

Repeal Hcp 100, effective 12-3-08 (Document #9336), as follows:

~~CHAPTER Hcp 100 DEFINITIONS, ORGANIZATION AND PUBLIC INFORMATION~~

~~PART Hcp 101 PURPOSE AND SCOPE~~

~~— Hcp 101.01 Purpose and Scope. The rules of this title implement the statutory responsibilities of the New Hampshire board of hearing care providers created by RSA 137-F:3 and are made pursuant to RSA 137-F:6.~~

~~PART Hcp 102 DEFINITIONS~~

~~— Hcp 102.01 Terms Used. As used in these rules, the following terms shall have the meanings as set below:~~

~~— (a) “Audiologist” means “audiologist” as defined by RSA 137-F:2, I, namely, “any person who renders or offers to render to the public any service involving the application of principles, methods, and procedures for the measurement of testing, identification, appraisal, consultation, counseling, instruction, and research related to the development and disorders of hearing and vestibular function for the purpose of diagnosing, designing, and implementing programs for the amelioration of such disorders and conditions;”~~

~~— (b) “Audiology” means “audiology” as defined by RSA 137-F:2, II, namely, “the application of principles, methods, and procedures related to the development and disorders of human communication, which disorders shall include any and all conditions whether of organic or nonorganic origin, that impede the normal processes of human communication and balance including, but not limited to, disorders of hearing, vestibular function, and central auditory processing;”~~

~~— (c) “Board” means “board” as defined by RSA 137-F:2, III, namely, “the board of hearing care providers;”~~

~~— (d) “Days” means “days” as defined by RSA 137-F:2, X, namely, “Monday through Friday, excluding official holidays;”~~

~~— (e) “Hearing aid” means “hearing aid” as defined by RSA 137-F:2, IV; namely, “any wearable instrument or device designed for or offered for the purpose of or represented as aiding or compensating for impaired human hearing and any parts or attachments, including ear molds, but excluding batteries and cords or accessories thereto, or equipment, devices, and attachments used in conjunction with services provided by a public utility company;”~~

~~— (f) “Hearing aid dealer” means “hearing aid dealer” as defined by RSA 137-F:2, V, namely, “any person engaged in the testing of human hearing for the purpose of selecting, fitting, or otherwise dealing in hearing aids.” The term includes any person who physically modifies a hearing aid/earmold or adjusts a hearing instrument’s electroacoustic performance but does not include rudimentary cleaning or basic hearing aid orientation/instruction;~~

~~— (g) “License” means the form of permission required, pursuant to RSA 137-F:11, to be obtained from the board before a person can lawfully practice audiology;~~

~~— (h) “Licensee” means a person who has received a license issued by the board pursuant to RSA 137-F:11 to practice audiology;~~

~~— (i) “Licensure” means the process by which a person applies for a license from the board and the board’s action to grant or deny such license;~~

~~— (j) “Otolaryngologist” means “otolaryngologist” as defined by RSA 137 F:2, VI, namely, “a physician licensed in the state of New Hampshire who specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the American Board of Otolaryngology as an otolaryngologist;”~~

~~— (k) “Practice of audiology” means “practice of audiology” as defined by RSA 137 F:2, VII, namely, it “means, but shall not be limited to:~~

~~(1) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and preventing hearing disorders.~~

~~(2) Rendering to individuals or groups of individuals, who are suspected of having hearing disorders, basic and comprehensive audiological and vestibular site of lesion tests, including otoscopic examinations, electrophysiologic test procedures, and auditory evoked assessment.~~

~~(3) Rendering basic and comprehensive auditory and vestibular habilitative and rehabilitative services, including aural rehabilitative assessment and therapy, vestibular rehabilitative assessment and therapy, and speech and language screening.~~

~~(4) Providing basic and comprehensive audiological and psychoacoustic evaluations for the purpose of determining candidacy for amplification or assistive alerting/listening devices; providing tinnitus evaluations and therapy; providing hearing aid fitting and orientation; taking ear impressions; and providing hearing aid product dispensing, repair, and modification.~~

~~(5) Providing preoperative evaluation and selection of cochlear implant candidacy and post-implant rehabilitation.~~

~~(6) Providing occupational hearing conservation;”~~

~~— (l) “Registrant” means a person who has registered with the board pursuant to RSA 137 F:9 as a hearing aid dealer;~~

~~— (m) “Rental or selling of hearing aids” means “rental or selling of hearing aids” as defined by RSA 137 F:2, VIII, namely, “the selection, adaptation, and sale or rental of hearing aids. Also included is the making of impressions for ear molds and instruction pertaining to the use of hearing aids;” and~~

~~— (n) “Sell” or “sale” means “sell” or “sale” as defined by RSA 137 F:2, IX, namely, “any transfer of title or of the right of use by sale, conditional sales contract, lease bailments, hire purchase or any other means, excluding wholesale transactions of dealers and distributors.”~~

~~PART Hep 103 AGENCY ORGANIZATION~~

~~— Hep 103.01 Composition of the Board. The board consists of 7 members who meet the eligibility requirements of RSA 137 F:3.~~

~~— Hep 103.02 Staff. The board obtains staff assistants as necessary to perform its record keeping and other statutory functions, and to oversee the board’s daily operations. The board’s secretary is responsible for typing, maintaining all records of the board’s activities and for receiving correspondence, filings and other communications and documents.~~

~~— Hep 103.03 Office Hours, Office Location, Mailing Address and Telephone.~~

~~— (a) The board's mailing address is:~~

~~Board of Hearing Care Providers
Philbrook Building~~

~~121 South Fruit Street~~

~~Concord, NH 03301~~

~~— (b) Correspondence, filings and other communications intended for the board shall be addressed to the board's secretary at the location stated in Hep 103.03(a).~~

~~— (c) The board's telephone number is (603) 271-9482.~~

~~PART Hep 104 PUBLIC INFORMATION~~

~~— Hep 104.01 Record of Board Actions. Minutes shall be kept of board meetings and of official actions taken by the board pursuant to RSA 91-A:3, III. These minutes shall record the members who participate in each vote and separately record the position of members who choose to dissent, abstain or concur. Minutes of all board meetings are governmental records and, unless the board has voted to seal them pursuant to RSA 91-A:3, III, shall be available for inspection during the board's ordinary office hours within 72 hours of each such meeting.~~

~~— Hep 104.02 Custodian of Records. The executive secretary shall be the custodian of the board's records and shall respond to requests to examine those records which are subject to public inspection or are otherwise accessible by the person requesting access.~~

~~— Hep 104.03 Copies of Records. Any person may request and obtain copies of board governmental records upon paying a copying fee of \$.25 per page of hardcopy. No fee shall be charged for electronic copies of existing board electronic records. If records requested contain both disclosable and confidential information, the board shall redact the confidential information and only provide the disclosable information.~~

~~PART Hep 105 MEETINGS, DELIBERATIONS AND DECISIONS~~

~~— Hep 105.01 Meetings. The board meets every month, or as needed at such times and places as the board determines is necessary.~~

~~— Hep 105.02 Quorum. No action shall be taken by the board if there is no quorum, which is 4 members of the board.~~

~~PART Hep 106 APPOINTMENT OF COMMITTEES~~

Text added to initial proposal shown in ***bold italics***
Text deleted from initial proposal shown ~~struck through~~

~~Hcp 106.01 Subcommittees:~~

~~(a) As set forth in RSA 137-F:4, the board has 2 subcommittees, the hearing aid dealers subcommittee, and the audiology subcommittee.~~

~~(b) The hearing aid dealers subcommittee consists of the 2 non-audiologist hearing aid dealer members of the board and one of the public members.~~

~~(c) The audiology subcommittee consists of the 2 audiologist board members, the otolaryngologist board member, and the other public member.~~

~~(d) The subcommittees undertake investigations and make recommendations to the board in their respective areas of expertise, but cannot take final action on behalf of the board.~~

APPENDIX I

Rule	Specific State Statute the Rule Implements
Hcp 100 (repeal)	2021, 91:185