

DIVISION 630

GENERAL ADMINISTRATION

331-630-0006

Definitions

- (1) "Affidavit of Licensure" is defined in OAR 331-030-0040.
- (2) "Audiologist" means a person who practices audiology as defined by ORS 681.205(2).
- (3) "Client" means a consumer, purchaser, prospective purchaser or hearing-aid wearer.
- (4) "Consummation of sale" means when the client takes physical possession of the hearing aid after agreeing to purchase the hearing aid and the licensee has completed all of the required testing and provided the client with a complete and properly formatted Statement to the Prospective Hearing Aid Purchaser pursuant to ORS 694.036.
- (5) "Council" has the definition set forth in ORS 694.015(1).
- (6) "Demonstration instrument" means a hearing aid that has been worn by a client as part of a hearing aid evaluation conducted in the presence of the hearing aid specialist.
- (7) "Direct supervision" means a supervisor is in view of the procedures performed by a registered trainee.
- (8) "Hearing aid" means a device as defined in ORS 694.015(3). It does not include:
 - (a) "Assistive listening device" is a product designed to solve listening problems created by hearing loss, and includes personal or group listening devices, telephone listening devices or alert or alarm systems. It is designed to assist in only one, or a few, listening environments, and is for temporary use.
 - (A) An assistive listening device must:
 - (I) Be used for the assistance of only one person;
 - (II) Be hardwired or wireless;
 - (III) Be adaptable to particular environments;
 - (IV) Have an external option that will work with a hearing aid through the telecoil or by direct audio input coupler built into a hearing aid.
 - (V) Not be fitted to an individual hearing loss;

- (VI) Not be sold as a standard hearing aid;
- (b) A group assistive listening device:
 - (A) Includes infrared and FM systems and induction loop systems;
 - (B) Includes auditory trainers that are classified as such by the FDA exemption for group auditory trainers (21 CFR 801.421(e));
 - (C) May include telecaption decoders.
- (c) Telephone devices for the hearing impaired, which include, but are not limited to:
 - (A) Amplified handsets;
 - (B) In-line amplifiers for modular telephones;
 - (C) Receiver add-ons;
 - (D) An external option that will work with a hearing aid.
- (d) Telecommunications Devices for the Deaf (TDD) which include, but are not limited to:
 - (A) Visually based devices;
 - (B) TDD and teletypewriter for the deaf (TTY) systems.
- (e) Alert/alarm systems, which include, but are not limited to:
 - (A) Systems that use visual or vibratory stimuli to alert an individual;
 - (B) Systems that can be hardwired or use an acoustic pickup.
- (f) Personal Sound Amplifiers, which are not intended to make up for impaired hearing, but are intended for non-hearing-impaired consumers to amplify sounds in the environment for a number of reasons, such as for recreational activities.
- (9) "IHS" means the International Hearing Society.
- (10) "Indirect supervision" means the supervisor is not required to be on-site, but must be available for direct communication, either in person, by telephone, or other electronic means.
- (11) "Official transcript" means an original document certified by an accredited college or university indicating hours and types of course work, examinations, and scores that the student has completed, that has been submitted by the accredited college or university by mail or courier to the Office in a sealed envelope.
- (12) "Office" means the Health Licensing Office.

DIVISION 640

TRAINING AND EXPERIENCE

331-640-0005

Hearing Aid Specialist Training (HAST) Program

The Hearing Aid Specialist Training (HAST) program is the program established for prospective applicants to meet the Office's training and experience requirements under ORS 694.065(1)(a). An individual in the HAST program must complete the program in no less than 6 months and no more than 1 year; it includes:

(1) 520 hours of practical training under the direct supervision of a Registered Trainee Supervisor including:

- (a) 60 hours in audiometric testing;
 - (b) 60 hours in counseling regarding hearing examination;
 - (c) 60 hours in hearing aid selection;
 - (d) 60 hours in ear-mold impressions;
 - (e) 180 hours in hearing aid fitting and follow-up care;
 - (f) 60 hours in business practices, including ethics and regulations and sanitation and infection control; and
 - (g) 40 hours in electives in any of the (a-e) categories
- (2) Completion of the IHS's Distance Learning Program for Professionals in Hearing Health Sciences.

DIVISION 650

LICENSURE

331-650-0006

Trainee Supervisor Requirements

A trainee supervisor is a person who supervises an individual who has a trainee registration. A trainee supervisor must:

- (1) Meet the requirements of either (1)(a) or (1)(b) of this section:

- (a) Be an audiologist licensed under ORS Chapter 681 who has been licensed and practicing for at least four years; or
 - (b) Hold an active hearing aid specialist license and who has been actively practicing for at least four years; and
 - (A) Have no unresolved or outstanding disciplinary actions; and
 - (B) Attest to completing the IHS Distance Learning Program for Professionals in Hearing Health Sciences; or
 - (C) Attest to having three or more years of National Board Certification.
- (2) Retain all training forms for two years and make them available to the Office upon request.
 - (3) Not provide direct supervision to more than four trainees.
 - (4) Not provide training as outlined in OAR 331-640-0005 until the Office has received a trainee registration agreement and Declaration of Responsibility for the trainee being supervised.
 - (5) Include the supervisor's name, license number, and date of review next to the trainee's signature on any audiogram, order form, chart notes and any other hearing aid service documentation.
 - (6) Notify the Office in writing within five calendar days if the trainee is no longer being supervised, and must provide a Certification of Training form to the Office showing the number of hours of training completed.
 - (7) Not allow a trainee to obtain experience and training in connection with the supervisor's practice without a valid trainee registration.

331-650-0011

Trainee Registration

- (1) A hearing aid specialist trainee registration authorizes the holder to obtain the experience and training under the direct supervision of a qualified trainee supervisor.
- (2) A hearing aid specialist trainee registration is valid for one year, expiring on the last day of the month one year from the date of issuance and cannot be renewed.
- (3) A trainee's Declaration of Responsibility form signed by the trainee supervisor must be received by the Office prior to beginning work.
- (4) To change trainee supervisors, a trainee's new Declaration of Responsibility form, signed by the new trainee supervisor, must be received by the Office prior to beginning work.

- (5) A trainee must notify the Office within five calendar days if they are no longer under supervision.
- (6) A hearing aid specialist trainee registration becomes invalid after the training program is completed.
- (7) A hearing aid specialist trainee must adhere to all standards of practice and professional conduct listed in 331-670-0005 through 331-670-0020.

331-650-0016

Trainee Registration Application

An individual applying for Trainee registration must:

- (1) Meet the requirements of OAR 331 division 30;
- (2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000, and be accompanied by payment of all required fees.

331-650-0020

Temporary Licensee Supervisor Requirements

A temporary licensee supervisor is a person who supervises a temporary license holder who has not yet passed the examination, but who otherwise meets the qualifications for licensure. A temporary licensee supervisor must:

- (1) Meet the requirements in either (1)(a) or (1)(b) of this section:
 - (a) Be an audiologist under ORS Chapter 681 who has been licensed and practicing for at least three years; or
 - (b) Hold an active Oregon hearing aid specialist license; and
- (A) Have no unresolved or outstanding disciplinary actions; and
- (B) Have been a licensed hearing aid specialist and actively practicing for at least three years.
- (2) Provide indirect supervision over the testing, fitting or selling of a hearing aid by a temporary hearing aid specialist.
- (3) Approve the temporary hearing aid specialist's work before ordering the recommended hearing aid(s).

(4) Include the supervisor's name, license number, and date of review next to the temporary license holder's signature on any audiogram, order form, chart notes, statement to prospective hearing aid purchaser, and any other hearing aid service documentation.

(5) Not provide training until the Office has received a temporary license application and Declaration of Responsibility for the temporary licensee being supervised.

(6) Notify the Office in writing within five calendar days if the temporary licensee is no longer being supervised.

(7) Not provide indirect supervision to more than four temporary licensees.

(8) Not allow a temporary license holder to work in connection with the supervisor's practice without a valid temporary license.

331-650-0025

Temporary License

(1) A temporary hearing aid specialist license authorizes the holder to work under the indirect supervision of a qualified temporary licensee supervisor.

(2) A temporary hearing aid specialist license is valid for one year and expires on the last day of the month one year from the date of issuance and can be renewed once; the renewal notice must be received by the Office prior to the license becoming inactive.

(3) A temporary hearing aid specialist licensee's Declaration of Responsibility form signed by the temporary licensee supervisor must be received by the Office prior to the licensee beginning work.

(4) A temporary hearing aid specialist license becomes invalid upon passage of the three exams listed in OAR 331-650-0045.

(5) To change temporary licensee supervisors, a temporary license holder's new Declaration of Responsibility form, signed by the new temporary licensee supervisor, must be received by the Office prior to the licensee beginning work.

(6) A temporary license holder must notify the Office within five calendar days if the holder is no longer under supervision.

(7) A temporary license holder must not work without a temporary licensee supervisor and without the Office having received a completed Declaration of Responsibility form.

(8) A temporary hearing aid specialist licensee must adhere to all standards of practice and professional conduct listed in 331-670-0005 through 331-670-0020.

331-650-0030

Temporary License Application

An individual applying for a temporary license must:

- (1) Meet the requirements of OAR 331 Division 30;
- (2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of all required fees.

331-650-0035

Hearing Aid Specialist License

- (1) A hearing aid specialist license holder, licensed under ORS 694.085, may deal in hearing aids defined under ORS 694.015 (2) and (3).
- (2) A hearing aid specialist license is good for one year, and is eligible for renewal. The license becomes inactive on the last day of the month one year from the date of issuance.
- (3) A hearing aid specialist licensee must adhere to all standards of practice and professional conduct listed in 331-660-0005 through 331-660-0020.

331-650-0040

Hearing Aid Specialist Application

An individual applying for a Hearing Aid Specialist license must:

- (1) Meet the requirements of OAR 331 Division 30.
- (2) Submit a completed application form prescribed by the Office, which must contain the information listed in OAR 331-030-0000 and be accompanied by payment of all required fees.
- (3) Submit a copy of the applicant's high school diploma or General Educational Development (GED) certificate;
- (4) Submit proof of being at least 18 years old;
- (5) Provide documentation of one of these licensure pathways:
 - (a) Pathway 1 — Training and experience. Submit:
 - (A) Completed HLO Certificate of Training form; and proof that the applicant has passed all exams listed in OAR 331-650-0045 within two years of the application date; or
 - (B) Proof of HLO-approved training and experience obtained outside of Oregon; and proof the applicant has passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(b) Pathway 2 – Audiologist training requirements

(A) Provide verification from the Board of Examiners for Speech-Language Pathology and Audiology that the applicant would meet the training requirements for an audiology license; and

(B) Provide proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(c) Pathway 3 — American Board of Otolaryngology training requirements

(A) Provide verification that the licensed physician would meet the training requirements for a certification by the American Board of Otolaryngology; and

(B) Provide proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(d) Pathway 4 — National Board for Certification in Hearing Instrument Sciences (NBC-HIS)

(A) Submit verification through the NBC-HIS:

(i) That the applicant holds a current certification; or

(ii) That the applicant would meet requirements for certification; and

(C) Provide proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

(e) Pathway 5 — American Speech-Language-Hearing Association certification

(A) Submit verification through the American Speech-Language-Hearing Association:

(i) That the applicant holds a current certification; or

(ii) That the applicant has the equivalent training and education to be certified by the American Speech-Language-Hearing Association; and

(B) Proof of having passed the three examinations listed in OAR 331-650-0045. The applicant must have passed the Oregon laws and rules exam within two years of the application date.

331-650-0045

Examinations

- (1) The Office and Council-approved examinations for licensure are the IHS written examination, the Oregon Laws and Rules written examination, and the Oregon-administered practical examination. The Office may waive the Oregon-administered practical examination if the applicant has passed a practical examination outside of Oregon and that the Office has found to be sufficiently thorough to determine the qualifications, fitness, and ability of the applicant to practice as a hearing aid specialist.
- (2) To take the examinations, an applicant must meet identification requirements listed under OAR 331-030-0000.
- (3) Examination candidates may be electronically monitored during testing.
- (4) The Council will establish a maximum time allowance for each section of the Office-administered examination.
- (5) Only items and materials required by the Office are allowed in the examination area.
- (6) A candidate may be disqualified at any point during an examination; the examination may be invalidated and examination fees may be forfeited. Disqualifying conduct includes, but is not limited to:
 - (a) Directly or indirectly giving, receiving, soliciting, and attempting to give, receive or solicit aid during the examination.
 - (b) Violations of subsection (6) of this rule.
 - (c) Removing or attempting to remove any examination-related information, notes or materials from the examination site.
- (7) The applicant may be required to reapply, submit additional examination fees, and submit a written request to schedule another examination if the applicant is disqualified from taking the examination.

331-650-0050

Office-Administered Practical Examination Requirements

Before an individual can take the Office-administered practical examination, they must:

- (1) Complete the training program pursuant to 331-640-0005; or
- (2) Meet the requirements in ORS 694.065 (1)(b) or (1)(c).

331-650-0055

Office-Administered Practical Examination Retakes

(1) All practical examination retakes are subject to examination fees and an approved examination schedule set by the Office.

(2) If an applicant has not passed the practical examination after four attempts, the applicant must request permission from the Council to take the examination again.

(3) If the applicant does not pass the examination on the fifth attempt, the applicant may be required to take additional training.

331-650-0060

License renewal

(1) To avoid late-renewal fees, license renewal must be made prior to the license entering inactive status. The licensee must submit:

(a) Renewal application form;

(b) Payment of required renewal-of-license fee pursuant to OAR 331-655-0000; and

(c) Documentation of having obtained required annual continuing education on an Office-approved form.

(2) A license may be inactive for up to three years. When renewing after entering inactive status, the licensee must submit:

(a) Renewal application form;

(b) Payment of renewal of license fee and late renewal of license fee pursuant to OAR 331-655-0000;

(c) Documentation of having obtained required annual continuing education on an Office-approved form; the annual continuing education must be obtained for each year even if the license was inactive.

(3) A license that has been inactive for more than three years is expired; the applicant must reapply and meet the current licensing requirements.

(4) A hearing aid specialist may not practice with an inactive or expired license.

DIVISION 655

FEEES

331-655-0005

Fees

(1) Applicants and licensees are subject to the provisions of OAR 331-010-0010 and 331-010-0020 regarding the payment of fees, penalties and charges.

(2) Fees established by the Office are:

(a) Application:

(A) License: \$125.

(B) Temporary license: \$150.

(C) Trainee registration: \$100.

(b) Examinations:

(A) Oregon laws and rules: \$50.

(B) Written: \$150.

(C) Practical: \$175.

(c) Original issuance of license:

(A) License: \$125 for one year.

(B) Temporary license: \$100.

(d) Renewal of license:

(A) License: \$125 for one year.

(B) Temporary license: \$100

(e) Late renewal of license: \$40 per year, up to \$120 for three years.

(f) Replacement of license, including name change: \$25.

(g) Duplicate license document: \$25 per copy. The Office will not issue more than three duplicate license documents.

(h) Affidavit of licensure: \$50.

(i) An additional \$25 administrative processing fee will be assessed if a NSF or non-negotiable instrument is received for payment of fees, penalties or charges.

DIVISION 660

CONTINUING EDUCATION

331-660-0005

Continuing Education: Requirements

- (1) To maintain licensure, a hearing aid specialist must complete at least 12 hours of continuing education (CE) every year. Credit hours obtained in excess of those required for the one-year reporting period may not be carried forward.
- (2) A licensee must document compliance with the CE requirement through attestation on the license renewal application. A licensee is subject to provisions of OAR 331-660-0011 pertaining to periodic audit of continuing education.
- (3) CE must be obtained through a course provided by an accredited college or university, a course or program approved by the IHS, or an Office pre-approved course or program.
- (4) CE must address subject matter related to dealing in hearing aids as the phrase is defined in ORS 694.015(2) and (3).
- (5) CE credit will be awarded as follows:
 - (a) Academic courses from an accredited college or university are awarded 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned, or 10 hours for each quarter-based credit earned;
 - (b) Office-approved professional courses will be assigned 15 hours for each semester-based credit earned, 14 hours for each trimester-based credit earned or 10 hours for each quarter-based credit earned. The Office will evaluate each course for its academic requirements in content, instruction and evaluation in relation to dealing in hearing aids; and
 - (c) Courses that do not meet standards as set forth in paragraphs (a) and (b) of this subsection, are assigned credit at the rate of one hour for each hour of attendance.
- (6) Licensees must complete a two-hour course in Safety and Infection Control once every two years.
- (7) A licensee must maintain documentation supporting the licensee's compliance with CE requirements for two years following renewal, and must make documentation available to the Office upon request. Documentation must meet the requirements stated in OAR 331-660-0011.

331-660-0011

Continuing Education: Audit, Required Documentation and Sanctions

- (1) The Office will audit a percentage of licenses to verify compliance with continuing education requirements.
- (2) If selected for audit, the licensee must provide documentation of the continuing education obtained. The documentation must include:
 - (a) For courses provided by an accredited college or university – An official transcript from the accredited college or university, or professional credentialing institution;
 - (b) For IHS-approved programs or courses – A certificate of completion that includes the IHS approval number; or
 - (c) For Office pre-approved programs or courses – A certificate of completion or other agency approved documentation that includes the agency pre-approval number.
- (3) If continuing education documentation is incomplete, the licensee has 30 calendar days from the date of notice to submit further documentation to substantiate having completed the required continuing education.
- (4) Failure to meet continuing education requirements shall constitute grounds for disciplinary action, which may include, but is not limited to, assessment of a civil penalty and suspension or revocation of the license.

DIVISION 670

STANDARDS OF PRACTICE AND PROFESSIONAL CONDUCT

331-670-0005

Licensee's Duties Pertaining to Service Areas

A licensee must:

- (1) Ensure all areas where clients receive services are kept clean and in good repair;
- (2) Maintain a disinfected area where cleaning of reusable instruments is performed;
- (3) Ensure all counters and work surfaces where instruments and equipment that may come in contact with clients are non-absorbent, non-porous, and disinfected after each use.
- (4) Ensure that no cross-contamination occurs.
- (5) Ensure pets or other animals are not permitted in the service areas. This prohibition does not apply to service animals recognized by the American with Disabilities Act;
- (6) Ensure all disinfecting solutions or agents be kept at adequate strengths according to manufacturer's instructions to maintain effectiveness, be free of foreign material and be available for immediate use at all times when the business is open;

- (7) Ensure chemicals are stored in labeled, closed containers;
- (8) Use equipment and instruments in a manner described in the manufacturer's instructions that is consistent with the manufacturer's intended use of the device by the U.S. Food and Drug Administration.
- (9) Calibrate audiometric testing equipment annually, and keep calibration documentation on file and make documentation available to the Office upon request.
- (10) Keep audiometric testing equipment in proper working order with a biologic check daily prior to use.
- (11) Comply with all applicable rules and regulations of the Office and other federal, state, county and local agencies.

331-670-0010

Practice Standards

- (1) The Council recognizes and adopts the following uniform set of hearing loss measurement standards required for use when interpreting audiograms: 0-110 for degrees of decibel hearing loss (dB HL) and 125-8000Hz for frequency. A licensee must use the uniform measurement standards for advising clients on peripheral or cochlear hearing loss. The uniform measurement standards are available on the Office website.
- (2) A licensee must complete (a)-(f) of the rule before fitting a client with a hearing aid(s). If the tests were completed within the previous six months, (a) must be performed and if (a) shows a threshold shift of 10 decibels or more at any frequency, then (b) through (f) must also be performed. If one or more of these tests cannot be performed, the licensee must document the reason in the client's file and still must verify the client's hearing. If masking is used during any of these tests, then masking must be performed to industry standards.
 - (a) Puretone Air Conduction Threshold testing (should include at a minimum, the following frequencies – 250, 500, 1000, 2000, 3000, 4000, and 6000 or 8000 Hz);
 - (b) Puretone Bone Conduction Threshold testing (should include at a minimum, the following frequencies – 500, 1000, 2000, and 4000 Hz);
 - (c) Speech Recognition Threshold testing (SRT);
 - (d) Word Recognition Score (WRS) also known as speech discrimination testing;
 - (e) Most Comfortable Listening Level (MCL); and
 - (f) Uncomfortable Listening Level (UCL).
- (3) A licensee must perform at least one of these verification procedures within the 30-day rescission period:

- (a) Soundfield testing for puretone thresholds; or
 - (b) Real-ear probe microphone measurements; or
 - (c) Speech mapping.
- (4) A licensee must abide by the IHS Code of Ethics (2009).
- (5) A licensee must provide the client with the Statement to the Prospective Hearing Aid Purchaser Form, or a form that includes all of the information required in ORS 694.036(1). The licensee must complete the form, and then the form must be signed by both the client and licensee prior to the consummation of the hearing aid sale. The form is available at the Office website.
- (6) A licensee must provide the client with a new Statement to the Prospective Hearing Aid Purchaser Form for each hearing aid or set of hearing aids.
- (7) A licensee must refund all monies paid by or on behalf of the client if the hearing aid purchase is canceled prior to the consummation of the sale. The client shall incur no additional liability for the cancellation.
- (8) The 30-day rescission period begins at the consummation of the sale.
- (9) A licensee must conduct and document at least one post-consummation of sale appointment with the client before the 30-day rescission period expires. The licensee must document in the client's record any change to the agreed-upon location or date of the appointment, if the licensee is unable to contact the client, or if the licensee is unable to provide the follow-up appointment.
- (10) Under provisions of ORS 694.042(4), a licensee may retain no more than 10 percent of the purchase amount, or \$250 per hearing aid, whichever amount is less, if the cancellation of the sale occurs during the 30-day rescission period.
- (11) A licensee must have a written recommendation from a licensed physician as defined in ORS 694.142(2) prior to activating or adapting the masking features of a hearing aid when a client has tinnitus or has signs or symptoms of tinnitus. The licensee must provide services within the scope of the written recommendation only. For instance, a licensee cannot activate a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless the written recommendation recommends activation. A licensee cannot adjust a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless the written recommendation recommends the specific setting needed for adaption of the hearing aid. A licensee shall refer a client back to the licensed physician if the client needs services outside of the written recommendation. A licensee must have obtained manufacturer-specific training on their equipment as well as a comprehensive course on tinnitus and the masking function of a hearing aid prior to activating the masking function of a hearing aid.

(12) A licensee must use the federal disclosure statement available on the Office website for in home sales. This form must be completed and affixed to the Statement to the Prospective Hearing Aid Purchaser.

(13) A licensee must post the following statement in public view on the business premises or provide the client with a written notice stating: "Individuals are entitled to a copy of the audiogram used to conduct hearing evaluations and any test results."

(14) A licensee must provide a client with a copy of the audiogram used to conduct hearing evaluations and any test results, when requested by the client.

(15) A licensee must abide by the standards of practice set forth in ORS 694.142.

331-670-0015

Client Record Requirements

(1) Licensees must record and maintain documentation for each client relevant to health history, clinical examinations, treatment, and financial data.

(2) Client records must include:

(a) Client name, address, telephone number and dates of service;

(b) Health history relevant to hearing evaluation or fitting of a hearing aid(s), including referral to a physician or a Waiver of Medical Opinion form required by ORS 694.142(6);

(c) Identification of any conditions that would require referral to a physician and a notation that the client was referred;

(d) Audiograms and results of tests or verification procedures;

(e) A copy of the Statement to the Prospective Hearing Aid Purchaser, including client's signature and date acknowledging that the client has read and understands the information contained in the Statement; and

(f) Date and description of services, including any complications, the recorder's initials, license number and professional title if multiple practitioners provide service to the client.

(g) The technical specifications issued by a manufacturer for the hearing aid(s) that have been delivered to or purchased by the client.

(3) Client records must include the names, license numbers, professional titles or abbreviations, and signatures or initials to identify every person providing service to the client.

(4) A licensee must keep accurate, complete and legible client records. A licensee must maintain client records for at least seven years after the client's last visit and must make client records available to the Office upon request.

331-670-0020

Additional Conditions for Referral

(1) In addition to the conditions listed in ORS 694.142(1), a licensee must refer the client to a physician as required under ORS 694.142(2) for the following:

(a) Cerumen accumulation in the auditory canal preventing visual inspection of the external auditory canal or external auditory meatus and tympanic membrane or foreign body in the ear canal;

(b) Pain or discomfort in the ear;

(c) Tinnitus.

(2) If the client, or the parent or guardian of the client, refuses to seek a medical opinion from a licensed physician as defined in ORS 694.042(1)(a), the licensee must obtain written refusal from the client or the parents or guardian of the client on a Waiver of Medical Opinion form as required by ORS 694.142(6). The licensee must obtain the written refusal prior to the fitting or dispensing of a hearing aid. The Waiver of Medical Opinion form must include:

(a) Licensee's name;

(b) Licensee's license number;

(c) Client's name;

(d) Client's address;

(e) Client contact information;

(f) A statement that the person signing the form is refusing to seek a medical opinion from the physician to whom the client has been referred;

(g) The signature of the person who is refusing; and

(h) The date that the person signed the form.

DIVISION 680

CIVIL PENALTIES

331-680-0010

The Office has adopted the following presumptive penalty schedule for violation of statutes and rules. This schedule applies, except at the discretion of the Office pursuant to OAR 331-

020-0060. For violations not addressed by this schedule, the provisions of OAR 331-020-0060 apply:

(1) Dealing in, attempting to deal in, or purporting to deal in hearing aids without a license or a trainee registration is a violation.

(a) Never held or expired:

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(b) Inactive:

(A) 1st offense: \$200;

(B) 2nd offense: \$500;

(C) 3rd offense: \$1,000

(D) 4th offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(c) Suspended or revoked:

(A) 1st offense: \$2,500;

(B) 2nd offense: \$5,000;

(C) 3rd offense: Monetary penalty and any other actions allowed by law including revocation of suspended authorization to practice and refusal to issue a new authorization to practice to a revoked authorization holder.

(2) Failing as a licensee to inform the Office within 30-calendar days of a change of information:

(a) 1st offense: \$100;

(b) 2nd offense: \$200;

(c) 3rd offense: \$500.

(3) Failing to properly supervise, or to adhere to a supervision standard for a trainee dealing in hearing aids:

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000 and suspension of the authorization to provide supervisory training;

(c) 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(4) Failing to adhere to a service area standard in OAR 331-660-0005:

(a) 1st offense: \$250;

(b) 2nd offense: \$500;

(c) 3rd offense: \$1,000.

(5) Failing to calibrate or provide proof of calibration on audiometric testing equipment:

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500.

(6) Failing to provide a client with a complete and properly formatted Statement to the Prospective Hearing Aid Purchaser:

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500.

(7) Failing to obtain a signed Waiver of Medical Opinion:

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500.

(8) Failing to respond timely to an Office request for information regarding a complaint:

(a) 1st offense: \$500;

(b) 2nd offense: \$1,000;

(c) 3rd offense: \$2,500 in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(9) Failing or refusing to rescind the sale of a hearing aid, pursuant to ORS 694.042:

(a) 1st offense: \$1,500 plus the purchaser price of the hearing aid

(b) 2nd offense: \$3,000 plus the purchaser price of the hearing aid

(c) 3rd offense: \$5,000 plus the purchaser price of the hearing aid, in addition to any other penalties allowed by law including probation, suspension, revocation or refusal to issue a license.

(10) Failing to meet professional standards related to testing for a hearing aid in OAR 331-660-0010.

(a) 1st offense: \$1,000;

(b) 2nd offense: \$2,500;

(c) 3rd offense: \$5,000 in addition to any other penalties allowed by law including probation,

(11) Failing to meet continuing education requirements or to provide or retain required documentation:

(a) 1st offense: \$500 and suspension or revocation of license;

(b) 2nd offense: \$1,000 and suspension or revocation of license;

(c) 3rd offense: \$5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.

(12) Failing to maintain client records for each client receiving services, or failing to allow the Office access to review client records upon request:

(a) 1st offense: \$500

(b) 2nd offense: \$1,000

(c) 3rd offense: \$5,000 in addition to any other penalties allowed by law including revocation or refusal to issue a license.