

ARTICLE 20:46

LICENSED HEARING AID DISPENSERS

Chapter

- 20:46:01 General provisions.
- 20:46:02 Continuing education.
- 20:46:03 Provisional licensure.
- 20:46:04 Application for licensure.

CHAPTER 20:46:01

GENERAL PROVISIONS

Section

- 20:46:01:01 and 20:46:01:02 Repealed.
- 20:46:01:03 Record keeping, Repealed.
- 20:46:01:04 ~~Physicians~~ Physician consultation ~~required~~ advised.
- 20:46:01:05 Definitions.

20:46:01:03. Record keeping. ~~A permanent record of tests shall be kept on file in the dispenser's office~~ Repealed.

Source: SL 1975, ch 16, § 1; 2 SDR 58, effective March 8, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

~~General Authority:~~ SDCL 36-24-12(8).

~~Law Implemented:~~ SDCL 36-24-12(12) and (13).

20:46:01:04. Physician's Physician consultation ~~required~~ advised. ~~All A~~ A licensed hearing aid dispenser ~~licensees in the state shall~~ must advise the customer or prospective customer, in writing, that the customer's best interests would be served by consulting a physician prior to the licensed hearing aid dispenser's determination for fitting a hearing aid if the licensed hearing aid dispenser finds any of the following conditions to exist during an examination or consultation:

- (1) Visible congenital or traumatic deformity of the ear;
 - (2) ~~History of active~~ Active discharge from the ear within the previous ~~90~~ ninety days or history of intermittent discharge;
 - (3) ~~History of recent sudden~~ Sudden or rapidly progressive hearing loss within the previous ~~90~~ ninety days;
 - (4) Acute or chronic dizziness;
 - (5) An ~~air/bone~~ air-bone gap of ~~15 to 20~~ fifteen-to-twenty decibels, or more, in the audiogram;
- or
- (6) ~~The customer is 16 years of age or younger; or~~
 - ~~——(7) Visible evidence of~~ excessive buildup of cerumen accumulation, or a foreign body, in the ear canal.

Source: SL 1975, ch 16, § 1; 2 SDR 58, effective March 8, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL ~~36-24-12(8)~~ 36-24-47.

Law Implemented: SDCL ~~36-24-12(12) and (13)~~ 36-24-1.7.

20:46:01:05. Definitions. Terms used in this article mean the same as SDCL chapter 36-24.

Source:

General Authority: SDCL 36-24-47.

Law Implemented: SDCL 36-24-1.

CHAPTER 20:46:02
CONTINUING EDUCATION

Section

- 20:46:02:01 Applicability, Repealed.
- 20:46:02:02 Required continuing education.
- 20:46:02:03 Waiver of continuing education requirement.
- 20:46:02:04 Repealed.

20:46:02:01. Applicability. ~~The continuing education requirements apply to all hearing aid dispensers holding a license issued by the board~~ Repealed.

Source: 2 SDR 58, effective March 8, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 33, effective September 22, 1997.

~~General Authority: SDCL 36-24-46.~~

~~Law Implemented: SDCL 36-24-12.1(15).~~

20:46:02:02. Required continuing education. ~~Hearing aid dispensing licensees in this state~~

To renew a license, a licensee shall ~~attend~~ complete a minimum of ~~at least 12~~ twelve hours of continuing education ~~each calendar year~~ on or before July first and submit evidence of such attendance completion with the application required by SDCL 36-24-28.1 to the board as a prerequisite to the approval of the annual renewal of their license. This section does not apply to a licensee who is renewing for the first time.

An activity is eligible for credit toward continuing education hours if it relates to the practice of hearing aid dispensing and either:

- (1) Improves or maintains the licensee's professional skills; or
- (2) Broadens or refreshes the licensee's knowledge of governing laws, rules, or ethical standards.

Source: 2 SDR 58, effective March 8, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 33, effective September 22, 1997.

General Authority: SDCL ~~36-24-46~~ 36-24-47(2).

Law Implemented: SDCL 36-24-12.1~~(15)~~(4), 36-24-28.1.

20:46:02:03. Waiver of continuing education requirement. The board may waive the continuing education requirement of § 20:46:02:02 ~~may be waived by the board only upon receipt of evidence submitted by the licensee verifying the licensee's inability to acquire any continuing education because of illness of the licensee or a member of the licensee's immediate family, substantiated by the attending physician, or because of any other circumstances beyond the licensee's normal control, substantiated by evidence satisfactory to the board~~ an application for a waiver from the licensee on or before June first. The board may grant the waiver:

(1) If the licensee has an illness that prevented the licensee from completing the continuing education requirement certified by the licensee's attending physician, physician assistant, or nurse practitioner; or

(2) For the licensee's undue hardship upon good cause shown to the satisfaction of the board.

Source: 2 SDR 58, effective March 8, 1976; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 33, effective September 22, 1997.

General Authority: ~~SDCL 36-24-46~~ 36-24-47.

Law Implemented: 36-24-12.1(15)(4), 36-24-28.1.

20:46:03:01. Supervision of provisional hearing aid licensee. A provisional hearing aid dispensing licensee shall receive ~~40~~ forty hours of direct, face-to-face supervision, ~~as referred to in the manner described in SDCL 36-24-24.2,~~ during the first week of providing services under a provisional hearing aid dispensing licensure license. For a provisional licensee working part-time, the required hours may be divided over the first two weeks of providing services under provisional licensure. The provisional licensee shall receive at least ~~8~~ eight hours of direct, face-to-face supervision each week thereafter for the duration of provisional licensure. The supervisor shall verify supervision on a form provided by the board. A supervisor may provide supervision to no more than three provisional licensees at one time.

Source: 18 SDR 142, effective March 11, 1992; 24 SDR 33, effective September 22, 1997.

General Authority: SDCL ~~36-24-46~~ 36-24-47.

Law Implemented: SDCL 36-24-24.2.

CHAPTER 20:46:04

APPLICATION FOR LICENSURE

Section

20:46:04:01 Information required, Repealed.

20:46:04:02 Remittance of fees, Repealed.

20:46:04:03 Fee schedule for applications and licensure.

20:46:04:04 Fee for licensure by endorsement without examination, Repealed.

20:46:04:05 Annual license renewal—Renewal fees—Thirty day grace period for renewal—Late fee.

20:46:04:06 Incomplete application.

20:46:04:01. Information required. ~~Evidence of qualification for licensure must be based on information given on the application form; the examination, if required; fees as required in this chapter; and on any additional information the board considers necessary for clarification of submitted material.~~

~~—All persons seeking hearing aid dispensing licensure must include with the application the following information:~~

~~—(1) Type of annual license;~~

~~—(2) Name, address, phone number, and date of birth of the applicant;~~

~~—(3) Name of employer, address, and phone number;~~

~~—(4) Name of supervisor; and~~

~~—(5) Employment record for the previous five years Repealed.~~

Source: 24 SDR 33, effective September 22, 1997.

~~—**General Authority:** SDCL 36-24-46.~~

~~—**Law Implemented:** SDCL 36-24-17.1.~~

20:46:04:02. Remittance of fees. ~~Application fees for an annual license must be remitted to the board in the form of a cashier's check, personal check, certified check, or money order made payable to the South Dakota Board of Hearing Aid Dispensers and Audiologists. The board may take no action on any application for license until the fee is received~~ Repealed.

Source: 24 SDR 33, effective September 22, 1997.

~~— **General Authority:** SDCL 36-24-46.~~

~~— **Law Implemented:** SDCL 36-24-17.1.~~

20:46:04:03. Fee schedule for applications and licensure. The ~~fee~~ board shall impose the following application and licensure fees ~~for application for initial license is as follows:~~

- (1) Hearing aid dispenser license, initial or renewal, \$200 two hundred dollars;
- (2) Provisional hearing aid dispenser license, \$100 one hundred dollars;
- (3) Late fee for renewal application received within the grace period described in SDCL 36-24-28.1, fifty dollars;
- (4) Late fee for reinstatement pursuant to SDCL 36-24-29.1, fifty dollars; and
- (5) Late fee for reinstatement after a suspended or revoked license pursuant to SDCL 36-24-29.2, fifty dollars.

All fees paid to the board are nonrefundable.

Source: 24 SDR 33, effective September 22, 1997.

General Authority: ~~SDCL 36-24-46~~ 36-24-17.2(2), 36-24-25.1(2), 36-24-28.1, 36-24-29.1, 36-24-29.2.

Law Implemented: ~~SDCL 36-24-17.1~~ 36-24-17.2(2), 36-24-24.2(3), 36-24-25.1(2), 36-34-28.1(1), 36-24-29.1(3), 36-24-29.2.

20:46:04:04. Fee for licensure by endorsement without examination. ~~The fee for application for a hearing aid dispensing license by endorsement without examination is \$200~~
Repealed.

Source: 24 SDR 33, effective September 22, 1997.

~~—— **General Authority:** SDCL 36-24-46.~~

~~—— **Law Implemented:** SDCL 36-24-25.1.~~

20:46:04:05. Annual license renewal~~—Renewal fees—Thirty-day grace period for renewal—Late fee.~~ Each person who holds a hearing aid dispensing license shall renew A licensee must remit the annual renewal application for a hearing aid dispenser license to the board by on or before July first of each year by the payment to the board of a fee of \$200. A 30-day grace period is allowed after July first during which the renewal fee may be paid. An applicant seeking to renew a license after the 30-day grace period ending August 1 of the renewal year must pay a late fee. The late fee is an additional \$50.

Source: 24 SDR 33, effective September 22, 1997.

General Authority: SDCL 36-24-28.1,~~36-24-46.~~

Law Implemented: SDCL 36-24-28.1.

20:46:04:06. Incomplete application. An application for initial licensure deemed incomplete by the board must be completed by the applicant within one year from the date received by the board, or the board must consider the application withdrawn.

Source:

General Authority: SDCL 36-24-47(7).

Law Implemented: SDCL 36-24-17.2(1), 36-24-28.1.

ARTICLE 20:72

AUDIOLOGISTS

Chapter

- 20:72:01 Continuing education.
- 20:72:02 Provisional licensure, Repealed.
- 20:72:03 Application for licensure.
- 20:72:04 General provisions.

CHAPTER 20:72:01

CONTINUING EDUCATION

Section

- 20:72:01:01 Applicability, Repealed.
- 20:72:01:02 Required continuing education.
- 20:72:01:03 Waiver of ~~attendance~~ continuing education requirement.

20:72:01:01. Applicability. ~~The continuing education requirements apply to all audiologists holding a license issued by the board~~ Repealed.

Source: 24 SDR 33, effective September 22, 1997.

~~General Authority:~~ SDCL 36-24-46.

~~Law Implemented:~~ SDCL 36-24-12.1(15).

20:72:01:02. Required continuing education. ~~Audiologist licensees in this state shall attend~~

To renew a license, an audiologist shall complete a minimum of at least 12 twelve hours of continuing education on or before July first each calendar year and submit evidence of such attendance completion with the application required by SDCL 36-24-28.1 to the board as a prerequisite to the approval of the annual renewal of their license. This section does not apply to an audiologist who is renewing for the first time.

An activity is eligible for credit toward continuing education hours if it relates to the practice of audiology and either:

- (1) Improves or maintains the audiologist's professional skills; or
- (2) Broadens or refreshes the audiologist's knowledge of governing laws, rules, or ethical standards.

Source: 24 SDR 33, effective September 22, 1997.

General Authority: SDCL ~~36-24-46~~ 36-24-47(2).

Law Implemented: SDCL 36-24-12.1~~(15)~~(4), 36-24-28.1.

20:72:01:03. Waiver of ~~attendance~~ continuing education requirement. The board may
waive the continuing education requirement of § 20:72:01:02 ~~may be waived by the board~~ only upon
receipt of ~~evidence submitted by the licensee verifying the licensee's inability to acquire any~~
~~continuing education because of illness of the licensee or that of a member of the licensee's~~
~~immediate family, substantiated by the attending physician, or because of any other circumstances~~
~~beyond the licensee's normal control, substantiated by evidence satisfactory to the board~~ an
application for a waiver from an audiologist on or before June first. The board may grant the waiver:
(1) If the audiologist has an illness that prevented the audiologist from completing the continuing
education requirement certified by the audiologist's attending physician, physician assistant, or nurse
practitioner; or
(2) For the audiologist's undue hardship upon good cause shown to the satisfaction of the board.

Source: 24 SDR 33, effective September 22, 1997.

General Authority: SDCL ~~36-24-46~~ 36-24-47(2).

Law Implemented: SDCL ~~36-24-12.1(15)~~(4), 36-24-28.1.

CHAPTER 20:72:02
PROVISIONAL LICENSURE

(Repealed)

Section

20:72:02:01 Requirements for provisional license, Repealed.

20:72:02:01. Requirements for provisional license. ~~The provisional license allows the applicant for an audiology license to complete the requirements of SDCL 36-24-17.3. A provisional license expires annually on July first and may be renewed twice by completing the form supplied by the board, paying the required fees, and completing the continuing education requirement in § 20:72:01:02 Repealed.~~

Source: 24 SDR 33, effective September 22, 1997.

~~—— **General Authority:** SDCL 36-24-24.3, 36-24-28.1.~~

~~—— **Law Implemented:** SDCL 36-24-24.3, 36-24-28.1.~~

CHAPTER 20:72:03
APPLICATION FOR LICENSURE

Section

- 20:72:03:01 Information required, Repealed.
- 20:72:03:02 Remittance of fees, Repealed.
- 20:72:03:03 Fee schedule for ~~applications~~ application and licensure.
- 20:72:03:04 Annual license renewal ~~—Renewal fees—Thirty day grace period for renewal—~~
 Late fee.
- 20:72:03:05 Incomplete application.

20:72:03:01. Information required. ~~The board shall determine qualification for licensure from information given on the application form; examination, if required; fees as required by § 20:72:03:04; and any additional information the board considers necessary for clarification of submitted material.~~

~~Persons seeking audiology licensure must include with the application the following information:~~

- ~~(1) Type of annual license;~~
- ~~(2) Name, address, phone number, and date of birth of applicant;~~
- ~~(3) Name of employer, address, and phone number;~~
- ~~(4) Name of supervisor;~~
- ~~(5) Name and location of regionally accredited college or universities attended where master's degree or doctorate in audiology was issued;~~
- ~~(6) Proof of passing the national examination in audiology;~~
- ~~(7) Verification of completion of a supervised graduate professional experience in audiology supervised by a licensed or certified audiologist; and~~
- ~~(8) Employment record for the previous five years Repealed.~~

Source: 24 SDR 33, effective September 22, 1997.

~~**General Authority:** SDCL 36-24-46.~~

~~**Law Implemented:** SDCL 36-24-17.1, 36-24-17.3.~~

20:72:03:02. Remittance of fees. ~~Application fees for an annual license must be remitted to the board in the form of a cashier's check, personal check, certified check, or money order made payable to the South Dakota Board of Hearing Aid Dispensers and Audiologists. The board may take no action on any application for license until the fee is received~~ Repealed.

Source: 24 SDR 33, effective September 22, 1997.

~~General Authority: SDCL 36-24-46.~~

~~Law Implemented: SDCL 36-24-17.1.~~

20:72:03:03. Fee schedule for ~~applications~~ application and licensure. The board shall impose the following application for an annual license is as follows and licensure fees:

(1) Audiologist license, initial or renewal, \$200 two hundred dollars;

(2) ~~Provisional audiologist~~ Late fee for renewal application received within the grace period described in SDCL 36-24-28.1, \$100 fifty dollars;

(3) Late fee for reinstatement pursuant to SDCL 36-24-29.1, fifty dollars; and

(4) Late fee for reinstatement after a suspended or revoked license pursuant to SDCL 36-24-29.2, fifty dollars.

All fees paid to the board are nonrefundable.

Source: 24 SDR 33, effective September 22, 1997.

General Authority: SDCL ~~36-24-46~~ 36-24-17.3(2), 36-24-25.1(2), 36-24-28.1, 36-24-29.1, 36-24-29.2.

Law Implemented: SDCL ~~36-24-17.1~~ 36-24-17.3(2), 36-24-25.1(2) 36-34-28.1(1), 36-24-29.1(3), 36-24-29.2.

20:72:03:04. Annual license renewal—Renewal fees—Thirty-day grace period for renewal—Late fee. ~~Each person who holds a license shall renew~~ A licensee must remit the annual renewal application for an audiology license to the board by on or before July first of each year by the payment to the board of a fee as follows:

~~——~~ (1) Audiologist, \$200;

~~——~~ (2) Provisional audiologist, \$100.

~~—— A 30-day grace period is allowed after July first during which the renewal fee may be paid. An applicant seeking to renew a license after the 30-day grace period ending August 1 of the renewal year must pay a late fee. The late fee is an additional \$50.~~

Source: 24 SDR 33, effective September 22, 1997.

General Authority: SDCL 36-24-28.1, ~~36-24-46~~.

Law Implemented: SDCL 36-24-28.1.

20:72:03:05. Incomplete application. An application for initial licensure deemed incomplete by the board must be completed by the applicant within one year from the date received by the board, or the board must consider the application withdrawn.

Source:

General Authority: SDCL 36-24-47(7).

Law Implemented: SDCL 36-24-17.3, 36-24-28.1.

CHAPTER 20:72:04
GENERAL PROVISIONS

Section

20:72:04:01 Definitions.

20:72:04:01. Definitions. Terms used in this article mean the same as SDCL chapter 36-24.

Source:

General Authority: 36-24-47.

Law Implemented: 36-24-1.