
<u>Approval of an Organization to Provide Continuing Education Coursework</u>	<u>A.R.S. § 36-1904</u>	<u>60</u>	<u>30</u>	<u>30</u>

Approval for Continuing Education	A.R.S. § 36-1904	60	30	30
Coursework for a Hearing Aid Dispenser				

R9-16-325. Duplicate License

- A. An individual licensed according to this Article may obtain a duplicate license by submitting to the Department:
1. A written request for a duplicate license containing:
 - a. The individual's name and address.
 - b. The license number of the license to be duplicated.
 - c. The expiration date of the license to be duplicated.
 - d. The individual's signature and date of signature; and
 2. A non-refundable \$25 duplicate license fee.
- B. An organization licensed according to this Article may obtain a duplicate license by submitting to the Department:
1. A written request for a duplicate license containing:
 - a. The organization's name and address.
 - b. The license number of the license to be duplicated.
 - c. The expiration date of the license to be duplicated.
 - d. The titles, signatures, and date of the signatures of the individuals identified in R9-16-309(A) for the type of organization requesting the duplicate license; and
 2. A non-refundable \$25 duplicate license fee.