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**Rules of**  
**Department of Insurance,**  
**Financial Institutions and**  
**Professional Registration**  
**Division 2165—Board of Examiners for Hearing**  
**Instrument Specialists**  
**Chapter 2—Licensure Requirements**

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**Title 20—DEPARTMENT OF  
INSURANCE, FINANCIAL  
INSTITUTIONS AND  
PROFESSIONAL REGISTRATION  
Division 2165—Board of Examiners for  
Hearing Instrument Specialists  
Chapter 2—Licensure Requirements**

**20 CSR 2165-2.010 Hearing Instrument  
Specialist in Training (Temporary Permits)**

*PURPOSE: This rule clarifies the process by which an individual may apply for a permit to practice as a hearing instrument specialist in training, and defines time limit and supervision requirements for the temporary permit holder.*

(1) Any individual seeking to develop the skills and training necessary to obtain a license under section 346.075, RSMo, shall register supervision and apply for a temporary permit to engage in the practice of fitting hearing instruments as defined by section 346.010(11), RSMo. An application for registration of supervision shall be made on a form provided by the board and must be accompanied by the appropriate fee as prescribed in 20 CSR 2165-1.020. The application shall not be considered proper and final until qualifications of the supervisor match the criteria as prescribed in 20 CSR 2165-2.020.

(2) An approved temporary permit shall entitle the hearing instrument specialist in training to engage in the practice of fitting hearing instruments as defined by section 346.010(11), RSMo, for a period of one (1) year.

(A) If a person holding a permit has not passed the examination within the one (1)-year period, the hearing instrument specialist in training may renew the permit once for a period of six (6) months upon payment of the applicable fee as prescribed in 20 CSR 2165-1.020.

(B) The six (6)-month renewal term shall commence immediately following the expiration of the temporary permit, regardless of when the renewal application is received by the board, such that a hearing instrument specialist in training shall not hold a temporary permit beyond eighteen (18) months from the date the temporary permit was originally issued.

(3) The hearing instrument specialist in training shall accrue no less than one hundred (100) hours of supervision from a licensed hearing instrument specialist registered as a supervisor pursuant to 20 CSR 2165-2.020

prior to becoming eligible for licensure by examination.

(4) If the hearing instrument specialist in training ceases to practice under an approved supervisor and/or changes supervision, s/he shall notify the board by filing a change of supervision form and paying the change of supervision fee as defined in 20 CSR 2165-1.020. The change of supervision is subject to review pursuant to 20 CSR 2165-2.010(2).

(5) Each applicant for a hearing instrument specialist in training permit as provided in section 346.075, RSMo, must indicate on the application form the name, business address and license number of the registered supervisor.

(6) The practice of fitting hearing instruments by a hearing instrument specialist in training shall be performed according to the registered supervisor's order, control, guidance, and professional responsibility.

(7) A hearing instrument specialist in training shall be trained in the following procedures during his/her training period:

(A) Air conduction thresholds, with masking where appropriate;

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

(C) Speech reception thresholds, with masking where appropriate, utilizing test equipment with a calibrated circuit;

(D) Word recognition scores, with masking where appropriate, utilizing test equipment with a calibrated circuit;

(E) A verification of hearing instrument benefit;

(F) Ear impressions; and

(G) Visual otoscopy.

(8) As a part of the training of a hearing instrument specialist in training, s/he shall attend classes that would be approved for a licensee to renew his/her license under 20 CSR 2165-2.050.

(A) Three (3) hours of such training shall be completed every six (6) months.

(B) A person in training less than six (6) months need not complete such training.

(C) Proof of completion of such training shall be attached to the attestation form completed by the registered supervisor.

(9) Upon completion of any registered supervised experience, the hearing instrument specialist in training shall request an attestation form from the board to be completed by the registered supervisor and returned to the board.

(10) The hearing instrument specialist in training must be identified by a temporary permit number and use one of the following titles: "hearing instrument specialist in training," "trainee," or "temporary permit holder" in any sales contract or other documents available to the consumer, and referring to the temporary permit holder. Initials or acronyms representing these titles shall not be used.

(11) A temporary permit is not required for students attending a hearing sciences program at an accredited college or university that are participating in a practicum to complete that program. The student must be under the direct supervision of a registered supervisor. Direct supervision shall mean the licensed hearing instrument specialist is on the premises where the patient is being treated and is quickly and easily available and the patient has been examined by a licensed hearing instrument specialist at such times as acceptable hearing instrument specialist practice requires. Such students shall not identify themselves as a "hearing instrument specialist," "hearing instrument specialist in training," or a "temporary permit holder."

*AUTHORITY: sections 346.070, 346.075, 346.080, and 346.115.1(7), RSMo 2000.\* This rule originally filed as 4 CSR 165-2.010. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Amended: Filed March 15, 2004, effective Sept. 30, 2004. Moved to 20 CSR 2165-2.010, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008. Amended: Filed Dec. 30, 2008, effective July 30, 2009.*

*\*Original authority: 346.070, RSMo 1973, amended 1995; 346.075, RSMo 1973, amended 1981, 1995; 346.080, RSMo 1973, amended 1981, 1995; and 346.115, RSMo 1973, amended 1981, 1993, 1995.*

**20 CSR 2165-2.020 Supervisors**

*PURPOSE: This rule outlines and explains the responsibilities and requirements of a registered supervisor.*

(1) A licensed hearing instrument specialist may obtain a certificate of authority as a registered supervisor by completing an application from the board and paying the required fee as defined in 20 CSR 2165-1.020.

(2) A registered supervisor of a hearing instrument specialist in training must be



licensed in Missouri as a hearing instrument specialist for a minimum of two (2) years.

(A) A licensed hearing instrument specialist who holds any professional license which is or has been subject to probation, suspension, or revocation may be prohibited from serving as a supervisor of a hearing instrument specialist in training; and

(B) Within twelve (12) months of the effective date of the proposed rule, as published in the *Code of State Regulations*, a licensed hearing instrument specialist shall pass the National Competency Examination (N.C.E.) administered by National Board for Certification in Hearing Instrument Sciences (NBC-HIS) in order to qualify as a registered supervisor.

1. 20 CSR 2165-2.020(2)(B) shall not apply to a licensed hearing instrument specialist licensed as an audiologist pursuant to Chapter 345, RSMo, and possessing a certificate of clinical competence or is completing the clinical fellowship year offered by the American Speech-Language-Hearing Association.

2. 20 CSR 2165-2.020(2)(B) shall not apply to a licensed hearing instrument specialist who has passed the N.C.E. administered by NBC-HIS prior to the effective date of this proposed rule.

(3) The registered supervisor shall exercise full order, control, guidance and professional responsibility involved in the practice of fitting hearing instruments by a hearing instrument specialist in training.

(4) The registered supervisor shall meet with the hearing instrument specialist in training at least once per workweek, face-to-face, to review all purchase agreements, audiometric evaluations, instrument orders, ear impressions, whether a purchase is made or not, and all hearing instrument fittings. The registered supervisor must affix his/her signature and license number to purchase agreements and audiometric evaluation results.

(5) Within thirty (30) days of completion of registered supervision, pursuant to 20 CSR 2165-2.010(5) the registered supervisor shall document the supervision and training on an attestation form provided by the board.

(A) Within thirty (30) days of termination of registered supervision, the registered supervisor shall submit both the attestation form and temporary permit to the board; and

(B) A hearing instrument specialist in training shall remain under supervision until s/he is licensed by the board.

*AUTHORITY:* sections 346.075.2 and 346.115.1(7), RSMo 2000.\* This rule origi-

nally filed as 4 CSR 165-2.020. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1996. Original rule filed Oct. 16, 1996, effective May 30, 1997. Moved to 20 CSR 2165-2.020, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008.

\*Original authority: 346.075, RSMo 1973, amended 1981, 1995 and 346.115, RSMo 1973, amended 1981, 1993, 1995.

**20 CSR 2165-2.025 Application Procedures**

*PURPOSE:* This rule outlines the procedure for applying for licensure as a hearing instrument specialist and/or a hearing instrument specialist in training.

(1) Applications for licensure must be made on the forms provided by the board. Application forms may be obtained by requesting them from the Board of Examiners for Hearing Instrument Specialists, PO Box 1335, Jefferson City, MO 65102 or on the board's website [www.pr.mo.gov/hearing.asp](http://www.pr.mo.gov/hearing.asp).

(2) An application must be legible (printed or typed), signed, notarized, and accompanied by the appropriate fees. The fee must be in the form of a cashier's check, personal check, or money order.

(3) The following documents must be on file for an application to be considered complete:

(A) Completed application;

(B) Appropriate fee;

(C) Proof of acceptable educational credentials as evidenced by an official transcript sent directly to the board by the school;

(D) A current, standard passport photo, one and one-half inches by two inches (1.5" x 2.0"), must be attached to the application; and

(E) Verification of licensure must be submitted by each state where the applicant has ever been licensed. Verification of licensure shall contain information concerning the requirements in force at the time the applicant was licensed, the method of licensing including examination results, date of original licensure, and current status of the applicant's license.

(4) All forms must be completed and received by the board by the established deadline.

*AUTHORITY:* sections 346.050 and 346.115, RSMo 2000 and section 346.055, RSMo Supp. 2008.\* Original rule filed Sept. 8, 2008, effective March 30, 2009.

\*Original authority: 346.050, RSMo 1973, amended 1995; 346.055, RSMo 1973, amended 1981, 1995, 2007; and 346.115, RSMo 1973, amended 1981, 1993, 1995.

**20 CSR 2165-2.030 Licensure by Examination**

*PURPOSE:* This rule outlines and explains the requirements and procedures for obtaining a hearing instrument specialist license by examination.

(1) Application for a Missouri hearing instrument specialist's license shall be on file in accordance with 20 CSR 2165-2.025.

(2) Applications shall be received by the board no later than thirty (30) days prior to the examination. Applications received or completed less than the thirty (30) days before the next examination scheduled may not be considered for examination.

(3) Applicants with special needs addressed by the Americans with Disabilities Act must notify the board office at least thirty (30) days prior to the examination to ensure that reasonable accommodations are made. Notification may be forwarded in writing and mailed to the Board of Examiners for Hearing Instrument Specialists, PO Box 1335, 3605 Missouri Boulevard, Jefferson City, MO 65102 or by calling (573) 751-0240. The text telephone number for the hearing impaired is (800) 735-2966.

(4) The examination may be administered by the board in two (2) general parts, one (1) written and one (1) practical. The examination will be scheduled at least every six (6) months. The practical and written examinations may be administered on different days.

(5) The written portion of the examination may be administered by the board utilizing a national testing service or other examination at the board's discretion. The applicant shall pass the written examination to be eligible for the practical portion of the examination.

(6) The practical portion of the examination shall be conducted by the board or its designees. The following procedures and requirements shall apply:

(A) It shall be the responsibility of the applicant to furnish all equipment needed. In order to ensure the integrity of the practical portion of the examination and that it adequately tests the applicant's abilities, the board may determine what equipment an applicant is permitted to use and may prohibit the use of any particular equipment containing memory storage, unless it can be demonstrated and verified that the memory



can be erased. Equipment shall be in good working order as evidenced by a receipt of annual calibration of the audiometer. Failure to have the necessary equipment will be sufficient reason to disallow the applicant the opportunity to take the practical portion of the examination and cause forfeiture of the examination fee. If the applicant wishes to take the next scheduled practical portion of the examination, the applicant must reapply and pay the proper examination fee; and

(B) The practical portion of the examination may be conducted at the discretion of the board either using 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. It shall be the responsibility of the applicant to provide live subjects for examinations if requested. Live subjects shall sign a waiver of liability relieving the state of responsibility of actions taken by the applicants during the examination. A time limit may be imposed for any part of the practical portion of the examination provided that: 1) this time limit is established by the board prior to the examination; 2) that the time limit is reasonable; and 3) that it is applied uniformly.

(7) Requirements for Passing the Examination.

(A) The board shall determine the passing score prior to the administration of the examination.

(B) The board shall notify the applicant of the test results within thirty (30) days of the examination.

(C) If the applicant fails the written portion of the examination, the applicant shall retake the entire written portion of the examination upon payment of the proper examination fee.

(D) If the applicant fails one (1) or more portions of the practical examination, the applicant shall retake the entire practical portion of the examination upon payment of the proper examination fee.

(E) A passing score on the written portion of the examination or the practical portion of the examination shall be valid for a maximum of eighteen (18) months.

(F) An applicant who fails either the written or practical portions of the examination and two (2) subsequent re-examinations shall be disqualified from retaking the examination a fourth time, until meeting with the board and presenting a written plan for passing the examination. In the case of a hearing instrument specialist in training, the current registered supervisor, as defined in section 346.010(15), RSMo, must be present at the meeting with the board.

**AUTHORITY:** sections 346.085 and 346.115.1(7), RSMo 2000 and section

346.060, RSMo Supp. 2008.\* This rule originally filed as 4 CSR 165-2.030. Emergency rule filed March 18, 1996, effective March 28, 1996, expired Sept. 23, 1996. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Moved to 20 CSR 2165-2.030, effective Aug. 28, 2006. Amended: Filed Dec. 30, 2008, effective July 30, 2009.

\*Original authority: 346.060, RSMo 1973, amended 1995, 2007; 346.085, RSMo 1973, amended 1995; and 346.115.1(7), RSMo 1973, amended 1981, 1993, 1995.

## 20 CSR 2165-2.040 Licensure by Reciprocity

**PURPOSE:** This rule outlines the requirements for applying for licensure by reciprocity.

(1) An applicant with a license to engage in the practice of fitting hearing instruments in another state or jurisdiction as defined in section 346.050, RSMo, may be granted licensure in Missouri without examination provided the applicant submits evidence of his/her qualifications acceptable to the board in accordance with 20 CSR 2165-2.025.

(2) For the purpose of this rule, “evidence acceptable to the board” shall include, but not be limited to, a completed application on forms provided by the board, documentation of licensure which shall contain information concerning the requirements in force at the time the applicant was licensed, the method of licensing including examination results, date of original licensure, current status of the applicant’s license and applicable fee.

**AUTHORITY:** section 346.115.1(7), RSMo 2000.\* This rule originally filed as 4 CSR 165-2.040. Original rule filed Oct. 16, 1996, effective May 30, 1997. Moved to 20 CSR 2165-2.040, effective Aug. 28, 2006. Amended: Filed Dec. 30, 2008, effective July 30, 2009.

\*Original authority: 346.115.1(7), RSMo 1973, amended 1981, 1993, 1995.

## 20 CSR 2165-2.050 Continuing Education Requirements

**PURPOSE:** This rule provides the requirements for continuing education for a licensed hearing instrument specialist.

(1) The following guidelines govern the attendance and approval of educational programs for license renewal:

(A) The board may approve individual educational programs whose curriculum provides training which enhances the licensee’s ability to dispense hearing instruments and which benefits the hearing impaired. Documentation supporting the educational program’s relevance is required. The board will automatically approve continuing education programs that are approved by the following organizations without requiring documentation supporting the educational program’s relevance:

1. International Hearing Society (IHS);
2. American Speech and Hearing Association (ASHA);
3. American Academy of Audiology (AAA);

(B) Any group or individual that wishes to sponsor an educational program to meet the standard for annual license renewal in Missouri that is not approved by the organizations listed in subsection (1)(A) of this rule, shall submit a copy of the program schedule and outline to the board. The outline shall indicate the program subject, the number of hours required for its presentation and the identity and qualifications of the speakers and instructors and shall be submitted to the board no less than thirty (30) days prior to the presentation of the program;

(C) The licensee may submit the information outlined in 20 CSR 2165-2.050(1)(B) to the board for review and approval.

(2) Each licensee shall be provided with evidence of attendance from the sponsoring organization. This evidence shall be in the form of documentation received from the sponsoring organization, showing the name of the course, date, place and hours of attendance. All licensees shall maintain full and complete records of all approved continuing education hours earned for the two (2) previous reporting periods in addition to the current reporting period.

**AUTHORITY:** section 346.115.1(7), RSMo 2000.\* This rule originally filed as 4 CSR 165-2.050. Original rule filed Oct. 16, 1996, effective May 30, 1997. Amended: Filed June 22, 1999, effective Dec. 30, 1999. Amended: Filed July 30, 2001, effective March 30, 2002. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Moved to 20 CSR 2165-2.050, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Dec. 30, 2008.

\*Original authority: 346.115.1(7) RSMo 1973, amended 1981, 1993, 1995.



## 20 CSR 2165-2.060 License Renewal

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

(1) Every licensed hearing instrument specialist must notify the Board of Examiners for Hearing Instrument Specialists of every change in their office address(es) within fifteen (15) working days.

(2) Every licensed hearing instrument specialist shall display his/her current license in a conspicuous place in his/her office. A hearing instrument specialist working outside of the office shall have available for review his/her current official wallet license at all times.

(3) Each person who engages in the fitting and selling of hearing instruments shall, on or before the renewal date, pay the required fees, present annual receipts of calibration of all audiometers and obtain satisfactory evidence that continuing education requirements have been completed. No person whose license has expired and who applies for renewal will be required to submit to an examination as a condition of renewal, if this renewal application is made within two (2) years from the date of expiration.

(4) Prior to January 1, 2004, the following guidelines govern the attendance of educational programs for annual license renewal:

(A) The licensee shall provide evidence of attendance upon request of the board. Every licensee shall maintain full and complete records of all approved continuing education hours earned for the two (2) previous reporting periods in addition to the current reporting period. Such records shall include all attendance certificates of approved continuing education hours. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall provide all approved continuing education certificates to the board within fifteen (15) days of the board's request of such documentation;

(B) This evidence must demonstrate that the licensee attended a minimum of twelve (12) hours of approved educational hearing instrument programs during the current reporting period; and

(C) The continuing education reporting period shall consist of a one (1)-year period. It shall begin each year on January 1 and end on December 31 of that same year.

(5) Effective January 1, 2004, the following guidelines govern the attendance of educational programs for biennial license renewal:

(A) The licensee shall provide evidence of attendance upon request of the board. Every licensee shall maintain full and complete records of all approved continuing education hours earned for the two (2) previous reporting periods in addition to the current reporting period. Such records shall include all attendance certificates of approved continuing education hours. The board may conduct an audit of licensees to verify compliance with the continuing education requirements. Licensees shall provide all approved continuing education certificates to the board within fifteen (15) days of the board's request of such documentation;

(B) This evidence must demonstrate that the licensee attended a minimum of twenty-four (24) hours of approved educational hearing instrument programs during the current reporting period;

(C) The continuing education reporting period shall consist of a two (2)-year period. It shall begin on January 1 of even numbered years and end on December 31 of the following year.

(6) When an organization owns or leases all or a portion of the audiometers utilized by the hearing instrument specialist employed, the organization must submit annual receipt of calibration as required in 20 CSR 2165-2.060(3). A hearing instrument specialist employed with such an organization who utilizes only this equipment may reference this annual receipt as evidence of compliance with his/her annual calibration requirements.

(7) The first twelve (12) hours of the continuing education requirements will be waived during the initial year of licensure as a hearing instrument specialist. Effective January 1, 2004, the new licensee will be required to obtain the remaining twelve (12) hours of the twenty-four (24)-hour continuing education requirement should the licensee become licensed in the first year of the continuing education reporting period. If the new licensee becomes licensed in the second year of the continuing education reporting period the continuing education requirement shall be waived for that reporting period.

(8) Reactivation of Non-Current License.

(A) Any hearing instrument specialist license, which is not renewed prior to the expiration date of the license, shall become non-current. Persons with non-current licenses shall not engage in the fitting of hearing instruments.

(B) In order to reactivate a non-current license the hearing instrument specialist must submit the following:

1. Renewal application;

2. Renewal fee;

3. Reactivation fee;

4. Annual calibration receipt;

5. Prior to January 2004, proof of twelve (12) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twelve (12) months from the date of application for reactivation;

6. Effective January 2004, proof of twenty-four (24) hours of attendance at an approved continuing education program(s). These hours must have been obtained during the preceding twenty-four (24) months from the date of application for reactivation.

(C) Hearing instrument specialists may reactivate a non-current license within two (2) years of its expiration date. Any hearing instrument specialist license not reactivated within two (2) years of the expiration date shall become void.

(9) Inactive License.

(A) A hearing instrument specialist may choose to place his/her license on an inactive status by signing an affidavit stating that s/he will not engage in the practice or be involved in any aspect, administrative or otherwise, of the practice of fitting hearing instruments in Missouri, which would include serving as a supervisor of a hearing instrument specialist in training and submitting that affidavit with the renewal application and the appropriate fee to the board office. The license issued to all these applicants shall be stamped "inactive."

(B) In order for a hearing instrument specialist to activate an inactive license, the licensee shall submit to the board office—

1. The renewal application;

2. The balance of the active renewal fee.

No fee will be prorated;

3. Evidence that the licensee has completed the required continuing education credits in accordance with 20 CSR 2165-2.060(5) for each renewal cycle that the license is inactive. These required approved continuing education credits shall not exceed a total of fifty (50) hours. These hours must have been obtained during the preceding twenty-four (24) months from the date of application for restoration to active status;

4. Annual calibration receipt;

5. The license stamped "inactive"; and

6. Registered supervisors must submit proof of current board certification.

(C) The board will issue an inactive license, which shall be effective until the next regular renewal date. No penalty fee shall apply.



*AUTHORITY: sections 346.095 and 346.115.1(7), RSMo 2000.\* This rule originally filed as 4 CSR 165-2.060. Emergency rule filed Oct. 28, 1996, effective Nov. 7, 1996, expired May 5, 1997. Original rule filed Nov. 6, 1996, effective May 30, 1997. Amended: Filed July 30, 2001, effective March 30, 2002. Amended: Filed April 1, 2003, effective Sept. 30, 2003. Moved to 20 CSR 2165-2.060, effective Aug. 28, 2006. Amended: Filed June 27, 2008, effective Jan. 30, 2009.*

*\*Original authority: 346.095, RSMo 1973, amended 1981, 1995; and 346.115.1(7), RSMo 1973, amended 1981, 1993, 1995.*

### **20 CSR 2165-2.070 Public Complaint Handling and Disposition Procedure**

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

(1) The office will receive and process each complaint made against any licensee or hearing instrument specialist in training 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 board shall file a complaint with this division while they hold that office, unless the member excuses him/herself from further board deliberations or activity concerning matters alleged within that complaint. Any executive director or any staff member within 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: Board of Examiners for Hearing Instrument Specialists, 3605 Missouri Boulevard, P.O. Box 1335, Jefferson City, MO, 65102-1335. Complaints may be made based upon personal knowledge or upon information and belief reciting information received from other sources. Telephone number (573) 751-0240. TDD number (800) 735-2966.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Complaints shall be made on forms provided by the board. Oral or telephone communication will not be considered or processed as complaints. However, 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.

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

(5) 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 shall be provided to any licensee who is the subject of that complaint or their legal counsel, upon written request to the office.

(6) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee or hearing instrument specialist in training of the board with any actionable conduct or violation, whether or not any public complaint has been filed with the board.

*AUTHORITY: section 346.115.1(7), RSMo Supp. 1996.\* This rule originally filed as 4 CSR 165-2.070. Emergency rule filed Oct. 18, 1996, effective Nov. 1, 1996, expired April 29, 1997. Original rule filed Nov. 6, 1996, effective May 30, 1997. Moved to 20 CSR 2165-2.070, effective Aug. 28, 2006.*

*\*Original authority: 346.115.1(7), RSMo 1973, amended 1981, 1993, 1995.*