

EXPEDITED REPEAL NOTICE FORM

Proposed Expedited Repeal Number _____ Rule Number **Hcp 100**

1. Agency Name & Address: Governing Board of Speech-Language Pathologists and Hearing Care Providers c/o Office of Professional Licensure and Certification 7 Eagle Square Concord, NH 03301	2. RSA Authority: <u> 2021, 91:185 </u> 3. Federal Authority: <u> N/A </u>
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4. Short Title: **Definitions, Organization and Public Information**

5. Explanation of the reason for the proposed repeal:

The Governing Board of Speech-Language Pathologists and Hearing Care Providers proposes to repeal Hcp 100 on organizational rules for the former Board of Hearing Care Providers (former Board). The former Board was abolished pursuant to 2021, 91:185, effective July 1, 2021, which repealed RSA 137-F. The former Board was effectively merged pursuant to 2021, 166-186 with the Governing Board of Speech-Language Pathologists, now re-named the Governing Board of Speech-Language Pathologists and Hearing Care Providers. The Governing Board of Speech-Language Pathologists and Hearing Care Providers is also adopting organizational rules numbered Sphe 100 pursuant to RSA 541-A:16, I(a) in a regular rulemaking proceeding.

6. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Chantell B. Wheeler	Title:	Rules Coordinator
Address:	OPLC 7 Eagle Square Concord, NH 03301	Phone #:	603-271-8311
		Fax#:	N/A
		E-mail:	chantell.b.wheeler@oplc.nh.gov
		TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

7. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **October 18, 2024, at 4:00 p.m.**

Fax X E-mail Other format (specify):

8. Public hearing scheduled for:

Date and Time: **October 8, 2024, at 2 p.m.**

Place: **OPLC, 7 Eagle Square, Concord, NH 03301**

Electronic Access (if applicable): **Not applicable**

Text added to existing rules shown in *bold italics*
Text deleted from existing rules shown ~~struck through~~

Repeal Hcp 101 through Hcp 106, effective 12-3-08 (Document #9336), as follows:

~~PART Hcp 101 PURPOSE AND SCOPE~~

Edit: "Repeal Hcp 100" and put the Chapter heading underneath the AARL.

~~— 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.~~

Text added to existing rules shown in *bold italics*
Text deleted from existing rules shown ~~struck through~~

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~~— 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 existing rules shown in ***bold italics***
Text deleted from existing rules shown ~~struck through~~

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~~— 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

Note to JLCAR/Legis. Intent: These rules were effective under Chapter Law 91:186, Laws of 2021 until they "expire or are amended or repealed." There is a question, however, of whether these rules need to be formally repealed, as RSA 541-A:17, II states that organizational rules automatically expire 1 year after the statute governing the agency is adopted or amended in a way that renders the agency's organizational rules as inaccurate. In this case, the former governing board of hearing care provider's statute was repealed entirely effective July 1, 2021, so there is a question of whether these rules already expired on July 1, 2022.

'dThe former board was merged with the speech language pathology governing board to create a new board, the governing board of speech-language pathologists and hearing care providers. This new board is establishing its own organizational rules under a new rule acronym, Sphe 100. The proposal for the Sphe 100 rules was filed with OLS, it is proposal 2024-166, and the deadline to file an FP is 3/4/2025.

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1 91:165 Allied Health Professionals; Re-ordering of Definitions. RSA 328-F:2 is repealed and
2 reenacted to read as follows:

3 328-F:2 Definitions. In this chapter:

- 4 I. "Athletic training" means "athletic training" as defined in RSA 326-G:1, III.
- 5 II. "Board of directors" means the chairpersons or their appointees of all the governing
6 boards which shall be responsible for the administrative operation of the office of licensed allied
7 health professionals.
- 8 III. "Genetic counseling" means genetic counseling as defined in RSA 326-K:1.
- 9 IV. "Governing boards" means individual licensing boards of athletic trainers, occupational
10 therapy assistants, occupational therapists, recreational therapists, physical therapists, physical
11 therapist assistants, respiratory care practitioners, **speech-language pathologists and hearing care**
12 **providers**, and genetic counselors.
- 13 V. "Hearing care providers" mean audiologists and hearing aid dealers as defined in RSA
14 326-F:1.
- 15 VI. "Occupational therapy" means "occupational therapy" as defined in RSA 326-C:1, III.
- 16 VII. "Office of licensed allied health professionals" means an agency of multiple governing
17 boards in professions of the allied health field.
- 18 VIII. "Physical therapy" or "physiotherapy" means "physical therapy" or "physiotherapy" as
19 defined in RSA 328-A:2, IX.
- 20 IX. "Recreational therapy" means "recreational therapy" as defined in RSA 326-J:1, III.
- 21 X. "Respiratory care" means "respiratory care" as defined in RSA 326-E:1, X.
- 22 XI. "Speech-language pathology" means "speech-language pathology" as defined in RSA
23 326-F:1.

24 91:166 Allied Health Professionals; Governing Boards; Hearing Care Providers. Amend RSA
25 328-F:3, I to read as follows:

26 I. There shall be established governing boards of athletic trainers, occupational therapists,
27 recreational therapists, respiratory care practitioners, physical therapists, speech-language
28 pathologists, **hearing care providers**, and genetic counselors.

29 91:167 Allied Health Professionals; Governing Boards; Membership. Amend RSA 328-F:4, I to
30 read as follows:

31 I. Each governing board shall be composed of 5 persons, each to be appointed by the
32 governor with the approval of the council, to a term of 3 years, **except the *speech-language***
33 ***pathology and hearing care provider governing board* which shall be composed of 6**
34 ***members, each to be appointed by the governor with the approval of the council, to a term***
35 ***of 3 years.*** Members shall serve until the expiration of the term for which they have been
36 appointed or until their successors have been appointed and qualified. No board member shall be
37 appointed to more than 2 consecutive terms, provided that for this purpose only a period actually

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1 served which exceeds 1/2 of the 3-year term shall be deemed a full term. Any professional members
2 of all governing boards shall maintain current and unrestricted New Hampshire licenses.

3 91:168 Speech Language Pathology and Hearing Care Provider Governing Board; Membership.
4 Amend RSA 328-F:4, VIII to read as follows:

5 VIII. The speech-language pathology *and hearing care provider* governing board shall
6 consist of 4 licensed speech-language pathologists who have actively engaged in the practice of
7 speech-language pathology in this state for at least 3 years, *one licensed individual in the field*
8 *of hearing care who has actively engaged in the practice*, and one public member. At least
9 one speech-language pathologist shall be employed in an educational setting and at least one
10 employed in a clinical setting.

11 91:169 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Registration.
12 Amend RSA 328-F:5 by inserting after paragraph I-a the following new paragraph:

13 I-b. Issue initial registrations, conditional initial registrations, renewed registrations,
14 conditionally renewed registrations, reinstated registrations, and conditionally reinstated
15 registrations to businesses who are eligible if authorized to do so by the board's practice act.

16 91:170 New Paragraph; Allied Health Professionals; Governing Boards; Duties; Businesses.
17 Amend RSA 328-F:5 by inserting after paragraph II the following new paragraph:

18 II-a. Investigate registered businesses and take necessary disciplinary action against them.

19 91:171 New Paragraph; Allied Health Professionals; Governing Boards; Rulemaking; Hearing
20 Aid Dealers. Amend RSA 328-F:11 by inserting after paragraph II the following new paragraph:

21 III. The speech-language pathology and hearing care provider governing board shall adopt
22 rules on eligibility requirements and procedures for the issuance of registrations to hearing aid
23 dealers.

24 91:172 Allied Health Professionals; Governing Board; Fees. Amend RSA 328-F:15, I to read as
25 follows:

26 I. The board of directors shall establish fees for:

27 (a) The processing of applications for initial and reinstatement of licensure, ~~[or]~~
28 certification, *or registration*.

29 (b) Initial licenses, ~~[and]~~ certifications, *and registrations*.

30 (c) Renewal of licenses, ~~[and]~~ certifications, *and registrations*.

31 (d) Late filing of applications for license renewal and renewal of certification.

32 (e) Reinstatement of licenses, ~~[and]~~ certifications, *and registrations*.

33 (f) Transcribing and transferring records.

34 (g) The costs of a hearing by any governing board at which the issue is denial of, or
35 imposition of conditions on, an initial license or certification, including the per diem and mileage of
36 board members attending the hearing and the cost of a shorthand court reporter if one is used to
37 record the hearing.

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1 **(h) The registration of hearing aid dealers.**

2 91:173 Allied Health Professionals; Governing Boards; Initial Licenses, Certifications, and
3 Registrations. Amend RSA 328-F:18, IV to read as follows:

4 IV. Initial licenses, **certifications, and registrations**, including conditional licenses,
5 **certifications, and registrations** that are the first license, **certificate, or registration** issued to
6 the individual **or hearing aid dealer**, and provisional licenses, **certifications, and registrations**
7 shall be:

8 (a) Signed and dated by the chairperson of the governing board issuing them **or his or**
9 **her designee**.

10 (b) Numbered consecutively and recorded.

11 91:174 Allied Health Professionals; License Provisions; Renewal. Amend RSA 328-F:19 to read
12 as follows:

13 328-F:19 Renewal.

14 I. Initial licenses and renewals shall be valid for 2 years, except that timely and complete
15 application for license renewal by eligible applicants shall continue the validity of the licenses being
16 renewed until the governing board has acted on the renewal application. Licenses issued pursuant
17 to RSA 328-A, RSA 326-G, and RSA 326-J shall expire in even-numbered years and licenses issued
18 pursuant to RSA 326-C, RSA 326-E, RSA 326-F, and RSA 326-K shall expire in odd-numbered years.

19 ***I-a. A license issued to a hearing care provider shall expire at 12:01 a.m. on July 1***
20 ***of the odd-numbered year next succeeding its date of issuance. The governing board shall***
21 ***notify the licensee, on or before May 1 of the renewal year, but failure of any licensee to***
22 ***receive this notification shall not relieve him or her of the obligation to comply with the***
23 ***rules of the governing board and this section. Timely submission of renewal applications***
24 ***shall be evidenced by postmark or, for applications delivered by hand, by date stamp or***
25 ***other record made at the time of delivery.***

26 II. Each governing board shall renew the licenses of applicants who meet the eligibility
27 requirements and complete the application procedure.

28 III. Applicants **whose licenses expire on December 31 of the renewal year** shall submit
29 completed applications for renewal on or before December 1 of the renewal year. Completed
30 renewal applications submitted between December 2 and December 31 of the renewal year shall be
31 accompanied by a late filing fee. Licenses shall lapse when completed renewal applications have not
32 been filed by December 31 of the renewal year, and their holders are not authorized to practice until
33 the licenses have been reinstated.

34 IV. The governing boards shall provide licensees **whose licenses expire on December 31**
35 **of the renewal year**, on or before November 1 of their renewal years, with materials needed to
36 complete their renewal applications, but failure of any licensees to receive these materials shall not
37 relieve them of the obligation to comply with the rules of the governing boards and this section.

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1 Timeliness of submission of renewal applications shall be evidenced by postmark or, for applications
2 delivered by hand, by date stamp or other record made at the time of delivery.

3 V. Upon the request of a licensee who is a member of any reserve component of the armed
4 forces of the United States or the national guard and is called to active duty, the governing board
5 shall place the person's license on inactive status. The license may be reactivated within one year of
6 the licensee's release from active status by payment of the renewal fee and with proof of completion
7 of the most current continuing education requirement unless still within the renewal period.

8 91:175 Allied Health Professionals; License Provisions; Obligation to Report. Amend RSA 328-
9 F:25, I and II to read as follows:

10 I. Persons and entities regulated by the state, including but not limited to, licensees,
11 certified individuals, **registrants**, insurance companies, health care organizations, and health care
12 facilities shall report to the board of directors and the appropriate governing board any criminal
13 conviction of a licensee, [Ø] certified individual, **registered hearing aid dealer**, or any
14 determination by a regulatory agency indicating that a licensee, [Ø] certified individual, **or**
15 **registered hearing aid dealer** has violated this chapter or the practice act of his or her governing
16 board. Persons and entities so reporting shall be immune from civil liability if the report is made in
17 good faith.

18 II. Every individual, agency, facility, institution or organization regulated by the state and
19 employing licensed allied health professionals **or using the services of a registered hearing aid**
20 **dealer** within the state shall report to the appropriate governing board within 30 days any act by an
21 individual licensed or certified by the board that appears to constitute misconduct. Persons and
22 entities so reporting shall be immune from civil liability if the report is made in good faith.

23 91:176 Allied Health Professionals; Unauthorized Practice. Amend RSA 328-F:27, II to read as
24 follows:

25 II. Practice of an allied health profession by any person who is not licensed [Ø], certified, **or**
26 **registered** to practice such profession shall constitute unauthorized practice. A business which
27 holds itself out, through advertising or in any other way, as providing an allied health service but
28 does not have available to supervise its services an allied health professional licensed [Ø], certified,
29 **or registered** to provide the services which the business purports to offer, is engaged in
30 unauthorized practice.

31 91:177 Speech Language Pathology Practice. Amend the chapter heading of RSA 326-F to read
32 as follows:

33 CHAPTER 326-F

34 **SPEECH-LANGUAGE PATHOLOGY AND HEARING CARE PROVIDERS PRACTICE**

35 91:178 Speech-Language Pathology and Hearing Care Providers Practice; Definitions. RSA
36 326-F:1 is repealed and reenacted to read as follows:

37 326-F:1 Definitions. In this chapter and RSA 328-F:

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1 I. "Audiologist" means any person who renders or offers to render to the public any service
2 involving the application of principles, methods, and procedures for the measurement of testing,
3 identification, appraisal, consultation, counseling, instruction, and research related to the
4 development and disorders of hearing and vestibular function for the purpose of diagnosing,
5 designing, and implementing programs for the amelioration of such disorders and conditions.

6 II. "Audiology" means the application of principles, methods, and procedures related to the
7 development and disorders of human communication, which disorders shall include any and all
8 conditions whether of organic or nonorganic origin, that impede the normal processes of human
9 communication and balance including, but not limited to, disorders of hearing, vestibular function,
10 and central auditory processing.

11 III. "Board" means the governing board of speech-language pathologists and hearing care
12 providers established in RSA 328-F.

13 IV. "Hearing aid" means any wearable instrument or device designed for or offered for the
14 purpose of or represented as aiding or compensating for impaired human hearing and any parts or
15 attachments, including ear molds, but excluding batteries and cords or accessories thereto, or
16 equipment, devices, and attachments used in conjunction with services provided by a public utility
17 company.

18 V. "Hearing aid dealer" means any person engaged in the testing of human hearing for the
19 purpose of selecting, fitting, or otherwise dealing in hearing aids.

20 VI. "Otolaryngologist" means a physician licensed in the state of New Hampshire who
21 specializes in medical problems of the ear, nose, and throat, and is eligible for qualification by the
22 American Board of Otolaryngology as an otolaryngologist.

23 VII. "Practice of audiology" means, but shall not be limited to:

24 (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and
25 preventing hearing disorders.

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

29 (c) Rendering basic and comprehensive auditory and vestibular habilitative and
30 rehabilitative services, including aural rehabilitative assessment and therapy, vestibular
31 rehabilitative assessment and therapy, and speech and language screening.

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

36 (e) Providing preoperative evaluation and selection of cochlear implant candidacy and
37 post-implant rehabilitation.

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1 (f) Providing occupational hearing conservation.

2 VIII. "Practice of speech-language pathology" means, but shall not be limited to:

3 (a) Screening, identifying, assessing, interpreting, diagnosing, rehabilitating, and
4 preventing disorders of speech and language.

5 (b) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating
6 disorders of oral-pharyngeal function and related disorders.

7 (c) Screening, identifying, assessing, interpreting, diagnosing, and rehabilitating
8 cognitive communication disorders.

9 (d) Assessing, selecting, and developing augmentative and alternative communication
10 systems and providing training in their use.

11 (e) Providing aural rehabilitation and related counseling services to deaf or hard of
12 hearing individuals and their families.

13 (f) Enhancing speech-language proficiency and communication effectiveness.

14 (g) Screening of hearing and other factors for the purpose of speech-language evaluation
15 or the initial identification of individuals with other communication disorders.

16 IX. "Rental or selling of hearing aids" means the selection, adaptation, and sale or rental of
17 hearing aids. Also included is the making of impressions for ear molds and instruction pertaining to
18 the use of hearing aids.

19 X. "Sell" or "sale" means any transfer of title or of the right of use by sale, conditional sales
20 contract, lease bailments, hire-purchase or any other means, excluding wholesale transactions of
21 dealers and distributors.

22 XI. "Speech-language assistant" means any person certified by the board who meets
23 minimum qualifications established by the board which are less than those established by this
24 chapter as necessary for licensing as a speech-language pathologist, and who does not act
25 independently but works under the direction and supervision of a speech-language pathologist
26 licensed under this chapter.

27 XII. "Speech-language pathologist" means any person who renders or offers to render to the
28 public any service involving the application of principles, methods, and procedures for the
29 measurement of testing, identification, appraisal, consultation, counseling, instruction and research
30 related to the development and disorders of speech, voice, or language for the purpose of diagnosing,
31 designing, and implementing programs for the amelioration of such disorders and conditions.

32 XIII. "Speech-language pathology" means the application of principles, methods, and
33 procedures related to the development and disorders of human communication, which disorders shall
34 include any and all conditions whether of organic or nonorganic origin, that impede the normal
35 process of human communication including, but not limited to, disorders and related disorders of
36 speech, articulation, fluency, voice, verbal and written language, auditory comprehension, cognition,
37 communication, swallowing, and oral, pharyngeal or laryngeal sensorimotor competencies.

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1 91:179 **New Paragraph**; Speech Language Pathology and Hearing Care Providers Practice;
2 Eligibility for Initial Licensure. Amend RSA 326-F:3 by inserting after paragraph II the following
3 new paragraph:

4 III. To be eligible for initial licensure as an audiologist an applicant shall:

5 (a) Demonstrate sufficient evidence of good professional character and reliability to
6 satisfy the board that the applicant shall faithfully and conscientiously avoid professional
7 misconduct and otherwise adhere to the requirements of this chapter.

8 (b) Possess at least a master's degree in audiology from an educational institution
9 approved by the **board which consists of course work approved pursuant to rules adopted by the**
10 **board pursuant to RSA 541-A.**

11 (c) Complete a supervised postgraduate professional experience at an educational
12 institution or its cooperation programs, approved pursuant to rules adopted by the board pursuant to
13 RSA 541-A.

14 (d) **Pass an examination specified by the board in rules adopted under RSA 541-A.**

15 (e) Complete a supervised postgraduate professional experience.

16 (f) If applicable, submit proof of licensure in another state in which the licensure
17 requirements are equivalent to or greater than those in this chapter.

18 91:180 **New Paragraph**; Speech Language Pathology and Hearing Care Providers Practice;
19 Rulemaking. Amend RSA 326-F:5 by inserting after paragraph VII the following new paragraph:

20 VIII. The sale and fitting of hearing aids.

21 91:181 **Speech Language Pathology and Hearing Care Providers Practice**; Eligibility for
22 **Renewal of Licenses**. Amend RSA 326-F:6, I to read as follows:

23 I. ***For speech-language pathologists***, have completed 30 hours of continuing education
24 which meet the requirements established by the board through rulemaking pursuant to RSA 541-A
25 and at least 50 percent of which are directly related to the practice of speech-language pathology.

26 ***For audiologists, have completed 20 hours of continuing education which meet the***
27 ***requirements established by the board through rulemaking pursuant to RSA 541-A.***

28 91:182 **New Paragraphs**; **Speech-Language Pathology and Hearing Care Providers Practice**;
29 **Professional Identification**. Amend RSA 326-F:8 by inserting after paragraph IV the following new
30 paragraphs:

31 V. No person shall practice audiology or represent oneself as an audiologist in this state,
32 unless such person is licensed in accordance with the provisions of this chapter.

33 VI. No person shall represent oneself or use the following words to represent oneself:
34 audiologist, audiology, audiometry, audiometrist, audiological, audiometrics, hearing therapy,
35 hearing therapist, hearing clinic, hearing aid audiologist, or any other variation or synonym which
36 expresses, employs, or implies these terms or functions unless the person has been duly licensed as
37 an audiologist.

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1 91:183 **New Sections**; Registration of Hearing Aid Dealers; Temporary Licensure for
2 Audiologists; Audiologists From Other Jurisdictions; Disclosure to Customers; Unsolicited Home
3 Sales Prohibited; Return of Hearing Aid; Deceptive Advertising Prohibited. Amend RSA 326-F by
4 inserting after section 8 the following new sections:

5 326-F:9 Registration of Hearing Aid Dealers Required. No person shall engage in the business
6 of selling or offering for rent hearing aids unless such person is registered in accordance with this
7 chapter and unless the registration of such person is current and valid. The fee for an initial
8 registration under this section shall not exceed \$300. This section includes the selling or renting of
9 hearing aids by mail in this state by a person outside the state. Registration certificates shall be
10 renewed biennially on or before June 30 upon payment of a renewal fee.

11 326-F:10 Temporary Licensure for Audiologists.

12 I. A temporary license may be granted for up to 120 days to a person who has moved to this
13 state from another jurisdiction, if the person holds an audiologist's license in the other jurisdiction
14 and the other jurisdiction's requirements for licensure are greater than or equal to the requirements
15 in this state, and the person has applied for a license under this chapter.

16 II. A temporary license issued under this section shall expire no later than 120 days after
17 issuance. The date shall be stated on the license.

18 326-F:11 Audiologists From Other Jurisdictions; Licensure. The board may waive licensure
19 requirements for an applicant who:

20 I. Is licensed by another jurisdiction where the requirements for licensure are greater than
21 or equal to those required in this state; and

22 II. Is practicing audiology 20 days or less in New Hampshire in any calendar year.

23 326-F:12 Hearing Aid Dealer and/or Audiologist Disclosure to Customers.

24 I. No hearing aid dealer or audiologist shall sell a hearing aid without presenting the
25 purchaser an itemized receipt, which shall include the following:

26 (a) The name and address and signature of the purchaser.

27 (b) The date of the sale.

28 (c) The name and the regular place of business of the hearing aid dealer or dealer's
29 registration number or of the audiologist or audiologist's license number, and signature of the
30 registrant or licensee.

31 (d) The make, model, serial number, and purchase price of the hearing aid and the
32 terms of the warranty.

33 (e) An itemization of the total purchase price, including but not limited to the cost of the
34 aid, ear mold, and batteries and other accessories and any other services.

35 (f) A statement as to whether the hearing aid is "new," "used" or "reconditioned."

36 (g) The complete terms of the sale, including a clear and precise statement of the 30-day
37 money back guarantee required under RSA 326-F:14.

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1 (h) The name, address and telephone number of the consumer protection and antitrust
2 bureau, division of public protection, department of justice, with a statement that complaints which
3 arise with respect to the transaction may be submitted in writing to the consumer protection and
4 antitrust bureau.

5 (i) The following statements in 10 point type or larger: 1) "This hearing aid will not
6 restore normal hearing nor will it prevent further hearing loss;" 2) "You have the right to cancel this
7 purchase or rental for any reason within 30 days after receiving the hearing aid."

8 II. Each registrant or licensee shall keep records of every customer to whom such person
9 renders services or sells hearing aids, including a copy of the receipt as specified under paragraph I,
10 a record of services provided, any correspondence to or from a customer and any records required
11 under the rules for the hearing aid industry as promulgated by the United States Federal Trade
12 Commission on July 20, 1965, or as amended, or any rules for the hearing aid industry promulgated
13 by the United States Food and Drug Administration. These records shall be preserved for at least 3
14 years after the date of transaction.

15 326-F:13 Unsolicited Home Sales Prohibited. No hearing aid dealer or audiologist, employee or
16 agent thereof, shall canvass either in person or by telephone from house to house for the purpose of
17 selling or renting a hearing aid without prior request from the prospective customer, a relative or
18 friend of the prospective customer.

19 326-F:14 Return of Hearing Aid; Cancellation Fee. No hearing aid shall be sold to any person
20 unless accompanied by a 30-day written money back guarantee that if the person returns the
21 hearing aid in the same condition, ordinary wear and tear excluded, as when purchased, within 30
22 days from the date of delivery, the hearing aid dealer or audiologist may be entitled to a cancellation
23 fee of 5 percent of the purchase price. In computing the actual purchase price, all rebates, discounts,
24 and other similar allowances provided to the seller shall be considered. For the purpose of this
25 section, any consumer who initiates the return of a hearing aid within said 30-day period shall be in
26 compliance with this section. The addressing of any claimed deficiency or return shall be resolved
27 within 90 days from date of delivery.

28 326-F:15 Deceptive Advertising Prohibited.

29 I. No hearing aid dealer or audiologist, or employee or agent thereof, shall use or cause to be
30 used or promote the use of any advertising matter, promotional literature, testimonial, guarantee,
31 warranty, label, brand, insignia, or other representation, however disseminated or published, which
32 is misleading, deceptive, or untruthful. All advertising by mail which offers free hearing testing or
33 other services by a hearing aid dealer or audiologist shall clearly state in such advertising that the
34 offers are made by a hearing aid dealer or audiologist.

35 II. No hearing aid dealer, or employee or agent thereof, shall represent that the services or
36 advice of an individual licensed to practice medicine or of an individual certified as an audiologist
37 will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing

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1 aids where that is not true; or use or incorporate in any title or designation the words, "doctor,"
2 "otologist," "clinic," "clinical audiologist," "audiologist," "state licensed clinic," "state certified," "state
3 approved," "state registered," "certified hearing aid audiologist," or any term, abbreviation, or symbol
4 which would give the false impression that one is being treated medically or audilogically or that
5 the registrant's services have been recommended by the state.

6 III. No hearing aid dealer or audiologist, or employee or agent thereof, shall use any
7 advertisement or any other representation which has the effect of misleading or deceiving
8 purchasers or prospective purchasers in the belief that any hearing aid or device, or part or
9 accessory thereof, is a new invention or involves a new mechanical or scientific principle when such
10 is not a fact.

11 IV. No hearing aid dealer or audiologist, or employee or agent thereof, shall state or imply
12 that the use of any hearing aid will restore hearing to normal, or preserve hearing, or prevent or
13 retard the progression of a hearing impairment or make any false or misleading or medically or
14 audilogically unsupportable claims regarding the efficacy or benefits of hearing aids.

15 V. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise a
16 particular model, type, or kind of hearing aid when the offer is not a bona fide effort to sell the
17 product so offered as advertised.

18 VI. No hearing aid dealer or audiologist, or employee or agent thereof, shall advertise that a
19 hearing aid will be beneficial to persons with hearing loss, regardless of the type of loss. No such
20 dealer, employee, or agent shall advertise that a hearing aid will enable persons with hearing loss to
21 consistently distinguish and understand speech sounds in noisy situations.

22 VII. No hearing aid shall be sold to any person unless the packaging containing the hearing
23 aid carries the following disclaimer in 10 point type or larger: "This hearing aid will not restore
24 normal hearing nor will it prevent further hearing loss."

25 326-F:16 Out-of-State Sales Regulated.

26 I. No person shall conduct or operate a business outside of the state for the sale at retail of
27 hearing aids to individuals within the state unless such business is registered with a permit issued
28 by the board.

29 II. The board shall issue a permit to such out-of-state business if the business discloses and
30 provides proof:

31 (a) That the business is in compliance with all applicable laws and rules in the state in
32 which the business is located;

33 (b) Of the operating locations and the names and titles of all principal corporate officers;

34 (c) That the business complies with all lawful directions and requests for information
35 from the board of all states in which it conducts business; and

36 (d) That the business agrees in writing to comply with all New Hampshire laws and
37 rules relating to the sale or dispensing of hearing aids.

