

ILLINOIS REGISTER

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Hearing Instrument Consumer Protection Code
- 2) Code Citation: 77 Ill. Adm. Code 682
- 3) 

<u>Section Numbers:</u>	<u>Proposed Action:</u>
682.100	Amend
682.420	Amend
- 4) Statutory Authority: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50].
- 5) A Complete Description of the Subjects and Issues Involved: The amendment clarifies that the Illinois Department of Public Health will accept for licensing in Illinois persons who hold a valid current hearing instrument dispensing license from another state that has an examination that is substantially similar to the examination required by the Act.

The amendment clarifies that the written and practical examination offered candidates seeking licensure as a hearing instrument dispenser may be an examination approved, developed or sanctioned by the Department. The minimum passing grade for each section of the written and practical examinations is set at 70 percent.

The economic effect of this proposed rulemaking is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

The Department anticipates adoption of this rulemaking approximately six to nine months after publication of the Notice in the *Illinois Register*.

- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking: None
- 7) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No

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- 11) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a State mandate.
- 12) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking within 45 days after the publication of this issue of the *Illinois Register* to:

Susan Meister  
Division of Legal Services  
Illinois Department of Public Health  
535 W. Jefferson St., 5<sup>th</sup> floor  
Springfield, Illinois 62761

(217) 782-2043

e-mail: [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)

- 13) Initial Regulatory Flexibility Analysis:
- A) Types of small businesses, small municipalities and not for profit corporations affected: Businesses that employ persons required to be licensed as hearing instrument dispensers.
- B) Reporting, bookkeeping or other procedures required for compliance: Affected businesses must ensure that hearing instrument dispensers are properly licensed. No new reporting, bookkeeping or other procedures are required for compliance.
- C) Types of professional skills necessary for compliance: Hearing instrument dispensers must meet the requirements in the Act and in Section 682.200 to apply for the written and practical tests.
- 14) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not contemplated by the Department at the time of the regulatory agenda.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH  
CHAPTER IV: DEPARTMENT OF PUBLIC HEALTH  
SUBCHAPTER j: VISION AND HEARING

PART 682  
HEARING INSTRUMENT CONSUMER PROTECTION CODE

SUBPART A: GENERAL PROVISIONS

Section	
682.100	Definitions
682.105	Incorporated and Referenced Materials
682.110	Information Required for Hearing Instrument Users
682.115	Thirty-Business-Day Return Privilege
682.120	Description of Hearing Instruments
682.130	Consumer Complaint Notification Cards
682.140	Consumer Records
682.150	Information to be Submitted by a Corporation, Partnership, Trust, Association or Other Entity
682.160	Inspections
682.170	Audiometer Calibrations
682.180	Mail Order Sales
682.185	In-Office Sales Promotions
682.190	Liability Insurance
682.195	Required Forms

SUBPART B: HEARING INSTRUMENT DISPENSER LICENSE

Section	
682.200	Application Procedures
682.210	Issuance of a Temporary License (Repealed)
682.215	Supervision of Students
682.220	Duplication of a License
682.230	Place of Business
682.240	Display of License
682.250	Expiration of Licenses and License Renewals
682.260	Inactive Status Request

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SUBPART C: TEST PROCEDURES FOR DISPENSING HEARING INSTRUMENTS

Section

- 682.300 Established Test Procedures
- 682.310 Period of Time Tests Are Valid
- 682.320 Tests Performed by Others
- 682.330 Hearing Instrument Selection: Persons Eligible to Recommend
- 682.340 Audiometric Tests for Children, Developmentally Delayed Persons and Physically Disabled Persons
- 682.350 Audiometric Tests for Replacement Hearing Instrument
- 682.360 Equipment Needed

SUBPART D: HEARING INSTRUMENT DISPENSER EXAMINATION

Section

- 682.400 Administration of the Examination
- 682.410 Identification Needed to Take the Examination
- 682.420 Examination: Written and Practical
- 682.430 Notification of Examination Results
- 682.440 Temporary License Expiration (Repealed)
- 682.450 Examination Due Process

SUBPART E: ETHICAL PRACTICE

Section

- 682.500 Dishonest, Unethical, and Unprofessional Conduct
- 682.510 Advertising or Promotion

SUBPART F: DISCIPLINARY ACTIONS

Section

- 682.600 Administrative Hearings
- 682.610 Disciplinary Action
- 682.620 Restoration of Revoked or Suspended Licenses

SUBPART G: CONTINUING EDUCATION

Section

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682.700 Continuing Education

- 682.APPENDIX A Application Form (Repealed)
- 682.APPENDIX B Supervision and Training Agreement Form (Repealed)
- 682.APPENDIX C License Authorization Form (Repealed)
- 682.APPENDIX D Certificate of Insurance (Repealed)
- 682.APPENDIX E Surety Penal Bond (Repealed)
- 682.APPENDIX F Inactive Status Request (Repealed)
- 682.APPENDIX G Registration of Hearing Aid Dispensers Employed by a Hearing Aid Corporation, Partnership, Trust, Association or Other Entity (Repealed)
- 682.APPENDIX H License Renewal Form (Repealed)
- 682.APPENDIX I Audiometer Calibration Form (Repealed)
- 682.APPENDIX J License Correction Form (Repealed)

AUTHORITY: Implementing and authorized by the Hearing Instrument Consumer Protection Act [225 ILCS 50].

SOURCE: Adopted at 11 Ill. Reg. 7690, effective April 15, 1987; amended at 12 Ill. Reg. 4720, effective February 22, 1988; amended at 14 Ill. Reg. 10447, effective June 18, 1990; amended at 17 Ill. Reg. 8825, effective June 10, 1993; amended at 21 Ill. Reg. 4799, effective April 1, 1997; amended at 26 Ill. Reg. 11995, effective July 22, 2002; amended at 35 Ill. Reg. 10312, effective June 17, 2011; amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART A: GENERAL PROVISIONS

**Section 682.100 Definitions**

"Abuse" means any physical or mental injury or sexual assault, inflicted on a consumer other than by accidental means.

"Act" means the Hearing Instrument Consumer Protection Act [225 ILCS 50].

"Advertisement" means any printed or spoken information that is provided to the public group, pursuant to the practice of fitting, dispensing or servicing hearing instruments or by persons engaged in these activities.

"Audiometric Test" means any test, using calibrated audiometric equipment, to determine the status of the hearing system.

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“Authorized Designee” means any organization that is approved by the Department to offer and conduct a written or practical examination in accordance with Department guidelines.

*"Board" means the Hearing Instrument Consumer Protection Board. (Section 3 of the Act)*

*"Cost" means any expense resulting from activities mandated by the Hearing Instrument Consumer Protection Act or this Part.*

*"Decibel" or "dB" means a numerical expression of the relative intensity of a sound.*

*"Department" means the Department of Public Health. (Section 3~~(a)~~ of the Act)*

*"Direct Supervision" means that the licensed hearing instrument dispenser/audiologist designated as supervisor of a licensed trainee shall give final approval to all work performed by the trainee, shall sign off on all progress notes and contracts, and shall be physically present 100 percent of the time while the trainee has contact with the client. (Section 9.5 of the Act)*

*"Director" means the Director of the Department of Public Health. (Section 3~~(b)~~ of the Act)*

*"Disposable Hearing Instrument" or "Disposable Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing that uses a self-contained, non-renewable, non-replaceable battery of limited life span.*

*"Entity" means a person or group of persons engaged in dispensing activities.*

*"Fund" means the Hearing Instrument Dispenser Examining and Disciplinary Fund. (Section 3 of the Act)*

*"Hearing Care Professional" means a person who is a licensed audiologist, a licensed hearing instrument dispenser, or a licensed physician. (Section 3 of the Act)*

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*"Hearing Instrument" or "Hearing Aid" means any instrument or device designed, intended, or offered for the purpose of improving a person's hearing and any parts, attachments, or accessories, including earmold. Batteries, cords, and individual or group auditory training devices and any instrument or device used by a public utility in providing telephone or other communication services are excluded. (Section 3(4) of the Act)*

*"Hearing Instrument Dispenser" or "Dispenser" means a person who is a hearing care professional that engages in the selling, practice of fitting, selecting, recommending, dispensing, or servicing of hearing instruments or the testing for means of hearing instrument selection or who advertises or displays a sign or represents himself or herself as a person who practices the testing, fitting, selecting, servicing, dispensing, or selling of hearing instruments. (Section 3 of the Act)*

~~"IHS" means the International Hearing Society.~~

~~"IHS" means the International Institute of Hearing Instrument Studies, a part of IHS.~~

"Liability Insurance" means malpractice insurance in the minimum amount of \$200,000.

*"License" means a license issued by the State under the Act to a hearing instrument dispenser. (Section 3 of the Act)*

*"Licensed Audiologist" means a person licensed as an audiologist under the Illinois Speech-Language Pathology and Audiology Practice Act [225 ILCS 110] (Section 3 of the Act)*

"Licensed Hearing Instrument Dispenser" or "Licensee" means a hearing instrument dispenser who has met the educational requirements, has passed the Department's required Hearing Instrument Dispenser Examinations, and has paid the appropriate fees for the license.

*"Licensed Physician" or "Physician" means a physician licensed in Illinois to practice medicine in all of its branches, pursuant to the Medical Practice Act of 1987 [225 ILCS 60]. (Section 3 of the Act)*

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"Masking" means the process by which a second sound stimulus is introduced to the non-test ear to isolate the response of the test ear from that of the non-test ear.

"Medical Evaluation" means *a written statement, signed by a licensed physician, which states that the patient's hearing loss has been medically evaluated and the patient is considered a candidate for a hearing instrument. The medical evaluation must have taken place within 6 months immediately preceding the date of the sale of the hearing instrument to the prospective hearing instrument user.* (Section 4 of the Act)

"Most Comfortable Loudness" or "MCL" means a level at which sound is most comfortable for the client, that is, loudness of sound sufficient and adequate to be easily heard by the listener without the sound being painful or having disturbing features.

*"National Board Certified Hearing Instrument Specialist" means a person who has had at least 2 years in practice as a hearing instrument dispenser and has been certified after qualification by examination by the National Board for Certification in Hearing Instruments Sciences.* (Section 3 of the Act)

"Observer" means a licensed hearing instrument dispenser/audiologist who directly observes students or licensed trainees engaged in dispensing activities described in Section 682.215(d).

"Place of Business" means a location where hearing instruments are exhibited or the services are offered for sale or lease on a continuing basis; where the hearing instrument purchaser can have personal contact and counsel with the licensed hearing instrument dispenser/audiologist and obtain service during the firm's business hours; where the licensed hearing instrument dispenser/audiologist maintains a depository of all client records; where the licensee normally conducts business; and that is the address given for the purpose of retail sales tax to the Illinois Department of Revenue.

*"Practice of Fitting, Dispensing or Servicing of Hearing Instruments " means the measurement of human hearing with an audiometer, calibrated to the current American National Standard Institute standards, for the purpose of making selections, recommendations, adaptations, services, or sales of hearing instruments including the making of earmolds as part of the hearing instrument.*



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(Section 3 of the Act)

"Reciprocity" means the licensing of a dispenser who holds a current license in another State that determines competency through the International Institute for Hearing Instrument Studies (IIHIS) International Licensing Examination (ILE) or who holds a valid current license from another state that has an examination substantially similar to the examination required under the Act, as determined by the Department.

"Reciprocity Fee" means a fee equivalent to the fee for one entire administration of the licensing competency examination (see Section 682.200(a)(3)).

*"Sell" or "Sale" means any transfer of title or of the right to use by lease, bailment, or any other contract, excluding wholesale transactions with distributors or dealers. (Section 3 of the Act)*

"Speech Reception Threshold" means the lowest hearing level in decibels at which the client can respond correctly to at least 50% of the two-syllable words (spondaic words) presented via recording or live voice.

"Spondaic Words" means words containing two syllables that are pronounced with equal emphasis.

"Student" means any non-licensed individual, involved in supervised hearing instrument dispensing activities, who is enrolled full-time in a graduate *program of audiology in an accredited college or university.* (Section 11 of the Act)

"Supervisor" means the licensed hearing instrument dispenser or audiologist, with at least two years of practice dispensing hearing aids, who is responsible for the hearing instrument dispensing activities of a student or trainee. The licensed hearing instrument dispenser/audiologist is responsible for all of the work that is performed by the trainee or student.

*"Trainee" means a person who is licensed to perform the functions of a hearing instrument dispenser in accordance with this Part and only under the direct supervision of a hearing instrument dispenser or audiologist who is licensed in this State. (Section 3 of the Act)*

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"Uncomfortable Loudness Level" or "UCL" means the level at which the client indicates that sound is uncomfortably loud.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 682.420 Examination: Written and Practical**

The examination shall consist of written and practical tests administered by the Department or its authorized designee. The examinations given, both written and practical, shall be the Uniform Written and Practical Examinations for Hearing Instrument Dispensers from the International Institute for Hearing Instrument Studies, International Hearing Society (IIHS, IHS), or an examination approved, developed or sanctioned by the Department that meets the criteria in subsections (a) and (b). These tests shall be administered at least four times during a calendar year ~~once every two months~~.

- a) The written examination shall cover those areas of knowledge specified in Section 9 of the Act. A minimum passing grade, for the written examination, shall be 70 percent on each section of the written examination. ~~that recommended by IIHS.~~
  - 1) An applicant who fails the written examination may retake the examination. The examination fee shall be paid for each administration of the examination.
  - 2) An individual candidate may take the written examination no more than twice in any consecutive 12-month period.
  - 3) The fee for the written examination shall be \$200 per candidate per administration of the examination.
- b) The practical examination shall cover those areas of knowledge specified in Section 9 of the Act. A minimum passing grade for the practical examination shall be 70 percent on each section of the practical examination ~~that recommended by IIHS.~~
  - 1) There is no limit on the number of times that the practicum may be taken. The examination fee shall be paid for each administration of the examination.

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- 2) The fee for the full practical examination shall be \$300. The fee for retaking each failed area of the examination shall be \$75 per area. The fee shall be paid for each administration of the examination.
- c)3) The written and practical examinations will be scored independently of each other.

(Source: Amended at 37 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)