
**Rules of
Department of Economic
Development
Division 160—Council for Hearing Aid
Dealers and Fitters
Chapter 2—General Rules**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT**

**Division 160—Council for
Hearing Aid Dealers and Fitters
Chapter 2—General Rules**

4 CSR 160-2.010 Licensure by Examination

PURPOSE: This rule outlines the requirements and procedures for obtaining a hearing aid dealer and fitter license by examination.

- (1) Applications for a Missouri hearing aid dealer's and fitter's license must be made on forms provided by the department.
- (2) Application forms may be obtained by writing the Council for Hearing Aid Dealers and Fitters at P.O. Box 1335, Jefferson City, MO 65102-1335. A copy of the current statutory provisions and departmental rules governing the fitting and sale of hearing aids will be provided with the application form.
- (3) The department will not consider any application for examination unless it is fully completed and properly attested.
- (4) Applications must be received by the department through the office no later than thirty (30) days prior to the examination. Applications received or completed less than thirty (30) days before the next examination scheduled will not be considered for that examination, but will be considered for the following examination.
- (5) The examination will be administered in two (2) general parts, one (1) written and one (1) practical. The examination will be scheduled every six (6) months.
- (6) The written examination will be administered by the department through the council utilizing a national testing service or national-type examination wherever that examination and the required funds are available.
- (7) The practical examination will be administered before or after the written examination. The practical examination will be conducted by the department through the council members or their designees and the following procedures and requirements shall apply:
- (A) It shall be the responsibility of the applicant to furnish all equipment needed to conduct a hearing test covering the techniques listed in section 346.085(2), RSMo. Equipment shall include an audiometer with speech testing capabilities, an otoscope, blank audiograms, ear mold impression material, appropriate word lists for determination of speech threshold and speech discrimination ability if needed, and other related supplies;
- (B) Failure to bring the necessary equipment as listed in subsection (7)(A) will be sufficient reason to disallow the applicant the opportunity to take the practical examination and cause forfeiture of the examination fee. If the applicant wishes to take the next scheduled practical examination, s/he must reapply and pay the proper examination fee; and
- (C) The practical examination may be conducted at the discretion of the office using either simulators or live subjects for all or part of the examination, except that all persons taking the examination on a specific date shall be tested in the same manner. A time limit may be imposed for any part of the practical examination; provided, that a) this time limit is established by the office prior to the examination, b) that the time limit is reasonable and c) that it is applied uniformly.
- (8) Requirements for Passing Grade.
- (A) For a license to be issued by the department, the applicant shall have achieved a general average of—
1. Seventy-five percent (75%) on the written examination; and
 2. Seventy percent (70%) and no grade below sixty percent (60%) in any one (1) section of the practical examination.
- (B) If the applicant fails the written examination, s/he may retake the entire written examination upon the payment of the proper reexamination fee.
- (C) If the applicant fails one (1) or more portions of the practical examination, s/he may retake the entire practical examination upon the payment of the proper reexamination fee.
- (D) When an applicant has successfully passed the written and practical portions of a scheduled examination, the scores of that examination shall be valid for a period of ninety (90) days (from the date of notification of a passing score) toward licensure.

*Auth: section 346.115(2) and (8), RSMo (1986). * Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Refiled Jan. 2, 1976. Rescinded and readopted: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed March 1, 1984, effective July 12, 1984. Amended: Filed Feb. 15, 1989, effective April 27, 1989. Amended: Filed May 17, 1989, effective July 27, 1989. Amended: Filed Aug. 3, 1992, effective April 8, 1993.*

**Original authority 1973, amended 1981.*



STATE OF MISSOURI
COUNCIL FOR HEARING AID DEALERS AND FITTERS
APPLICATION FOR LICENSE

ALL QUESTIONS MUST BE ANSWERED: IF NOT APPLICABLE, INDICATE N/A.

RETURN COMPLETED APPLICATION ALONG WITH APPROPRIATE FEE TO:

COUNCIL FOR HEARING AID DEALERS & FITTERS
P.O. BOX 1335
JEFFERSON CITY, MISSOURI 65102

ATTACH PHOTO HERE
2" x 2" HEAD & SHOULDERS ONLY

APPLICATION IS FOR

RECIPROCITY (\$125) LICENSE BY EXAMINATION (\$75) TEMPORARY PERMIT (\$50)

Fees section with dollar signs and checkboxes for reciprocity, examination, and permit.

GENERAL INFORMATION

Form section for general information including applicant name, address, company name, and social security number.

EDUCATION

Form section for education including high school and college/university details.

Form section for National Hearing Aid Society certification.

Table with 5 columns: TITLE, LENGTH OF COURSE, SPONSOR, YR. COMPLETED, CERTIFICATE. Rows for educational courses.

MAKE OF INSTRUMENTS YOU WILL HANDLE

REFERENCES

Table with 3 columns: NAME, ADDRESS, TELEPHONE NUMBER. Rows for references.

IMPORTANT: EXPLANATIONS REQUIRED IN RESPONSE TO THE FOLLOWING QUESTIONS MUST BE ON A SEPARATE SHEET AND SIGNED BY YOU BEFORE A NOTARY PUBLIC AND NOTARIZED.

1. Have you previously applied for a temporary permit in MISSOURI? YES NO
 If yes, WHEN _____
 If granted, give: NUMBER _____ SPONSOR _____

2. Have you previously applied for a hearing aid dealer or fitter license in MISSOURI? YES NO
 If licensed, give: NUMBER _____ EXPIRATION DATE _____

3. A. Have you ever applied for licensure as a hearing aid dealer or taken the examination for licensure as a hearing aid dealer in any other state? YES NO
 If yes, WHERE _____ WHEN _____

- B. If yes, were you ever licensed by that state? YES NO
 If no, explain fully: _____

- C. How was your license obtained (i.e., exam, reciprocity, other) _____

- D. If you were licensed by that state, are you now licensed by that state? YES NO
 If no, explain fully: _____

- E. Is your license in that state current? (i.e., not lapsed or inactive) YES NO
 If no, explain fully: _____

- F. Has your license ever been disciplined by that state? YES NO
 If yes, explain fully: _____

4. Have you ever been convicted, adjudged guilty by a court, pleaded guilty or pleaded nolo contendere to any crime (excluding traffic violations)? YES NO
 If yes, explain fully: _____

5. Have you ever been addicted to any drug or alcohol? YES NO
 If yes, explain fully: _____

6. Have you ever been convicted, adjudged guilty by a court, pleaded guilty or pleaded nolo contendere to any traffic offense resulting from or related to the use of drugs or alcohol? ... YES NO
 If yes, explain fully: _____

7. Have you ever had a judgment rendered against you based upon fraud, misrepresentation, deception or malpractice related to your practice as a hearing aid dealer or against any other license in the state of Missouri? YES NO
 If yes, explain fully: _____

LIST ALL EMPLOYMENT FOR THE PAST 5 YEARS (LIST PRESENT OR LAST POSITION FIRST)

EMPLOYER NAME	EMPLOYER ADDRESS	DATES EMPLOYED

MO 419-1200 (1-91)

APPLICANTS AFFIDAVIT

I do hereby affirm that all statements made in this application are true and correct to the best of my knowledge and belief and understand that any deliberate falsification of information herein may constitute grounds for my disqualification. I further affirm that I have read, understand and agree to abide by the provisions of Chapter 346.105 RSMo, (Supp.) especially Section 2 concerning specifications that may be deemed unprofessional or dishonorable conduct within the meaning of this section. Further, I hereby voluntarily consent to a thorough investigation of my present and past employment and other activities for the purpose of verifying my qualifications for licensing.

MUST BE SIGNED IN PRESENCE OF NOTARY ▶		SIGNATURE OF APPLICANT	
NOTARY PUBLIC EMBOSSER SEAL	STATE OF MISSOURI		COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS		
	DAY OF		19
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES	USE RUBBER STAMP IN CLEAR AREA BELOW.
NOTARY PUBLIC NAME (TYPED OR PRINTED)			

SPONSORS AFFIDAVIT

(REQUIRED ONLY OF APPLICANTS FOR A TEMPORARY PERMIT. SEE CHAPTER 346.075 RSMO, (SUPP.) AND 4 CSR 160-2.030)

I do hereby affirm that I am the holder of a currently valid license under the laws of Missouri, that I have read the above excerpt and that I fully understand my responsibilities as sponsor for the applicant (NAME) _____ under the provisions of the above cited Section of the law.

I further affirm that I have read the application of which this affidavit will be a part and that to the best of my knowledge the answers to all questions are true and complete.

MUST BE SIGNED IN PRESENCE OF NOTARY ▶		SIGNATURE OF SPONSOR	LICENSE NO.
NOTARY PUBLIC EMBOSSER SEAL	STATE OF MISSOURI		COUNTY (OR CITY OF ST. LOUIS)
	SUBSCRIBED AND SWORN BEFORE ME, THIS		
	DAY OF		19
	NOTARY PUBLIC SIGNATURE	MY COMMISSION EXPIRES	USE RUBBER STAMP IN CLEAR AREA BELOW.
NOTARY PUBLIC NAME (TYPED OR PRINTED)			

MO 419-1200 (1-91)

SPONSOR RESPONSIBILITY

The responsibilities of the sponsor of a temporary permit holder in the state of Missouri are as follows:

4 CSR 160-2.030 Temporary Permits:

(4) The sponsor shall be person licensed under Chapter 346, RSMo. The sponsor shall be responsible for providing all required training. The sponsor shall provide direct on-the-job supervision and control of the temporary permit holder for, and during at least, the first five (5) hearing tests and hearing aid fittings inclusive performed upon clients by the temporary permit holder. Thereafter, the sponsor shall meet with the temporary permit holder at least once a week to review the results of the tests performed during that week upon clients by the temporary permit holder without direct supervision.

(A) Each receipt executed by a temporary permit holder also shall be reviewed, approved and signed by the sponsor prior to the dispensing of a hearing aid(s). The sponsor, by approving the receipt, accepts full responsibility for its accuracy until the temporary permit holder is licensed as a hearing aid dealer and fitter.

(5) No temporary permit holder shall perform any hearing test upon any client, or have other similar contact with any client, without first being trained in the following areas:

- (A) Air conduction testing, with masking when appropriate;
- (B) Bone conduction testing, with masking when appropriate;
- (C) Speech reception threshold and word discrimination, utilizing test equipment with a calibrated circuit; and
- (D) The taking of ear molds.

(7) Violations of this rule will be treated as "misconduct" in the practice of fitting and selling hearing aids.

I, the undersigned, have read and do fully understand my responsibility as a sponsor, and will fulfill all of the requirements set forth in the rules of the state of Missouri regarding the supervision of temporary permit holders.

Signature of Sponsor

LICENSE NUMBER _____

Subscribed and sworn to before me, a notary public, this _____ day of _____, 19_____.

Signature of Notary Public

Print Type or Stamp Name of Notary

NOTARY PUBLIC

My Commission expires: _____ STATE OF MISSOURI

4 CSR 160-2.020 Advertisement
 (Rescinded May 13, 1982)

4 CSR 160-2.021 Professional Responsibility

PURPOSE: This rule outlines and explains the professional conduct required of licensed hearing aid dealers and fitters.

(1) It will be deemed false, misleading and deceptive for any licensed hearing aid dealer and fitter who fits or sells hearing aids to omit the business name and address from any professional advertisement or communication to the general public.

(2) It will be deemed false, misleading and deceptive for any licensed hearing aid dealer and fitter who fits or sells hearing aids to omit the phrase "licensed hearing aid dealer and fitter" or its equivalent from any professional advertisement or communication to the general public.

(3) It is incompetency in the practice of selling and fitting hearing aids if each of the following testing procedures is not used before a client is fitted:

(A) Air conduction, with masking where indicated;

(B) Bone conduction, with masking where appropriate; and

(C) Speech reception threshold and word discrimination, utilizing test equipment with a calibrated circuit.

(4) The results of these tests shall be recorded in writing and retained in the client's file for a period of three (3) years from the date of the test.

(5) Corporations, partnerships, trusts, associations or other like organizations maintaining an established business address, from which the business of selling or offering to sell hearing aids at retail by licensed individuals occurs, shall exercise the same ethical standards as are applicable to license holders and in no way shall permit or cause either these rules or the provisions of Chapter 346, RSMo to be disregarded or circumvented because that organization does not itself require a hearing aid dealer's and fitter's license.

(6) All corporations, partnerships, trusts, associations or like organizations, during December, shall annually cause a listing of all hearing aid dealers and fitters directly or indirectly employed by them to be prepared and delivered to the Council for Hearing Aid

Dealers and Fitters, and must certify by an officer that the organization submits itself to comply with these rules and Chapter 346, RSMo.

(7) Sponsors of temporary permit holders must have been licensed in Missouri as hearing aid dealers and fitters for a minimum of two (2) years before they can sponsor an individual on a temporary permit.

(8) Violations of this rule will be treated by the department as cause for initiation of disciplinary proceedings against a licensee under section 346.105.2(5) and (6), RSMo.

*Auth: sections 346.105.2(6) and (14) and 346.155(8), RSMo (1986). * Original rule filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed March 1, 1984, effective July 12, 1984. Amended: Filed July 23, 1986, effective Oct. 11, 1986. Amended: Filed May 17, 1989, effective July 27, 1989. Amended: Filed Aug. 3, 1992, effective April 8, 1993.*

**Original authority 1973, amended 1981.*

4 CSR 160-2.030 Temporary Permits

PURPOSE: This rule allows clarification through reorganization of the structure of the rule and new language. Those issues being clarified include the process for applying for a temporary permit, responsibilities and requirements of a sponsor, time limits on a temporary permit and applicants for a temporary permit under a surety bond.

(1) Individuals seeking to develop the skills and training to obtain licensure under section 346.015, RSMo may apply for a temporary permit to engage in the sale of or practice of fitting hearing aids. Applications for temporary permits shall be made on the forms (see 4 CSR 160-2.010) provided by the division and must be accompanied by the appropriate application fee.

(2) A temporary permit shall entitle the holder to engage in the fitting and sale of hearing aids for a period of one (1) year. The temporary permit holder may only engage in the fitting and sale of hearing aids under the supervision of a sponsor who is a person holding a valid hearing aid dealer and fitter license as provided in sections 346.075 and 346.080, RSMo or under surety bond as provided in section 346.080, RSMo. If a temporary permit holder's sponsor changes, the temporary permit holder shall reapply for a temporary permit under the new sponsor's name and the

division may issue a temporary permit for the remainder of the one (1)-year period of original issuance. If a person holding a temporary permit has not successfully passed the licensing exam within the one (1)-year period, the temporary permit holder may renew the temporary permit once for a period of six (6) months upon payment of the applicable fee. No temporary permit shall be issued for more than eighteen (18) months in any thirty (30)-month period, as calculated from the date of original issuance.

(3) Each applicant for a temporary permit under the supervision of a sponsor, as provided in section 346.075, RSMo, must indicate on the application form the identity and address of the sponsor. No permit will be issued to an applicant unless the applicant's sponsor resides or maintains an office within a fifty (50)-mile radius of the office address (or home address if no office is maintained) of the temporary permit holder.

(4) The sponsor shall be a person licensed under Chapter 346, RSMo. The sponsor shall be responsible for providing all required training. The sponsor shall provide direct on-the-job supervision and control of the temporary permit holder for, and during at least, the first five (5) tests performed upon clients by the temporary permit holder. After that, the sponsor shall meet with the temporary permit holder at least once a week to review the results of the tests performed during that week upon clients by the temporary permit holder without direct supervision.

(A) Each receipt executed by a temporary permit holder also shall be reviewed, approved and signed by the sponsor prior to the dispensing of a hearing aid. The sponsor, by approving the receipt, accepts full responsibility for its accuracy until the temporary permit holder is licensed as a hearing aid dealer and fitter.

(B) It is the sponsor's responsibility to ensure that the conduct of the temporary permit holder is consistent with the requirements of Chapter 346, RSMo and these regulations. The sponsor may relieve him/herself of this responsibility only by discharging the temporary permit holder and returning the temporary permit by mail to the Council for Hearing Aid Dealers and Fitters, Division of Professional Registration, P.O. Box 1335, 3605 Missouri Boulevard, Jefferson City, MO 65102, together with a letter fully explaining the circumstances under which the temporary permit holder was separated from the sponsor's employment or supervision.

(5) No temporary permit holder shall perform any hearing test upon any client, or have any other similar contact with any client, without first being trained in the following areas:

(A) Air conduction testing, with masking when appropriate;

(B) Bone conduction testing, with masking when appropriate;

(C) Speech reception threshold and word discrimination, utilizing test equipment with a calibrated circuit; and

(D) The taking of ear molds.

(6) Each applicant for a temporary permit under surety bond as provided in section 346.080, RSMo shall verify that a manufacturer is providing adequate and appropriate training or shall identify a person holding a valid hearing aid dealer and fitter license as provided in section 346.080, RSMo, who is providing adequate and appropriate training. Verification shall be provided at the request of the Council for Hearing Aid Dealers and Fitters.

(7) Violations of this rule will be treated as misconduct in the practice of fitting and selling hearing aids.

*Auth: sections 346.075, 346.105.2(6) and 346.115(8), RSMo (1986). * Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Refiled Jan. 2, 1976. Rescinded and readopted: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed July 23, 1986, effective Oct. 11, 1986. Rescinded and readopted: Filed May 26, 1988, effective Sept. 11, 1988. Amended: Filed May 17, 1989, effective July 27, 1989. Amended: Filed Aug. 3, 1992, effective April 8, 1993.*

**Original authority 1973, amended 1981.*

4 CSR 160-2.040 Annual License Renewal

PURPOSE: This rule clarifies the license renewal requirements and procedures.

(1) Every licensed hearing aid dealer and fitter promptly must notify the Council for Hearing Aid Dealers and Fitters of every change in his/her office address(es) or place(s) of practice.

(2) Every licensed hearing aid dealer and fitter shall display his/her license and renewal certificate in a conspicuous place in the office.

(3) Each person who engages in the fitting and selling of hearing aids, on or before the renewal date, shall pay to the division the required fee,

present written evidence of annual calibration of all audiometers and present satisfactory evidence of completing the continuing education requirements. A period of thirty (30) days' grace is established following the date by which every licensed hearing aid dealer and fitter must renew his/her license. The division will cause a license to be renewed if the renewal is sought and fees are paid before the expiration of the grace period. After expiration of the grace period, the division may renew expired certificates upon payment of the required fees. No person whose license has expired and who applies for renewal will be required to submit to any examination as a condition of renewal, if this renewal application is made within two (2) years from the date of expiration.

(4) The following guidelines govern the attendance of educational programs for annual license renewal:

(A) It will be the responsibility of each licensed hearing aid dealer and fitter to ensure that evidence of compliance with the statutory educational requirements is filed with the Council for Hearing Aid Dealers and Fitters at the time s/he applies for license renewal;

(B) This evidence must show his/her attendance for a minimum of ten (10) hours during the preceding year at educational hearing aid programs approved by the division with the advice of the Council for Hearing Aid Dealers and Fitters;

(C) Each speaker, lecturer or other participant in the presentation of the program must be recognized as possessing the requisite qualifications in his/her field. The division with the advice of the Council for Hearing Aid Dealers and Fitters will determine whether the credentials submitted for a speaker, lecturer or other person meet the requirements of this section;

(D) Instruction courses sponsored for commercial purposes by individuals or institutions or programs in which the speaker advertises or urges the use of any particular product or appliance shall not be recognized for educational credit;

(E) Any other regularly organized group of hearing aid dealers and fitters that wishes to sponsor an educational program to meet the standard for annual license renewal in Missouri must submit a copy of the program schedule and outline to the Council for Hearing Aid Dealers and Fitters not less than twenty-one (21) days prior to the date of the program. The outline must indicate the program's subject matter, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors. The office will review the schedule and outline. If the program meets the standards set out in section (4), the office may grant approval; and

(F) Each sponsoring organization shall provide evidence of attendance, showing at least the date and place of the meeting, the speakers or instructors and hours in attendance. The evidence of attendance must be signed by the instructor or by the organization's secretary or chairman and must be submitted to the office prior to the renewal date for the licensee.

(5) Whenever an organization owns or leases all or a portion of the audiometers utilized by the dealers and fitters employed, the organization must submit a list of all audiometers with their annual calibration certifications, as required by section (3). The dealers and fitters employed with the organization who are utilizing only this equipment may reference this organization's certification as evidence of compliance with their annual calibration requirements.

(6) The term of licensure shall be from January 1 of each year to December 31 of each year.

(7) Individuals shall not be required to comply with the continuing education requirements during the first year of licensure.

*Auth: sections 346.095 and 346.115(8), RSMo (1986). * Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Refiled: Jan. 2, 1976. Rescinded and readopted: Filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed June 3, 1982, effective Sept. 11, 1982. Amended: Filed March 1, 1984, effective July 12, 1984. Amended: Filed July 23, 1986, effective Oct. 11, 1986. Amended: Filed May 17, 1989, effective July 27, 1989. Amended: Filed Aug. 3, 1992, effective April 8, 1993.*

**Original authority 1973, amended 1981.*

4 CSR 160-2.045 Maintenance of Non-practicing Status

PURPOSE: This rule allows an individual to prevent his/her license from expiring when s/he is not engaging in the practice of fitting and dealing in hearing aids.

(1) Any licensed hearing aid dealer and fitter may prevent his/her license from expiring by submitting the required renewal fee each year. These persons will not be authorized to engage in the practice of fitting and dealing in hearing aids if they have not submitted evidence of annual calibration of all audiometers and written evidence of having completed the continuing education requirements.



(2) Any person who has paid the required annual renewal fee may apply for authority to engage in the practice of fitting and dealing in hearing aids at any time by submitting evidence of current audiometer calibration and sufficient evidence of having attended two (2) days (ten (10) hours) of approved continuing education courses within the preceding twelve (12)-month period.

Auth: sections 346.095 and 346.115.1(8), RSMo (1986).* Original rule filed March 1, 1984, effective July 12, 1984.

*Original authority 1973, amended 1981.

4 CSR 160-2.050 Medical Referral Criteria

PURPOSE: This rule determines when a hearing aid specialist shall make a medical referral. On February 15, 1977 the Food and Drug Administration's rules governing the hearing aid industry became effective and the department made a portion of the Food and Drug Administration's medical referral rules a part of the Missouri rules.

(1) Any licensee under Chapter 346, RSMo shall advise a prospective hearing aid user to promptly consult with a licensed physician (preferably an ear specialist) before dispensing a hearing aid if the hearing aid dispenser determines, through inquiry, actual observation or review of any other available information concerning the prospective user, that the prospective user has any of the following conditions:

- (A) Visible congenital or traumatic deformity of the ear;
- (B) History of active drainage from the ear within the previous ninety (90) days;
- (C) History of sudden or rapidly progressive hearing loss within the previous ninety (90) days;
- (D) Acute or chronic dizziness;
- (E) Unilateral hearing loss of sudden or recent onset within the previous ninety (90) days;
- (F) Audiometric air-bone gap equal to or greater than fifteen (15) decibels at five hundred hertz (500 Hz), one thousand (1000 Hz) and two thousand (2000 Hz);
- (G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal; and
- (H) Pain or discomfort in the ear.

(2) Special care should be exercised in selecting and fitting a hearing aid whose maximum sound pressure level exceeds one

hundred thirty-two (132) decibels because there may be risk of impairing the remaining hearing of the hearing aid user. (This provision is required only for those hearing aids with a maximum sound pressure capability greater than one hundred thirty-two (132) decibels.)

Auth: section 346.115.1(8), RSMo (1986).* Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. Refiled: Jan. 2, 1976. Rescinded and readopted: Filed April 4, 1978, effective Aug. 11, 1978. Amended: Filed March 1, 1984, effective July 12, 1984.

*Original authority 1973, amended 1981.

4 CSR 160-2.060 Interpretation Grounds for Suspension or Revocation of a License

(Rescinded May 13, 1982)

4 CSR 160-2.061 Public Complaint Handling and Disposition Procedure

PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints by the department.

(1) The office will receive and process each complaint made against any licensee, temporary permit holder or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 346, RSMo. Any member of the public or the profession, or any federal, state or local official may make and file a complaint with the department. Complaints from sources outside Missouri will be received and processed in the same manner as those originating within Missouri. No member of the council shall file a complaint with this division while s/he holds that office, unless that member excuses him/herself from further council deliberations or activity concerning matters alleged within that complaint. The executive director or any staff member of the division may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: Council for Hearing Aid Dealers and Fitters, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO 65102-1335. However, actual receipt of the complaint by the administrative offices in any manner shall be sufficient. Complaints may be made based upon personal knowledge or upon

information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Complaints may be made on forms provided by the office and available upon request. Oral or telephone communication will not be considered or processed as complaints, but the person making this communication will be provided with a complaint form and requested to complete it in writing and return it to the office. Any member of the administrative staff may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communication received by the office, unless that staff member believes that communication to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the office for that purpose. Complaints shall be logged in consecutive order as received. The logbook shall contain a record of each complainant's name and address; the name and address of the subjects of the complaints, the date each complaint is received by the department; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the division or in formal charges being filed with the Administrative Hearing Commission and the ultimate disposition of the complaint. This logbook shall be a closed record of the division.

(5) Each complaint received under this rule shall be acknowledged in writing. The complainant shall be informed in writing as to whether the complaint is being investigated and later as to whether the complaint is being dismissed by the division or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the department. The provisions of this section shall not apply to complaints filed by staff members of the division based on information and belief, acting in reliance on third-party information received by the division.

(6) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record and shall not be available for inspection by the general public. However, a copy of the complaint and any attachments, in the discretion of the division, may be provided to any licensee who is the

subject of that complaint or his/her legal counsel, upon written request to the office.

(7) This rule shall not be deemed to limit the department's authority to file a complaint with the Administrative Hearing Commission charging a licensee or temporary permit holder of the department with any actionable conduct or violation, whether or not the complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the division and whether or not any public complaint has been filed with the division.

(8) The department interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the division and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect or inure to the benefit of those licensees, temporary permit holders or other persons against whom the division has instituted or may institute administrative or judicial proceedings concerning possible violations of the provisions of Chapter 346, RSMo.

*Auth: sections 346.115(8), RSMo (1986) and 620.010.15(6), RSMo (Cum. Supp. 1990). * Original rule filed Feb. 9, 1982, effective May 13, 1982. Amended: Filed March 1, 1984, effective July 12, 1984. Amended: Filed May 17, 1989, effective July 27, 1989. Amended: Filed Aug. 3, 1992, effective April 8, 1993.*

**Original authority: 346.115(8), RSMo (1973), amended 1981 and 620.010.15(6), RSMo (1973), amended 1981, 1983, 1986, 1989, 1990.*



COUNCIL FOR HEARING AID DEALERS AND FITTERS

UNIFORM COMPLAINT FORM

Please return to: Council for Hearing Aid Dealers and Fitters
3523 N. Ten Mile Drive
Post Office Box 1335
Jefferson City, Missouri 65102-0423

Missouri Statutes 575.060 - False Official Statements. Whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his official duty may be guilty of a Class B misdemeanor.

(Type or Print)

Your name
Address
City
State
Zip
Telephone ()
Area Code Business
Area Code Residence

Contact (other than yourself):
Name
Address
City
State
Zip
Telephone ()
Area Code

Your occupation:

SUBJECT OF COMPLAINT

Name
Person and/or Company
Address
Telephone ()
City
State
Zip
Occupation
License No. (if known)

Have you contacted subject concerning complaint: Yes No Date

How long have you known person complained about? Are there documents involved? Yes No

Are there documents attached? Yes No Are there documents to follow? Yes No

Have you contacted an attorney? Yes No Has a lawsuit been filed? Yes No

Name of Private Attorney (If applicable)
Name
Telephone No. ()
Area Code

Address
City
State
Zip

WITNESSES (Give full names and addresses):

Witness lines

GIVE FULL DETAILS OF YOUR COMPLAINT. (Include facts, details, dates. Please attach copies of all bills, documents, records, correspondence, and contracts. (Use additional sheets if necessary).

Complaint details lines

Signature
Date

Table with 9 columns: Complaint Number, Date of Complaint, Type of Complaint, Date Acknowledge Complaint, Date Referred to Investigation, Date Referred to Adm. Hearing, Disposition, Date of Disposition, Date Complainant Advised of Disposition

RETURN WHITE AND YELLOW COPIES TO COUNCIL FOR HEARING AID DEALERS AND FITTERS

4 CSR 160-2.071 Fees

PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapters 346 and 610, RSMo.

(1) The following fees are established by the Department of Economic Development:

- | | |
|---|-----------|
| (A) Temporary Permit Fee | \$ 50.00; |
| (B) Temporary Permit Extension Fee | \$ 25.00; |
| (C) Examination Fee | \$ 75.00; |
| (D) Reexamination Fee | \$ 50.00; |
| (E) License Fee | \$ 50.00; |
| (F) Reciprocity License Fee | \$125.00; |
| (G) Renewal Fee | \$ 50.00; |
| (H) Renewal Penalty Fee (up to days) | \$ 25.00; |
| (I) Renewal Penalty Fee (up to 2 years) | \$ 75.00; |
| (J) Duplicate Certificate Fee | \$ 10.00; |
- and
- | | |
|---------------------------|----------|
| (K) Computer Printout Fee | \$ 5.00. |
|---------------------------|----------|

(2) All fees are nonrefundable.

(3) The following miscellaneous fees for certain services rendered by the Council for Hearing Aid Dealers and Fitters are established as follows:

- | | |
|---|-----------------------|
| (A) Photocopy Fee (public records)
Council for Hearing Aid Dealers
and Fitters (per page) | \$ 0.25; |
| (B) Document Search Fee (public records)
Council for Hearing Aid
Dealers and Fitters (per hour)
with a minimum fee of | \$ 20.00;
\$ 5.00; |
| (C) Access Fee (public records maintained
on computer facilities, recording tapes
or discs, video tapes or films, pictures,
slides, graphics, illustrations or similar
audio or visual items or devices. Actual
cost of reproduction plus document
search fee.) (per hour)
with a minimum fee of | \$ 20.00;
\$ 5.00; |

and

- | |
|--|
| (D) Payment of any copying fees and search fees may be required before any information will be provided. |
|--|

(4) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction.

*Auth: sections 346.115 and 610.010—610.030, RSMo (1986). * Emergency rule filed March 24, 1982, effective April 3, 1982, expired Aug. 1, 1982. Original rule filed March 24, 1982, effective July 11,*

1982. Amended: Filed May 26, 1988, effective Sept. 11, 1988. Amended: Filed May 17, 1989, effective July 27, 1989.

**Original authority: 346.115, RSMo (1973), amended 1981; 610.010, RSMo (1973), amended 1977, 1978, 1982, 1987; 610.011, RSMo (1967); 610.015, RSMo (1973), amended 1987; 610.020, RSMo (1973), amended 1982, 1987; 610.021—610.026, RSMo (1987); 610.027, RSMo (1982), amended 1987, 1990; 610.028, RSMo (1982), amended 1987; and 610.030, RSMo (1973), amended 1982.*