

DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES

DIRECTORS OFFICE

HEARING AID DEALERS

(By authority conferred on the director of the department of consumer and industry services by sections 205 and 308 of Act No. 299 of the Public Acts of 1980, as amended, and Executive Reorganization Order No. 1996-2, being §§339.205 and 445.2001 of the Michigan Compiled Laws)

PART 1. LICENSING

R 338.1901 Definitions.

Rule 1. (1) As used in these rules, "Act" means Act No. 299 of the Public Acts of 1980, as amended, being §339.101 et seq. of the Michigan Compiled Laws.

(2) Terms defined in the act have the same meanings when used in these rules.

(3) "Principal office" means the office in which the hearing aid dealer devotes the majority of his or her daily work selling hearing aids to the public.

(4) "Supervision" means the overseeing of and participation in the work of hearing aid salespersons and trainees by the hearing aid dealer. The hearing aid dealer shall do all of the following on a daily basis:

(a) Maintain work communication with supervised licensees in person or by telephone or electronic communications.

(b) Review the practice of supervised licensees.

History: 1979 AC; 1998-2000 AACS.

R 338.1905 Eligibility and necessity for licenses.

Rule 5. (1) A licensed hearing aid dealer, hearing aid salesperson, or hearing aid trainee shall make the fitting and mold when an auditory amplification device is in excess of 18dB gain and requires personal fitting of custom earmolds.

(2) Only a licensed hearing aid dealer, a licensed hearing aid salesperson, or a licensed hearing aid trainee under the direction of a licensed dealer may take the necessary impressions and make the fitting of a new or used hearing aid, or the refitting of a hearing aid to an individual.

History: 1979 AC; 1998-2000 AACS.

R 338.1906 Rescinded.

History: 1979 AC; 1998-2000 AACS.

R 338.1907 Rescinded.

History: 1979 AC; 1998-2000 AACS.

R 338.1908 Examinations.

Rule 8. (1) The examination shall include, but is not limited to, the following topics, subject to advances in technology which may result in updated examinations as determined by the department:

(a) Physics of sound.

(b) Anatomy and physiology of the ear:

Science of hearing and causes of abnormal hearing and rehabilitation.

- (c) Pure tone audiometry:
 - (i) Both air and bone conduction.
 - (ii) Masking and its use.
- (d) Speech testing:
 - (i) Live and/or recorded.
 - (ii) Masking and its use.
 - (iii) Speech reception thresholds and discrimination testing.
- (e) Understanding and testing for recruitment, and its application to hearing aid fitting.
- (f) Recording and evaluation of audiograms for:
 - (i) Those determined for medical referrals.
 - (ii) Those determined for hearing aid use.
- (g) Earmold impressions:
 - (i) Practical demonstrations.
 - (ii) Kinds, their usage, and application of mold fittings as a result of physical changes.
 - (h) Basic structure and function of hearing aids.
- (2) An individual shall pass all sections of the examination within 24 months, repeating failed sections as necessary. Scores are valid for 24 months after the individual first took the complete examination.

History: 1979 AC; 1998-2000 AACS.

R 338.1909 Examination procedure for trainees.

Rule 9. An applicant must pass the hearing aid salesperson or hearing aid dealer examination not later than 36 months from the date of original licensure as a trainee to continue to be licensed.

History: 1979 AC; 1998-2000 AACS.

R 338.1910 Display of wall licenses; pocket cards; salesperson and trainee licenses.

Rule 10. (1) A hearing aid dealer shall display all wall licenses in a conspicuous location in his or her principal office. A licensee shall display his or her pocket card upon request by a consumer or the department.

(2) A hearing aid salesperson or trainee shall be licensed under only 1 hearing aid dealer.

History: 1979 AC; 1998-2000 AACS.

R 338.1911 Return of licenses by dealer.

Rule 11. A hearing aid dealer shall return unexpired licenses, terminated voluntarily or by disciplinary action which resulted in suspension or revocation, to the department within 5 days.

History: 1979 AC; 1998-2000 AACS.

R 338.1912 Transfer of licenses.

Rule 12. To transfer a license, a licensee shall notify his or her employer and the hearing aid dealer shall return the wall license to the department within 5 days. The new licensed employer shall make application for the transfer of the license of a supervised salesperson or trainee on a form provided by the department and pay the required fee.

History: 1979 AC; 1998-2000 AACS.

R 338.1913 Place of business and records.

Rule 13. (1) A hearing aid dealer shall have an actual place of business, which is an established physical location where consumer testing records, consumer contract records, and annual instrument calibration

records are maintained. A hearing aid dealer shall maintain consumer records for minimum of 7 years after a dealer's last transaction with a consumer.

(2) A licensee shall notify the department in writing of a change of name or address within 30 days of the change.

(3) The department may review a licensee's complete set of records of hearing aids sales.

History: 1979 AC; 1998-2000 AACS.

R 338.1914 Rescinded.

History: 1979 AC; 1998-2000 AACS.

PART 2. CONDUCT OF BUSINESS

R 338.1921 Advertising.

Rule 21. (1) The name of a licensed dealer shall appear on all advertising intended for general public consumption, including but not limited to, any of the following:

(a) Printed materials.

(b) Media advertising.

(c) Internet or other electronic communications.

(2) This rule does not prohibit the use of a business or corporate name. In the case of hearing centers, health care centers, or other facilities, the name of the facility is permitted if the name of at least 1 licensed hearing aid dealer responsible for the practice is included.

(3) This rule does not apply to promotional materials of limited distribution.

History: 1979 AC; 1998-2000 AACS.

R 338.1922 Prices and contracts.

Rule 22. (1) A hearing aid licensee shall have a complete retail price list showing all hearing aid models for prospective consumers to see.

(2) A licensee shall provide a valid hearing aid sales contract to the consumer which conforms to provisions of all relevant consumer protection acts. The contract shall include all of the following:

(a) Signatures of the licensee and the consumer.

(b) The license number of the licensee.

(c) The make, model, warranty status, and new or used status of the hearing aid. The serial number of the instrument may be added after the manufacture of a new hearing aid.

(3) Any change in the contract shall be noted in writing with the consumer's knowledge and contain both the consumer's and licensee's signatures of approval.

(4) The licensee shall give a copy of the completed and signed contract to the consumer.

History: 1979 AC; 1998-2000 AACS.

PART 3. COMPLAINTS AND HEARINGS

R 338.1941 Rescinded.

History: 1979 AC; 1990 AACS.

R 338.1942 Rescinded.

History: 1979 AC; 1990 AACCS.

R 338.1943 Rescinded.

History: 1979 AC; 1990 AACCS.