

IC 25-20

ARTICLE 20. HEARING AID DEALERS

IC 25-20-1

Chapter 1. Regulation of Hearing Aid Dealers; Creation of Advisory Committee; Certificates

IC 25-20-1-1

Definitions

Sec. 1. Except as the context requires otherwise:

"Board" shall mean the medical licensing board.

"Committee" means the committee of hearing aid dealer examiners.

"Hearing aid" shall mean any instrument or device worn on the human body, designed and fit for an individual with a hearing loss and any parts, attachments or accessories of such an instrument or device. The term does not include a personal sound amplifier.

"Personal sound amplifier" means a device that simply magnifies sound and does not address an individual's specific hearing loss.

"Fit hearing aids" shall mean the hearing aid dealer's or salesman's evaluation or measurement of the powers or range of human hearing for the subsequent selection or adaption or sale of hearing aids.

"Dispense hearing aids" shall mean the sale, lease or rental of a hearing aid to anyone other than a hearing aid dealer.

"Hearing aid dealer" shall mean any person who fits or dispenses hearing aids and who receives a commission or salary derived from the sale of such devices or maintenance of such devices except any person who serves said dealer only in an administrative or clerical manner and who does not evaluate, fit or dispense hearing aids shall be excluded.

"Audiologist" means an individual holding a license to practice audiology issued under IC 25-35.6.

"Registration" shall refer to the legal privilege given a person who holds a hearing aid dealer certificate of registration; and "Temporary Registration" shall refer to the legal privilege given a person who holds a temporary hearing aid dealer certificate of registration.

(Formerly: Acts 1967, c.257, s.1.) As amended by Acts 1981, P.L.222, SEC.142; P.L.178-2014, SEC.1.

IC 25-20-1-1.5

Committee of hearing aid dealer examiners

Sec. 1.5. (a) There is established the committee of hearing aid dealer examiners which consists of five (5) members all appointed by the governor to a term of three (3) years. Three (3) members must be hearing aid dealers licensed under this chapter, who are residents of this state and who have been practicing as hearing aid dealers for at least one (1) year prior to their appointment. One (1) member must be an otolaryngologist in this state, who is a resident of this state and who has been engaged in the practice of otolaryngology for at least

one (1) year prior to appointment to the committee. One (1) member must be a resident of this state who is in no way associated with the business of hearing aid dealers, audiology, or speech-language pathology other than as a consumer. Whenever a vacancy occurs on the committee, the governor shall appoint a successor to serve the remainder of the term of the vacated member.

(b) Three (3) members present constitute a quorum.

(c) The members serve without compensation, except that each member is entitled to the salary per diem as provided by IC 4-10-11-2.1 and to reimbursement for travel, lodging, meals, and other expenses as provided in the state travel policies and procedures established by the department of administration and approved by the state budget agency.

As added by Acts 1981, P.L.222, SEC.143. Amended by Acts 1982, P.L.113, SEC.54; P.L.149-1987, SEC.49.

IC 25-20-1-2

Necessity of certificate of registration

Sec. 2. (a) This section does not apply to:

- (1) a person who is an audiologist licensed under IC 25-35.6; or
- (2) the sale of hearing aid batteries or cords.

(b) It is unlawful for a person to fit or dispense hearing aids in Indiana unless the person holds:

- (1) a valid hearing aid dealer certificate of registration;
- (2) a temporary hearing aid dealer certificate of registration; or
- (3) a student hearing aid dealer certificate of registration;

issued by the board.

(Formerly: Acts 1967, c.257, s.2.) As amended by P.L.236-1989, SEC.1.

IC 25-20-1-3

Qualifications for certificate; examination

Sec. 3. The board shall issue a hearing aid dealer certificate of registration to any person who makes application on forms provided by the board if the board has determined to its satisfaction that the applicant:

- (1) is eighteen (18) years of age or older;
- (2) if the applicant applies after June 29, 1992:
 - (A) is a high school graduate; or
 - (B) has a:
 - (i) high school equivalency certificate; or
 - (ii) state of Indiana general educational development (GED) diploma issued under IC 20-20-6 (before its repeal) or IC 22-4.1-18;
- (3) has not been convicted of:
 - (A) an act which would constitute a ground for disciplinary sanction under IC 25-1-9; or
 - (B) a crime that has a direct bearing on the applicant's ability to practice competently;
- (4) has passed the examination prepared by the committee and

given by the board to determine that the applicant has the qualifications to properly fit hearing aids; and

(5) held a student hearing aid dealer certificate of registration issued under section 5 of this chapter at the time the applicant applied for a hearing aid dealer certificate of registration.

(Formerly: Acts 1967, c.257, s.3; Acts 1973, P.L.252, SEC.10.) As amended by Acts 1978, P.L.2, SEC.2538; Acts 1981, P.L.222, SEC.144; Acts 1982, P.L.113, SEC.55; P.L.152-1988, SEC.13; P.L.186-1991, SEC.1; P.L.48-1991, SEC.33; P.L.149-1995, SEC.16; P.L.1-2005, SEC.192; P.L.7-2011, SEC.24.

IC 25-20-1-4

Repealed

(Repealed by P.L.157-2006, SEC.76.)

IC 25-20-1-5

Student hearing aid dealer certificates of registration

Sec. 5. The board shall issue student hearing aid dealer certificates of registration subject to the conditions and criteria for the granting of hearing aid dealer certificates of registration except for the examination requirement. In addition to the above requirements, a student registration certificate shall be issued only to a student applicant who is employed or directly supervised in the fitting of hearing aids by a registrant holding a valid registration.

The student hearing aid dealer certificate of registration shall set forth the name of said dealer and said hearing aid dealer shall execute an acknowledgment on the face of said certificate that he is responsible for all acts of the student registrant in connection with the fitting and dispensing of hearing aids.

Said student shall fit or dispense hearing aids only pursuant to the direction of and under the supervision of said hearing aid dealer.

The student hearing aid dealer certificate of registration shall expire one (1) year from the date of its issuance except that at the discretion of the board the certificate may be reissued for one (1) additional year only.

No hearing aid dealer licensed hereunder shall employ, commission, engage or otherwise assume the responsibility for more than three (3) student dealers at any one (1) time, unless approved in writing by the board.

A student hearing aid dealer certificate of registration may be cancelled upon the written request of the responsible hearing aid dealer, acknowledged in writing by the board.

(Formerly: Acts 1967, c.257, s.5.) As amended by Acts 1981, P.L.222, SEC.145.

IC 25-20-1-6

Fees

Sec. 6. When a person applies for a hearing aid dealer certificate of registration or a temporary hearing aid dealer certificate of registration, the person shall be charged a nonrefundable fee

established by the board.

(Formerly: Acts 1967, c.257, s.6.) As amended by Acts 1981, P.L.33, SEC.30; P.L.48-1991, SEC.34.

IC 25-20-1-7

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-8

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-9

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-10

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-11

Standards; examinations; rules

Sec. 11. (a) Standards for licensing shall be determined by the board. The board may require that an applicant pass an examination in order to demonstrate that the applicant is qualified to fit and dispense hearing aids. An examination required under this section may not be conducted in such a manner that college training is required in order to pass the examination.

(b) Nothing in this section shall imply that the applicant shall possess the degree of medical competence normally expected by physicians.

(c) The committee shall propose rules to the board concerning the competent practice of hearing aid dealing.

(d) The board shall adopt rules, based on the committee's proposed rules, under IC 4-22-2 establishing standards for competent practice as a hearing aid dealer.

(Formerly: Acts 1967, c.257, s.11.) As amended by Acts 1981, P.L.222, SEC.146; P.L.177-2009, SEC.36.

IC 25-20-1-12

Issuance of certificates of registration; expiration; renewal; reinstatement

Sec. 12. (a) The committee shall issue hearing aid dealer certificates of registration that expire biennially on the date established by the licensing agency under IC 25-1-5-4. To renew a hearing aid dealer certificate of registration, the holder of the certificate must pay a renewal fee set by the committee on or before the date established by the licensing agency.

(b) If the holder of a certificate does not renew the holder's hearing aid dealer certificate of registration on or before the date

established by the licensing agency, the certificate expires without any action taken by the board.

(c) A holder of a hearing aid dealer certificate of registration that expires under this section may have the certificate reinstated by the committee if, not later than three (3) years after the license expires, the holder meets the requirements under IC 25-1-8-6(c).

(d) A person who applies for reinstatement of a certificate of registration under this section more than three (3) years after the date the registration expires and becomes invalid may apply for reinstatement by meeting the requirements for reinstatement under IC 25-1-8-6(d).

(Formerly: Acts 1967, c.257, s.12.) As amended by Acts 1982, P.L.154, SEC.78; P.L.48-1991, SEC.35; P.L.269-2001, SEC.15; P.L.105-2008, SEC.36.

IC 25-20-1-13

Display of certificate

Sec. 13. Every registrant, temporary registrant and student registrant shall conspicuously display his certificate of registration as issued under this chapter in his principal place of business, if any.
(Formerly: Acts 1967, c.257, s.13.) As amended by Acts 1982, P.L.154, SEC.79.

IC 25-20-1-14

Change in place of business; notice; record

Sec. 14. (a) If the registrant or temporary registrant changes a place of business of the registrant or temporary registrant, the registrant or temporary registrant shall notify the board, in writing, of the change of address within ten (10) days of the change. Failure to notify the board in writing shall be grounds for suspension or revocation of the registration.

(b) The board shall keep a record of all registrants and temporary registrants containing each registrant's and temporary registrant's last known addresses.

(Formerly: Acts 1967, c.257, s.14.) As amended by P.L.48-1991, SEC.36.

IC 25-20-1-15

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-16

Repealed

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-17

Repealed

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-17.1

Complaints; sanctions

Sec. 17.1. (a) A complaint against a person registered or temporarily registered under this chapter is subject to IC 25-1-7.

(b) The board may impose sanctions under IC 25-1-9 against a person registered or temporarily registered under this chapter.

(c) An action taken by the board under this section must be approved by a majority of the quorum.

As added by P.L.48-1991, SEC.37.

IC 25-20-1-18**Repealed**

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-19**Repealed**

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-20**Repealed**

(Repealed by P.L.48-1991, SEC.78.)

IC 25-20-1-21**Violations**

Sec. 21. A person who violates this chapter commits a Class B misdemeanor.

(Formerly: Acts 1967, c.257, s.21.) As amended by Acts 1978, P.L.2, SEC.2539.

IC 25-20-1-22**Repealed**

(Repealed by Acts 1981, P.L.222, SEC.296.)

IC 25-20-1-22.1**Repealed**

(Repealed by P.L.152-1988, SEC.30.)

IC 25-20-1-23**Rules and regulations**

Sec. 23. The board may adopt and promulgate in the manner prescribed by law, rules and regulations, and adopt application forms and other forms and written materials as necessary in order for it to carry out the provisions and legislative intent of this chapter.

(Formerly: Acts 1967, c.257, s.23.) As amended by Acts 1981, P.L.222, SEC.150.

IC 25-20-1-24**Repealed**

(Repealed by Acts 1972, P.L.13, SEC.51.)

IC 25-20-1-25

Continuing education requirement

Sec. 25. (a) This section applies only to a registrant who has held a certificate issued under this chapter for at least eighteen (18) months.

(b) To renew a hearing aid dealer certificate of registration issued under this chapter, a registrant must complete at least twenty (20) hours of credit in continuing education courses.

(c) To satisfy the requirements of subsection (b), a registrant may use only credit hours earned in continuing education courses completed by the registrant:

(1) after the last date the registrant renewed a certificate under this chapter; or

(2) if the registrant is renewing a certificate for the first time, after the date the registrant was issued the certificate under this chapter.

(d) A registrant may receive credit only for completing continuing education courses that have been approved by the committee, the American Speech-Language-Hearing Association, or the International Institute for Hearing Instrument Studies.

(e) When a registrant renews a certificate issued under this chapter, the registrant must comply with IC 25-1-4-3.

As added by P.L.186-1991, SEC.2. Amended by P.L.269-2001, SEC.16; P.L.178-2014, SEC.2.

IC 25-20-1-26

Sale, leasing, or renting of hearing aids; compliance

Sec. 26. A person may not sell, lease, or rent a hearing aid in Indiana unless the person complies with the requirements under IC 25-35.6-4-1.

As added by P.L.178-2014, SEC.3.