
BOARD OF HEARING AID DISPENSERS RULES

AS OF JUNE 30, 2021

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DEPARTMENT OF LABOR AND INDUSTRY

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Subchapter 1

Organizational Rule

24.150.101 BOARD ORGANIZATION (1) The Board of Hearing Aid Dispensers hereby adopts and incorporates the organizational rules of the Department of Labor and Industry as listed in chapter 1 of this title. (History: 37-16-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 395.)

Subchapter 2

Procedural Rules

24.150.201 PROCEDURAL RULES (1) The Board of Hearing Aid Dispensers hereby adopts and incorporates the procedural rules of the Department of Labor and Industry as listed in chapter 2 of this title. (History: 37-16-202, MCA; IMP, 2-4-201, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 395.)

24.150.202 CITIZEN PARTICIPATION RULES (1) The Board of Hearing Aid Dispensers hereby adopts and incorporates by this reference the public participation rules of the Department of Commerce as listed in chapter 2 of Title 8. (History: 37-16-202, MCA; IMP, 2-3-103, MCA; NEW, 1978 MAR p. 75, Eff. 1/25/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; TRANS, from Commerce, 2002 MAR p. 395.)

Subchapter 3

Definitions

24.150.301 DEFINITIONS (1) "Dispensing fee" means a fee chargeable by the hearing aid dispenser, subject to ARM 24.150.602, for the initial hearing evaluation, consultation, fitting, and follow-up visit.

(2) "Person in charge" means the one licensed hearing aid dispenser at a permanent place of business having the responsibilities imposed by 37-16-301, MCA.

(3) "Prominently displayed" means boldface type, uppercase letters that extend the width of an 8 1/2 by 11 inch page, excluding margins, and are at least as large as any other type face in the body of the document, but not smaller than 12-point type face.

(4) "Related devices" means those parts, attachments, or accessories typically sold with hearing aids. The term includes assistive devices, but does not include general merchandise such as cleaners, cords, or batteries that are commonly available at most retail stores.

(5) "Substantially equivalent," for purposes of 37-1-304, MCA, means the following standards which must be met by the applicant to the satisfaction of the board:

(a) the written and practical examination as required in ARM 24.150.501; and

(b) a training period under the direct supervision of a licensed hearing aid dispenser of not less than 1000 hours, or a board-approved formal hearing aid dispenser education and training program, or working 180 days as a licensed hearing aid dispenser in another state. (History: 37-1-131, 37-16-202, MCA; IMP, 37-1-131, 37-1-304, 37-16-301, 37-16-303, 37-16-304, MCA; NEW, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 1997 MAR p. 2281, Eff. 12/16/97; AMD, 2000 MAR p. 2514, Eff. 9/22/00; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2012 MAR p. 894, Eff. 4/27/12.)

Subchapter 4

General Rules

24.150.401 FEES (1) The fees shall be as follows:

(a) Application fee for hearing aid trainee (includes initial jurisprudence and practical examination)	\$600
(b) Application fee for licensees from other states (includes initial jurisprudence examination)	500
(c) Reexamination – practical examination	550
(d) Reexamination – jurisprudence examination	50
(e) Original license	300
(f) Renewal active license	550
(g) Renewal inactive license	150

(2) Additional standardized fees are specified in ARM 24.101.403.

(3) All fees payable to the board are nonrefundable.

(4) The written examination fee and reexamination fee is set by the examination administrator and is paid by the applicant directly to the examination administrator. (History: 37-1-131, 37-1-134, 37-16-202, MCA; IMP, 37-1-131, 37-1-134, 37-1-141, 37-16-402, 37-16-405, 37-16-406, MCA; Eff. 12/31/72; AMD, Eff. 2/5/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 2175, Eff. 12/31/82; AMD, 1986 MAR p. 250, Eff. 2/27/86; AMD, 1987 MAR p. 371, Eff. 4/17/87; AMD, 1989 MAR p. 1840, Eff. 11/10/89; AMD, 1991 MAR p. 1273, Eff. 7/26/91; AMD, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1994 MAR p. 2714, Eff. 10/14/94; AMD, 1999 MAR p. 1765, Eff. 8/13/99; AMD, 2001 MAR p. 781, Eff. 5/11/01; AMD, 2001 MAR p. 2422, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2003 MAR p. 309, Eff. 2/28/03; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2007 MAR p. 468, Eff. 4/13/07; AMD, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2012 MAR p. 894, Eff. 4/27/12; AMD, 2014 MAR p. 1394, Eff. 6/27/14; AMD, 2015 MAR p. 1057, Eff. 7/31/15; AMD, 2019 MAR p. 52, Eff. 1/12/19; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)

24.150.402 RECORD RETENTION (1) All licensed hearing aid dispensers shall retain the following records on all patients to whom they sell hearing aids:

- dates and places patient contacted;
- method of contact, whether in home, office, or by telephone, and the identity of the individual initiating the contact;
- description of services delivered;
- when applicable, a record of the return of the hearing aids for service, setting forth the date and problem, and a corresponding record of the return to the patient setting forth the corrective action taken;
- a copy of the sale contract, purchase agreement, or bill of sale, including a three-day cancellation notice where applicable, signed and dated by the parties, the original delivered to the patient;

(f) when applicable, a copy of the medical recommendation and receipt required pursuant to 37-16-303, MCA, the original delivered to the patient;

(g) a copy of the delivery verification form, in accordance with ARM 24.150.602, the original delivered to the patient;

(h) a copy of the receipt for refund as set forth in 37-16-304, MCA, the original delivered to the patient;

(i) a record of hearing tests or evaluations performed on the patient, in accordance with ARM 24.150.601. Reports of audiometric test results on the patient's audiogram for the purpose of fitting and dispensing hearing aids shall include the following information:

(i) name and age of the patient;

(ii) date of the test;

(iii) name and license number of the person performing the test; and

(iv) whether the test was calibrated in SPL or HTL; and

(j) a copy of the physician's statement regarding the patient's candidacy for a hearing aid or the medical waiver in accordance with 21 CFR 801.421 (April 1995).

(2) Patient records shall be retained by dispensers for a minimum of seven years from the last recorded date of service, except records relating to deceased patients may be discarded one year after the date of death.

(3) All licensed hearing aid dispensers shall maintain all copies of advertisements, including all advertisements placed on behalf of the permanent place of business, encompassing written scripts of radio and television advertisements, in compliance with 37-16-301, MCA. (History: 37-1-131, 37-16-202, MCA; IMP, 37-1-131, 37-16-301, 37-16-303, 37-16-304, 37-16-411, MCA; NEW, Eff. 2/5/76; AMD, Eff. 6/5/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1991 MAR p. 1273, Eff. 7/26/91; AMD, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 2000 MAR p. 2514, Eff. 9/22/00; AMD, 2001 MAR p. 781, Eff. 5/11/01; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2012 MAR p. 894, Eff. 4/27/12; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)

24.150.403 NOTIFICATION (REPEALED) (History: 37-16-202, MCA; IMP, 37-16-202, MCA; NEW, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; TRANS, from Commerce, 2002 MAR p. 395; REP, 2010 MAR p. 1085, Eff. 4/30/10.)

24.150.404 FEE ABATEMENT (1) The board adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry at ARM 24.101.301. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2007 MAR p. 468, Eff. 4/13/07; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)

Subchapter 5

Licensing

24.150.501 EXAMINATION - PASS/FAIL POINT (1) The written and practical examination will be provided by the International Hearing Society (IHS). The board may, in its discretion, approve and adopt another equivalent examination for hearing aid dispensers.

(2) A trainee applicant must achieve a passing score on the written examination as set by the IHS. An applicant who fails may retake the examination by paying the exam fees referenced in ARM 24.150.401.

(3) A trainee applicant must complete a practical examination administered by the board. An applicant must achieve a passing score on each section of the practical examination as set by the IHS. An applicant who fails any section only has to retake the section(s) failed, but must pay the full reexamination fee.

(4) All applicants, original or licensed in other states, shall be required to pass a jurisprudence examination on Montana laws and rules, administered by the board. The passing score on the jurisprudence examination is 75 percent. In the event of failure, the applicant may retake the examination by paying the exam fees referenced in ARM 24.150.401. (History: 37-1-131, 37-16-202, MCA; IMP, 37-16-405, 37-16-406, MCA; NEW, 1978 MAR p. 723, Eff. 5/26/78; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 202, Eff. 2/14/86; AMD, 1994 MAR p. 2714, Eff. 10/14/94; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 1997 MAR p. 2281, Eff. 12/16/97; AMD, 2001 MAR p. 781, Eff. 5/11/01; AMD, 2001 MAR p. 2422, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2004 MAR p. 328, Eff. 2/13/04; AMD, 2007 MAR p. 468, Eff. 4/13/07; AMD, 2012 MAR p. 894, Eff. 4/27/12; AMD, 2015 MAR p. 1057, Eff. 7/31/15.)

24.150.502 MINIMUM TESTING AND RECORDING PROCEDURES (TRANSFERRED) (History: 37-16-202, MCA; IMP, 37-16-202, 37-16-411, MCA; NEW, 1989 MAR p. 1840, Eff. 11/10/89; AMD, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 2000 MAR p. 2514, Eff. 9/22/00; AMD, 2001 MAR p. 781, Eff. 5/11/01; AMD, 2001 MAR p. 2422, Eff. 12/7/01; AMD, 2002 MAR p. 82, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 395; AMD and TRANS, to 24.150.601, 2010 MAR p. 1085, Eff. 4/30/10.)

24.150.503 TRAINEESHIP REQUIREMENTS AND STANDARDS (1) To supervise a trainee, a hearing aid dispenser shall meet the following criteria:

(a) be currently licensed and have been actively engaged in the business of selling, dispensing, and the fitting of hearing aids in Montana for at least one year; and

(b) have had no final order of disciplinary action entered against the hearing aid dispenser's license or a related professional or occupational license such as audiologist, in this or any state, in the two years preceding the request to supervise a trainee.

(2) Both the trainee and the supervisor shall immediately notify the board in writing, and provide the reason for any break in, or termination of, the training program.

(3) A trainee who loses supervision for any reason shall immediately cease practice and shall not continue in a trainee status with a new supervisor until the trainee receives written approval from the board.

(4) Credit toward the 1000 hour training period will be given only during the period of time during which a trainee is on record as having a supervisor. All breaks in the training period will toll the running of the 1000 hour training period.

(5) A daily log, on a form provided by the department, must be kept by the trainee, showing the date, description of job tasks, and duties. Both the trainee and the supervisor must sign the log. The log must be submitted to the board office every 90 days and again, upon conclusion of the 1000 training hours. The log must be approved by the board or its designee prior to the trainee being allowed to take the practical examination.

(6) All written materials distributed by the trainee shall include the trainee's and the supervisor's respective names, license numbers, titles ("trainee" and "supervisor"), and business phone numbers. (History: 37-1-131, 37-16-202, MCA; IMP, 37-1-131, 37-16-301, 37-16-405, MCA; Eff. 12/31/72; AMD, Eff. 3/7/74; AMD, Eff. 9/4/75; AMD, Eff. 6/5/76; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1982 MAR p. 2175, Eff. 12/31/82; AMD, 1983 MAR p. 1457, Eff. 10/14/83; AMD, 1986 MAR p. 202, Eff. 2/14/86; AMD, 1987 MAR p. 371, Eff. 4/17/87; AMD, 1989 MAR p. 1840, Eff. 11/10/89; AMD, 1990 MAR p. 1698, Eff. 8/31/90; AMD, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 1997 MAR p. 2281, Eff. 12/16/97; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2007 MAR p. 468, Eff. 4/13/07; AMD, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)

24.150.504 LICENSEES FROM OTHER STATES (REPEALED) (History: 37-1-304, 37-16-202, MCA; IMP, 37-16-406, MCA; NEW, 1994 MAR p. 2714, Eff. 10/14/94; AMD, 1997 MAR p. 832, Eff. 5/6/97; TRANS, from Commerce, 2002 MAR p. 395; REP, 2010 MAR p. 1085, Eff. 4/30/10.)

24.150.505 INACTIVE STATUS (1) A licensee requesting inactive status shall certify this intention to the board on the renewal form.

(2) Except as provided in (5), inactive licensees shall not be required to meet the continuing education requirements.

(3) Inactive licensees shall regularly renew their license on inactive status and pay the appropriate renewal fee.

(4) Inactive licensees shall keep the board office informed of their current mailing address.

(5) Licensees shifting from inactive to active status must complete a minimum of ten hours of additional formal training or continuing education, which shall not include on-the-job experience. (History: 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; NEW, 1993 MAR p. 534, Eff. 4/16/93; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2019 MAR p. 52, Eff. 1/12/19.)

Rule 24.150.506 reserved

24.150.507 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a hearing aid dispenser.

(2) Relevant military training, service, or education must be completed by an applicant while a member of either:

- (a) United States Armed Forces;
- (b) United States Reserves;
- (c) state national guard; or
- (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a hearing aid dispenser. Satisfactory evidence includes:

(a) a copy of the applicant's military discharge document (DD 214) or other discharge documentation;

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1394, Eff. 6/27/14; AMD, 2019 MAR p. 52, Eff. 1/12/19.)

Rules 24.150.508 and 24.150.509 reserved

24.150.510 TRANSACTIONAL DOCUMENT REQUIREMENTS - FORM AND CONTENT (TRANSFERRED) (History: 37-16-202, MCA; IMP, 37-16-303, 37-16-304, MCA; NEW, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 1997 MAR p. 2281, Eff. 12/16/97; AMD, 2000 MAR p. 2514, Eff. 9/22/00; AMD, 2001 MAR p. 781, Eff. 5/11/01; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2004 MAR p. 2816, Eff. 11/19/04; AMD, 2007 MAR p. 468, Eff. 4/13/07; AMD and TRANS, to 24.150.602, 2010 MAR p. 1085, Eff. 4/30/10.)

Rule 24.150.511 reserved

24.150.512 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

24.150.513 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with no modifications. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Subchapter 6

Testing and Transactional Documents

24.150.601 MINIMUM TESTING (1) The following tests shall be performed as specified:

(a) air conduction tests shall be conducted bilaterally in accordance with American National Standards Institute (ANSI) standard frequencies of 250-500-1000-2000-4000-6000 hertz. Appropriate masking shall be used.

(b) bone conduction tests shall be conducted bilaterally, if appropriate, on every patient in accordance with ANSI standards at 500-1000-2000-4000 hertz. Appropriate masking shall be used.

(c) speech reception threshold and discrimination testing shall be conducted in a quiet environment, with appropriate masking used and measurement of user discomfort level.

(2) At the time of fitting or during the trial period, the dispenser will verify and validate the hearing aid fitting and document the results according to generally accepted standards of practice to objectively analyze aided performance and establish the patient's perceived improvement.

(3) All audiometers shall be calibrated to ANSI standards once a year.

(4) The board may randomly audit up to 50 percent of renewed licensees for calibration compliance. (History: 37-16-202, MCA; IMP, 37-16-202, MCA; NEW, 1989 MAR p. 1840, Eff. 11/10/89; AMD, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 2000 MAR p. 2514, Eff. 9/22/00; AMD, 2001 MAR p. 781, Eff. 5/11/01; AMD, 2001 MAR p. 2422, Eff. 12/7/01; AMD, 2002 MAR p. 82, Eff. 12/7/01; TRANS, from Commerce, 2002 MAR p. 395; AMD and TRANS, from 24.150.502, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)

24.150.602 TRANSACTIONAL DOCUMENT REQUIREMENTS - FORM AND CONTENT (1) In addition to the requirements of 37-16-303, MCA, all written memorialization of the sale, including, but not limited to bills of sale, cancellation notices, contracts, and purchase agreements, shall be no smaller than 12-point type face and appear on forms no smaller than 8 1/2 x 11 inches.

(2) If a hearing aid or related device may be programmed or adjusted only by an authorized dealer or dispenser, the licensee must provide a plain and simple notice of that fact either in a separate writing signed by the licensee and by the customer, or in the written purchase agreement.

(3) The terms of the right to cancel found at 37-16-304, MCA, must be set off from surrounding text in a bold-lined box and include the statement required by 37-16-303, MCA. The text within the box must include the heading "Right to Cancel Provided by Montana Law" and be prominently displayed.

(4) On the date and at the time of delivery, the dispenser shall obtain the dated signature of the patient verifying delivery. The written notice of the 30-day right to cancel and refund, meeting the standards specified in (2), shall be positioned immediately above the signature line of the patient and seller verifying delivery.

(5) Any trainee who provides service to a patient must legibly print or type the trainee's name, the designation "trainee," and license number on the document, along with the name and license number of the trainee's supervisor.

(6) A patient who has given written notice of the patient's election to cancel the purchase agreement in accordance with 37-16-304, MCA, shall return the hearing aid or related device in substantially the same condition as it was received. The hearing aid dispenser may deduct from the purchase price a dispensing fee not to exceed 15 percent of the purchase price or \$250, whichever is less, per hearing aid or related device and shall refund the balance within ten days of receipt of the patient's written notice of cancellation. The dispensing fee that may be deducted from the refund in the event of cancellation must be prominently displayed in a dollar amount on all transactional documents.

(7) The dispensing fee may be deducted from the purchase price only after the hearing aid or related device is delivered to the patient and within the 30-day right to cancel period. (History: 37-16-202, MCA; IMP, 37-16-202, 37-16-303, 37-16-304, MCA; NEW, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 1997 MAR p. 2281, Eff. 12/16/97; AMD, 2000 MAR p. 2514, Eff. 9/22/00; AMD, 2001 MAR p. 781, Eff. 5/11/01; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2004 MAR p. 2816, Eff. 11/19/04; AMD, 2007 MAR p. 468, Eff. 4/13/07; AMD and TRANS, from 24.150.510, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2012 MAR p. 894, Eff. 4/27/12; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)

Subchapters 7 through 20 reserved

Subchapter 21

Renewals

24.150.2101 RENEWALS (REPEALED) (History: 37-1-131, 37-16-202, MCA; IMP, 37-1-131, 37-1-141, MCA; Eff. 12/31/72; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 202, Eff. 2/14/86; AMD, 1997 MAR p. 832, Eff. 5/6/97; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 1085, Eff. 4/30/10; REP, 2015 MAR p. 1057, Eff. 7/31/15.)

Subchapter 22

Continuing Education

24.150.2201 CONTINUING EDUCATION REQUIREMENTS (1) Except as provided in (2) and (3), licensees are required to complete ten clock hours of continuing education (CE) each renewal period and shall affirm an understanding of their recurring duty to comply with CE requirements as a part of annual license renewal.

(2) A licensee may request an exemption from CE requirements due to certified illness or undue hardship. Requests will be considered by the board.

(3) CE is not required for licensees renewing their license for the first time.

(4) The board/staff will not preapprove CE programs or sponsors. It is the responsibility of the licensee to select quality programs that:

(a) contribute to the licensee's knowledge and professional competence;

(b) contain significant intellectual or practical content; and

(c) deal primarily with substantive issues relating to the use of hearing aids for aiding or compensating the hearing impaired and current developments in the practice of fitting, testing, or dispensing hearing aids.

(5) CE courses on fitting and dispensing hearing aids sponsored by the Montana Hearing Aid Society, the International Hearing Society, the American Speech Language Hearing Association, the American Conference of Audioprosthology, the Montana Speech and Hearing Association, the Academy of Dispensing Audiologists, and the American Academy of Audiology are preapproved.

(6) A CE program means a class, institute, lecture, conference, workshop, audio, video, internet or correspondence course, or peer-reviewed publication of a journal article(s) or textbook(s) that meets the requirements of (4). Programs that promote a company, individual, or product are excluded.

(7) Four clock hours credit will be recognized for published books and articles which contribute to the professional competence of the licensee.

(8) Four clock hours will be recognized for each year of full-time research by the licensee.

(9) Credit recognition will not be granted for course work which is substantially similar to course work which was successfully completed in the preceding two years and used to meet the CE requirements.

(10) Clock hours of CE in excess of the ten required hours per renewal period may not be accumulated and carried forward to another renewal period.

(11) The board may randomly audit up to 50 percent of renewed licensees.

(12) All CE must be documented to show proof of completion. The licensee is responsible for maintaining these records for one year following the renewal cycle reporting period and for making those records available upon request.

Documentation must include the following information:

- (a) licensee name;
- (b) course title and description of content;
- (c) presenter or sponsor;
- (d) course date(s); and
- (e) number of CE hours earned.

(13) Licensees found to be in noncompliance with CE requirements may be subject to administrative suspension. Licensees may not apply CE hours used to complete delinquent CE requirements for the next education reporting period.

(History: 37-1-131, 37-1-319, MCA; IMP, 37-1-131, 37-1-306, 37-1-319, MCA; NEW, 1986 MAR p. 202, Eff. 2/14/86; AMD, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1999 MAR p. 343, Eff. 2/26/99; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2004 MAR p. 328, Eff. 2/13/04; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2019 MAR p. 52, Eff. 1/12/19; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)

24.150.2202 EXCEPTIONS (REPEALED) (History: 37-1-131, 37-1-319, 37-16-202, MCA; IMP, 37-1-141, 37-1-306, MCA; NEW, 1986 MAR p. 202, Eff. 2/14/86; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2007 MAR p. 468, Eff. 4/13/07; REP, 2010 MAR p. 1085, Eff. 4/30/10.)

24.150.2203 PROOF OF ATTENDANCE (REPEALED) (History: 37-1-319, 37-16-202, MCA; IMP, 37-1-131, 37-1-306, MCA; NEW, 1986 MAR p. 202, Eff. 2/14/86; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2010 MAR p. 1085, Eff. 4/30/10; REP, 2019 MAR p. 52, Eff. 1/12/19.)

24.150.2204 STANDARDS FOR APPROVAL (REPEALED) (History: 37-1-319, 37-16-202, MCA; IMP, 37-1-131, 37-1-306, MCA; NEW, 1986 MAR p. 202, Eff. 2/14/86; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2010 MAR p. 1085, Eff. 4/30/10; REP, 2019 MAR p. 1862, Eff. 10/19/19.)

Subchapter 23

Unprofessional Conduct

24.150.2301 UNPROFESSIONAL CONDUCT (1) In addition to the unprofessional conduct provisions of 37-1-316, MCA, the board defines unprofessional conduct as follows:

(a) the use in advertising or otherwise of the words "prescribe" or "prescription" or any abbreviation, variation or derivative thereof or symbol therefore, in referring to or in describing any industry product, unless the industry product was made pursuant to a prescription given by a physician, or unless:

(i) the industry product was specifically made to compensate for the hearing loss of a particular patient, in accordance with the directions furnished by a qualified person other than a physician; and

(ii) the prohibited words, abbreviations, variations, derivatives or symbols are accompanied by a clear and conspicuous disclosure that:

(A) the "prescription" was not based on a medical examination, and

(B) the person issuing it was not a physician;

(b) initiating contact by telephone, without first identifying the dispenser by name and company represented, or making more than one such contact, unless further contact is specifically requested by the patient;

(c) contacting a person who already has a hearing aid still under warranty, more than once, unless contact is made by the original dispenser, or further contact is specifically requested by the patient;

(d) use of a contract which does not comply with the board's rules on contract content;

(e) failing to comply with any provision of Title 37, chapters 1 or 16, MCA, or any rule promulgated thereunder;

(f) failing to comply with FDA regulations found at 16 CFR 429.1, 21 CFR 801.420 and 801.421;

(g) failing to follow FDA recommendation as set forth in the warning statement in 21 CFR 801.420;

(h) violating any state, federal, provincial or tribal statute, or administrative rule governing or affecting the professional conduct of any licensee;

(i) performing services outside of the licensee's area of training, expertise, competence, or scope of practice or licensure, including the purposeful removal of cerumen from a patient's ear;

(j) failing to render adequate supervision, management, training, or control of auxiliary staff or supervisees;

(k) discontinuing professional services, unless services have been completed, the patient requests the discontinuation, alternative, or replacement services are arranged or the patient is given reasonable opportunity to arrange alternative or replacement services;

(l) delegating a professional responsibility to a person the licensee knows, or has reason to know, is not qualified to perform the delegated task;

(m) accepting, directly or indirectly, employment from any person who is not licensed to practice the profession or occupation, or who is not licensed or authorized to operate a professional practice or business;

(n) failing to obtain informed consent from patient or patient's representative prior to selling a hearing aid, particularly in situations where the patient's competency is at issue;

(o) physical or verbal abuse of a patient, or sexual contact with a patient;

(p) failing to account for funds received in connection with any services rendered or to be rendered;

(q) practicing the profession of hearing aid dispensing on an expired or inactive license;

(r) failing to comply with records retention requirements; or

(s) failing to comply with the Personal Solicitations Act set forth in 30-14-501 et seq., MCA. (History: 37-1-131, 37-1-319, 37-16-202, MCA; IMP, 37-1-131, 37-1-316, 37-1-319, 37-16-411, MCA; NEW, Eff. 9/4/74; AMD, Eff. 9/4/75; TRANS, from Dept. of Prof. & Occup. Lic., Ch. 274, L. 1981, Eff. 7/1/81; AMD, 1986 MAR p. 202, Eff. 2/14/86; AMD, 1989 MAR p. 1840, Eff. 11/10/89; AMD, 1993 MAR p. 534, Eff. 4/16/93; AMD, 1997 MAR p. 832, Eff. 5/6/97; AMD, 1999 MAR p. 343, Eff. 2/26/99; AMD, 2000 MAR p. 2514, Eff. 9/22/00; TRANS, from Commerce, 2002 MAR p. 395; AMD, 2004 MAR p. 328, Eff. 2/13/04; AMD, 2010 MAR p. 1085, Eff. 4/30/10; AMD, 2019 MAR p. 52, Eff. 1/12/19; AMD, 2019 MAR p. 1862, Eff. 10/19/19.)