

1 Department of Health

2

3 Adopted Permanent Rules Relating to Hearing Instrument Dispenser

4 Registration

5

6 Rules as Adopted

7 4745.0010 DEFINITIONS.

8 Subpart 1. **Scope.** For the purpose of parts 4745.0010 to
9 4745.0060, the following terms have the meanings given them.

10 Subp. 2. **Active practice.** "Active practice" means engaged
11 in hearing instrument selling and activities directly related to
12 hearing instrument selling for a minimum of 750 hours a year for
13 three of the last five years.

14 Subp. 3. **Advisory council.** "Advisory council" means the
15 Minnesota Hearing Instrument Dispenser Advisory Council
16 established under Minnesota Statutes, section 214.13,
17 subdivision 4.

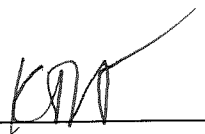
18 Subp. 4. **ANSI.** "ANSI" means ANSI S3.6-1989, American
19 National Standard Specification for Audiometers from the
20 American National Standards Institute. This document is
21 incorporated by reference and is not subject to frequent
22 change. This document is available through the Minitex
23 interlibrary loan system.

24 Subp. 5. **Applicant.** "Applicant" means a person who
25 applies to the commissioner for registration or registration
26 renewal.

27 Subp. 5- 6. **Approved continuing education sponsor.**
28 "Approved continuing education sponsor" means an organization
29 that offers a learning experience designed to promote continuing
30 competency in the procedures and techniques of hearing
31 instrument selling as defined in subpart 13 and that meets the
32 criteria in part 4745.0045, subpart 3.

33 Subp. 6- 7. **Commissioner.** "Commissioner" means the
34 commissioner of the Department of Health or a designee.

35 Subp. 7- 8. **Contact hour.** "Contact hour" means an



1 instructional session of 50 consecutive minutes, excluding
2 coffee breaks, registration, meals with or without a speaker,
3 and social activities.

4 Subp. 8- 9. **Credential.** "Credential" means a license,
5 permit, certification, registration, or other evidence of
6 qualification or authorization to engage in hearing instrument
7 selling issued by any authority.

8 ~~Subp. 9. **Credentialing.** "Credentialing" means the process~~
9 ~~or system for issuing a credential or otherwise issuing evidence~~
10 ~~of qualification or authorization to engage in hearing~~
11 ~~instrument selling.~~

12 Subp. 10. **Hearing instrument.** "Hearing instrument" is as
13 defined in Minnesota Statutes, section 153A.13, subdivision 3.

14 Subp. 11. **Hearing instrument dispenser.** "Hearing
15 instrument dispenser" means a hearing instrument seller as
16 defined in subpart 12, who meets the qualifications required by
17 parts 4745.0010 to 4745.0060, and registers with the
18 commissioner. As used in parts 4745.0010 to 4745.0060, the term
19 hearing instrument dispenser also refers to a natural person
20 using the title consultant, dispenser, or specialist in
21 conjunction with either hearing instrument or hearing aid.

22 Subp. 12. **Hearing instrument seller.** "Hearing instrument
23 seller" means a natural person who engages in hearing instrument
24 selling as defined in subpart 13, but who is not registered
25 under parts 4745.0010 to 4745.0060.

26 Subp. 13. **Hearing instrument selling.** "Hearing instrument
27 selling" is as defined in Minnesota Statutes, section 153A.13,
28 subdivision 4.

29 Subp. 14. **Hearing instrument user.** "Hearing instrument
30 user" means a person who wears or uses a hearing instrument as
31 defined in subpart 10 to aid defective hearing.

32 Subp. 15. **Individual.** "Individual" means any person over
33 whom the commissioner has jurisdiction under parts 4745.0010 to
34 4745.0060. Individual includes an applicant, a registrant, or a
35 person who uses any title protected by part 4745.0020, whether
36 or not authorized to do so by parts 4745.0010 to 4745.0060.

1 Subp. 16. Register or registered. "Register" or
2 "registered" means the act or status of a natural person meeting
3 the requirements of parts 4745.0010 to 4745.0060 and authorized
4 by the commissioner to use the titles in part 4745.0020.

5 Subp. 17. Registrant. "Registrant" means a person who
6 meets the requirements of parts 4745.0010 to 4745.0060 and is
7 authorized by the commissioner to use the titles in part
8 4745.0020.

9 Subp. 18. Registration. "Registration" is the system of
10 regulation defined in Minnesota Statutes, section 214.001,
11 subdivision 3, paragraph (c), and is the process specified in
12 parts 4745.0010 to 4745.0060.

13 4745.0020 PROTECTED TITLES AND RESTRICTIONS ON USE.

14 Subpart 1. Protected titles.

15 A. Use of any of the following titles by any person
16 is prohibited unless that person is registered under parts
17 4745.0010 to 4745.0060.

- 18 (1) Hearing Instrument Dispenser;
- 19 (2) Hearing Instrument Specialist;
- 20 (3) Hearing Instrument Consultant;
- 21 (4) Hearing Instrument Dealer;
- 22 (5) Hearing Aid Dispenser;
- 23 ~~(5)~~ (6) Hearing Aid Specialist; and
- 24 ~~(6)~~ (7) Hearing Aid Consultant; and
- 25 (8) Hearing Aid Dealer.

26 B. The term "Minnesota Registered" may be used in
27 conjunction with any of the titles listed in item A, by any
28 person registered under parts 4745.0010 to 4745.0060. However,
29 use of the term "Minnesota Registered" shall not be allowed
30 until the registrant has been registered by examination under
31 part 4745.0025, subpart 2 or registered by reciprocity under
32 part 4745.0025, subpart 3.

33 ~~E.---When-engaged-in-hearing-instrument-selling,-a~~
34 ~~registered-hearing-instrument-dispenser-must-be-identified-as~~
35 ~~such-by-wearing-a-name-tag-bearing-the-dispenser's-name-and-one~~

1 ~~of-the-titles-in-item-A-~~

2 Subp. 2. Restrictions on use of protected titles.

3 Notwithstanding subpart 1, item A, no person will be prevented
4 or restricted from using an official employment title if
5 employed by the federal government; however, use of the official
6 title, under those circumstances, is allowed only in connection
7 with performance of official duties for the federal government.

8 4745.0025 REGISTRATION REQUIREMENTS.

9 Subpart 1. General requirements. An applicant must:

10 A. be 18 years of age or older;

11 B. submit an application as required in part
12 4745.0035, subpart 1;

13 C. submit certification to the commissioner that the
14 applicant's audiometric equipment has been calibrated to meet
15 current ANSI standards within 12 months of the date of the
16 application; and

17 D. submit all fees required under part 4745.0050.

18 Subp. 2. Registration by examination. Except as provided
19 in part 4745.0030, an applicant must achieve a passing score, as
20 determined by the commissioner, on an examination according to
21 items A to C.

22 A. The examination must include but not be limited to:

23 (1) A written examination approved by the
24 commissioner covering the following areas as they pertain to
25 hearing instrument selling:

- 26 (a) basic physics of sound;
- 27 (b) the anatomy and physiology of the ear;
- 28 (c) the function of hearing instruments; and
- 29 (d) laws, rules, and regulations of
30 Minnesota and the federal government.

31 (2) Practical tests of proficiency in the
32 following techniques as they pertain to hearing instrument
33 selling:

- 34 (a) pure tone audiometry, including air
35 conduction testing and bone conduction testing;

1 (b) live voice or recorded voice speech
2 audiometry including speech reception threshold testing and,
3 speech discrimination testing, most comfortable loudness level,
4 and uncomfortable loudness measurements of tolerance thresholds;

5 (c) masking when indicated;

6 (d) recording and evaluation of audiograms
7 and speech audiometry to determine proper selection and adaption
8 of a hearing instrument;

9 (e) taking ear mold impressions; and

10 (f) using an otoscope ~~or-an-equivalent~~
11 ~~illuminator~~ for the visual observation of the entire ear canal.

12 B. The examination shall be administered by the
13 commissioner at least twice a year.

14 C. Applicants must submit the application and
15 examination fee required under part 4745.0050, subpart 4, to the
16 commissioner at least 60 days before the date set for the
17 examination.

18 Subp. 3. **Registration by reciprocity.** An applicant may be
19 registered as a hearing instrument dispenser by reciprocity,
20 according to items A and B.

21 A. Whenever the commissioner determines that an
22 applicant holds a current and unrestricted credential for
23 hearing instrument selling in another jurisdiction that has
24 requirements equivalent to or higher than those in effect for
25 determining whether applicants in this state are qualified to be
26 registered as hearing instrument dispensers, the commissioner
27 may register the applicant without the applicant meeting the
28 requirements of subpart 2, provided that the applicant otherwise
29 meets all other requirements of parts 4745.0010 to 4745.0060.

30 B. An applicant for registration by reciprocity under
31 item A, must have the appropriate government body in each
32 jurisdiction in which the applicant holds a credential submit
33 letters of verification to the commissioner. Each letter must
34 state the applicant's name, social security number, date of
35 birth, credential number, date of issuance, a statement
36 regarding disciplinary actions, if any, taken against the

1 applicant, and whether the credential was issued by examination.

2 Subp. 4. Registration following lapse of registered status
3 of two years or less. For any applicant whose registered status
4 has lapsed for two years or less, the applicant must:

5 A. apply for registration renewal according to part
6 4745.0040, subparts 1 and 2; and

7 B. document compliance with the continuing education
8 requirements of part 4745.0045 since the applicant's
9 registration lapsed; and or

10 C. ~~pay-the-current-renewal-fee~~ fulfill the
11 requirements of subpart 3.

12 Subp. 5. Registration following lapse of registered status
13 of more than two years. For any applicant whose registered
14 status has lapsed for more than two years, the applicant must:

15 A. fulfill the requirements for registration in
16 subparts 1 and 2; or

17 B. fulfill the requirements of subpart 3.

18 4745.0030 TEMPORARY REGISTRATION REQUIREMENTS.

19 Subpart 1. Temporary registration requirements. An
20 applicant for registration need not comply with the requirements
21 of part 4745.0025, subpart 2, item A, for two years after the
22 effective date of parts 4745.0010 to 4745.0060 if, at the time
23 of application, the applicant provides the commissioner with
24 evidence that the applicant has engaged in active practice.

25 Subp. 2. Examination requirement. After the time for
26 temporary registration has expired, all applicants must meet the
27 requirements of part 4745.0025, subpart subparts 2 or 3.

28 Subp. 3. Notification of applicants. The commissioner
29 shall notify applicants for registration of the effective date
30 of parts 4745.0010 to 4745.0060 and the date on which
31 registration by examination is required.

32 4745.0035 REGISTRATION PROCEDURES.

33 Subpart 1. Applications for registration. All applicants
34 for registration must:

35 A. submit a completed application for registration on

1 forms provided by the commissioner. The application must
2 include the applicant's name, permit number under chapter 4692,
3 social security number, business address and phone number, or
4 home address and phone number if the applicant conducts hearing
5 instrument selling out of the home, and a description of the
6 applicant's education, training, and experience, including
7 previous work history. The commissioner may ask the applicant
8 to provide additional information necessary to clarify
9 information submitted in the application;

10 B. sign a statement that the information in the
11 application is true and correct to the best of the applicant's
12 knowledge and belief;

13 C. submit with the application all fees required by
14 part 4745.0050;

15 D. sign a waiver authorizing the commissioner to
16 obtain access to the applicant's records in this state or any
17 other state in which the applicant has engaged in hearing
18 instrument selling;

19 E. provide evidence of a passing score as determined
20 by the commissioner on an approved examination as described in
21 part 4745.0025; and

22 F. provide certification to the commissioner that the
23 applicant's audiometric equipment has been calibrated to meet
24 current ANSI standards within 12 months of the date of the
25 application.

26 Subp. 2. **Action on applications for registration.** The
27 commissioner shall act on an application for registration
28 according to items A to C.

29 A. The commissioner shall determine if the applicant
30 meets the requirements for registration. The commissioner or
31 advisory council may investigate information provided by an
32 applicant to determine whether the information is accurate and
33 complete.

34 B. The commissioner, within 60 days of receiving an
35 application for registration, shall notify each applicant of
36 action taken on the application and of the grounds for denying

1 registration if registration is denied.

2 C. Applicants denied registration may make a written
3 request to the commissioner, within 30 days of the
4 commissioner's determination, to appear before the advisory
5 council and for the advisory council to review the
6 commissioner's decision to deny the applicant's registration.
7 After reviewing the denial, the advisory council shall make a
8 recommendation to the commissioner as to whether the denial
9 shall be affirmed. Each applicant is allowed no more than one
10 request for a review of denial of registration in any one
11 registration renewal period.

12 4745.0040 REGISTRATION RENEWAL.

13 Subpart 1. **Renewal requirements.** To renew registration,
14 an applicant must:

15 A. annually complete a renewal application on a form
16 provided by the commissioner and submit the annual renewal fee;

17 B. meet the continuing education requirements of part
18 4745.0045; and

19 C. submit certification to the commissioner that the
20 applicant's audiometric equipment has been calibrated to meet
21 current ANSI standards within 12 months of the date of the
22 application.

23 Subp 2. **Other requirements.**

24 A. An applicant must submit additional information if
25 requested by the commissioner to clarify information presented
26 in the renewal application. The information must be submitted
27 within 30 days of the commissioner's request.

28 B. An application submitted after the renewal
29 deadline date must be accompanied by a late fee as required in
30 part 4745.0050, subpart 3.

31 Subp. 3. **Registration renewal notice.** Registration
32 renewal is on an annual basis. At least 30 days before the
33 registration renewal date in subpart 4, the commissioner shall
34 send out a renewal notice to the registrant's last known
35 address. The notice shall include a renewal application and

1 notice of fees required for renewal. If the registrant does not
2 receive the renewal notice, the registrant is still required to
3 meet the deadline for renewal to qualify for continuous
4 registered status.

5 Subp. 4. **Renewal deadline.** The renewal application and
6 fee must be postmarked on or before the date registration must
7 be renewed according to items A to E. Registration must be
8 renewed according to the following schedule:

9 A. for registrants whose last name begins with the
10 letters A to E, February 1;

11 B. for registrants whose last name begins with the
12 letters F to L, April 1;

13 C. for registrants whose last name begins with the
14 letters M to P, June 1;

15 D. for registrants whose last name begins with the
16 letters Q to U, August 1; and

17 E. for registrants whose last name begins with the
18 letters V to Z, October 1.

19 4745.0045 CONTINUING EDUCATION REQUIREMENTS.

20 Subpart 1. **Number of contact hours required.**

21 A. An applicant for registration renewal must provide
22 evidence to the commissioner of a minimum of 20 contact hours of
23 continuing education as provided by subitems (1) and (2) offered
24 by an approved continuing education sponsor within the two years
25 immediately preceding registration renewal.

26 (1) A minimum of 14 contact hours of continuing
27 education must be directly related to hearing instrument selling.

28 (2) Six contact hours of continuing education may
29 be in areas generally related to hearing instrument selling.

30 B. Contact hours cannot be accumulated in advance and
31 transferred to a future continuing education period.

32 Subp. 2. **Preapproved continuing education sponsors.** The
33 commissioner will accept continuing education approved or
34 sponsored by the Minnesota Department of Health, the Minnesota
35 Hearing Aid Society, the National Hearing Aid Society, the

1 National Institute of Hearing Instrument Studies, the Minnesota
2 Speech-Language-Hearing Association, the American
3 Speech-Language-Hearing Association, or the Academy of
4 Dispensing Audiologists, the American Academy of
5 Otolaryngology-Head and Neck Surgery, or the Minnesota Academy
6 of Otolaryngology-Head and Neck Surgery.

7 Subp. 3. Approval of continuing education sponsors. All
8 continuing education sponsors, unless preapproved under subpart
9 2, must be approved by the commissioner according to items A to
10 E.

11 A. Applications for approval must be submitted to the
12 commissioner at least ~~90~~ 60 days before the date of the first
13 continuing education activity. Applications must be made in
14 writing by the person or officer of the organization sponsoring
15 the program. To obtain approval, continuing education sponsors
16 must submit the following information on an application provided
17 by the commissioner:

18 (1) The continuing education sponsor must
19 describe the content of all courses to be offered. The course
20 content must contribute directly to the professional competency
21 of the hearing instrument dispenser, must be related to the use
22 of hearing instruments for aiding or compensating the hearing
23 impaired, and must include subject matter related to current
24 developments in hearing instrument selling.

25 (2) The continuing education sponsor must
26 describe the method of instruction for each course offered. The
27 continuing education sponsor must describe for each course
28 offered the teaching methods to be used, such as, lecture,
29 seminar, audiovisual, or simulation.

30 (3) The continuing education sponsor must outline
31 specific, written objectives that describe expected outcomes for
32 the participants.

33 (4) The continuing education sponsor must state
34 the number of contact hours of continuing education which may be
35 obtained by completing a specified course, which must be a
36 minimum of one hour.

1 (5) The continuing education sponsor must provide
2 a resume of each instructor's qualifications with the
3 application for approval by the commissioner. Instructors ~~shall~~
4 must be qualified to teach the specified course content based on
5 their prior education, training, or experience.

6 B. Sponsors of sales training courses and new product
7 seminars offered for continuing education purposes are subject
8 to approval as continuing education sponsors by the commissioner.

9 C. The continuing education sponsor must report to
10 the commissioner, on a timely basis, any change in the course
11 content or instructor.

12 D. Continuing education sponsors must maintain, for a
13 minimum of three years, a record of attendance for each course
14 offered.

15 E. The commissioner may withdraw the approval of any
16 continuing education sponsor for failure to comply with this
17 part.

18 Subp. 4. Earning continuing education contact hours
19 through contact hour equivalents. ~~An-applicant~~ A registrant who
20 teaches continuing education courses may obtain contact hour
21 equivalents according to items A to C.

22 A. The sponsor of the course must be approved by the
23 commissioner.

24 B. ~~An-applicant~~ A registrant may not obtain more than
25 four contact hours in any ~~one-renewal~~ two-year continuing
26 education period by teaching continuing education courses.

27 C. ~~An-applicant~~ A registrant may obtain two contact
28 hours for each hour spent teaching a course if the course is
29 sponsored by an approved continuing education sponsor. Contact
30 hours may be claimed only once for teaching the same course in
31 any two-year continuing education period.

32 Subp. 5. Evidence of attendance. Each ~~applicant~~
33 registrant is responsible for maintaining records of
34 attending the continuing education contact hours required for
35 registration renewal. Applicants for registration renewal must
36 provide-written-evidence-of-attending-the-required-contact-hours

1 ~~for registration renewal. The evidence must be submitted with~~
2 ~~the renewal application~~ submit the following information on a
3 form provided by the commissioner. ~~The form must include:~~ the
4 sponsoring organization, ~~location and~~ dates of the course,
5 course name, ~~course instructor,~~ contact hours completed, and
6 name and signature of the applicant registrant. The form must
7 be submitted with the renewal application.

8 Subp. 6. **Verification of continuing education reports.**

9 The commissioner may request a registrant to verify the
10 continuing education to which the registrant attested.
11 Documentation may come directly from the registrant or from a
12 national accrediting or certifying organization that maintains
13 the records.

14 4745.0050 FEES.

15 Subpart 1. **First time registrants and applicants for**
16 **registration renewal.** The commissioner shall prorate the
17 registration fee for first time registrants and applicants for
18 registration renewal according to the number of months that have
19 elapsed between the date registration is issued and the date
20 registration must be renewed according to part 4745.0040,
21 subpart 4.

22 Subp. 2. **Annual registration fee.** The fee for initial
23 registration and annual registration renewal is \$93.

24 Subp. 3. **Penalty fee for late renewals.** The penalty fee
25 for late submission of a renewal application is \$15.

26 Subp. 4. **Examination fee.** The fee for taking the written
27 and practical examination required by part 4745.0025 is \$50.

28 Subp. 5. **Surcharge.** In addition to the other applicable
29 fees, each applicant must pay a surcharge fee of \$35. The
30 surcharge fee applies to all registrants during the first five
31 years following the effective date of parts 4745.0010 to
32 4745.0060.

33 Subp. 6. **Nonrefundable fees.** All fees are nonrefundable.

34 4745.0055 INVESTIGATION PROCESS AND GROUNDS FOR DISCIPLINARY
35 ACTION.

1 Subpart 1. Investigations of complaints. The commissioner
 2 or advisory council may initiate an investigation upon receiving
 3 a complaint or other oral or written communication that alleges
 4 or implies that an individual has violated parts 4745.0010 to
 5 4745.0060. The investigation may proceed on an oral complaint
 6 but disciplinary action may only proceed on a signed complaint.
 7 ~~The advisory council may recommend whether the commissioner~~
 8 ~~should take disciplinary action against an individual.~~
 9 According to Minnesota Statutes, section 214.13, subdivision 6,
 10 in the receipt, investigation, and hearing of a complaint that
 11 alleges or implies an individual has violated parts 4745.0010 to
 12 4745.0060, the commissioner shall follow the procedures in
 13 Minnesota Statutes, section 214.10.

14 Subp. 2. Rights of individuals applicants and
 15 registrants. ~~Individuals subject to discipline under parts~~
 16 ~~4745.0010 to 4745.0060 may, within 30 days of the commissioner's~~
 17 ~~decision, request in writing to appear before the advisory~~
 18 ~~council and for the advisory council to review the~~
 19 ~~commissioner's decision. The advisory council shall recommend~~
 20 ~~to the commissioner whether a hearing should be conducted~~
 21 ~~according to Minnesota Statutes, chapter 14. Each individual is~~
 22 ~~allowed no more than one request for review by the advisory~~
 23 ~~council of the commissioner's decision regarding any one~~
 24 ~~complaint.~~ The rights of applicants denied registration are
 25 stated in part 4745.0035, subpart 2, item C. Registrants shall
 26 not be subjected to disciplinary action under this part without
 27 first having an opportunity for a contested case hearing under
 28 Minnesota Statutes, chapter 14.

29 Subp. 3. Grounds for disciplinary action by the
 30 commissioner. The commissioner may take any of the disciplinary
 31 actions listed in subpart 4 upon proof that the individual has:

32 A. intentionally submitted false or misleading
 33 information to the commissioner ~~to obtain or renew registration~~
 34 ~~or for any other purpose~~ or the advisory council;

35 B. failed, within 30 days, to provide information in
 36 response to a written request by the commissioner or advisory

1 council;

2 C. performed services of a hearing instrument
3 dispenser in an incompetent or negligent manner;

4 D. violated parts 4745.0010 to 4745.0060;

5 E. ~~been-unable~~ failed to perform services with
6 reasonable judgment, skill, ~~and~~ or safety due to the use of
7 alcohol or drugs, or other ~~causes~~ physical or mental impairment;

8 F. been convicted within the last five years of
9 violating any laws of the United States, or any state or
10 territory of the United States, and the violation is a felony or
11 misdemeanor, an essential element of which is dishonesty, or
12 which ~~is-related~~ relates to hearing instrument selling, except
13 as provided in Minnesota Statutes, chapter 364;

14 G. aided or abetted another person in violating any
15 of the provisions of parts 4745.0010 to 4745.0060;

16 H. been or is being disciplined by another
17 jurisdiction, if any of the grounds for the discipline is the
18 same or substantially equivalent to those in parts 4745.0010 to
19 4745.0060;

20 I. not cooperated with the commissioner or advisory
21 council in an investigation conducted according to subpart 1; ~~or~~

22 J. engaged in any of the acts prohibited by Minnesota
23 Statutes, section 153A.15, subdivision 1; or

24 K. had the permit required by Minnesota Statutes,
25 chapter 153A, denied, suspended, or revoked according to chapter
26 4692.

27 Subp. 4. **Disciplinary actions.** If the commissioner finds
28 that an individual should be disciplined according to subpart 3,
29 the commissioner may take any one or more of the following
30 actions:

31 A. refuse to grant or renew registration;

32 B. suspend registration for a period not exceeding
33 one year;

34 C. revoke registration for a period not exceeding
35 three years; or

36 D. ~~administer-a-reprimand~~;

1 ~~E. impose conditions, limits, or restrictions on the~~
 2 ~~hearing instrument dispenser's registration, or~~

3 F. take any reasonable lesser action against an
 4 individual upon proof that the individual has violated parts
 5 4745.0010 to 4745.0060.

6 Subp. 5. **Consequences of disciplinary action.** Upon the
 7 suspension or revocation of registration, the hearing instrument
 8 seller shall cease to use titles protected by parts 4745.0010 to
 9 4745.0060 and shall cease to represent to the public that the
 10 hearing instrument seller is registered by the commissioner.

11 Subp. 6. **Reinstatement requirements after disciplinary**
 12 **action.** A hearing instrument seller who has had registration
 13 suspended or revoked may apply for reinstatement or registration
 14 renewal following the period of suspension or revocation
 15 specified by the commissioner. All requirements of part
 16 4745.0040 for renewing registration must be met before
 17 registration may be reinstated or renewed.

18 4745.0060 HEARING INSTRUMENT DISPENSER ADVISORY COUNCIL.

19 Subpart 1. **Membership.** The commissioner shall appoint
 20 seven persons to a hearing instrument dispenser advisory council.

21 A. The seven persons must include:

22 (1) two public members, as defined in Minnesota
 23 Statutes, section 214.02. One of the public members shall be a
 24 hearing instrument user and one of the public members shall be
 25 either a hearing instrument user or an advocate of such a
 26 person; and

27 (2) ~~four~~ three hearing instrument dispensers
 28 registered under parts 4745.0010 to 4745.0060, each of whom is
 29 currently and has been for the five years immediately preceding
 30 their appointment engaged in hearing instrument selling in
 31 Minnesota; ~~at least~~ all three must be registered hearing
 32 instrument dispensers who are not audiologists ~~and one must be a~~
 33 ~~registered hearing instrument dispenser who is an audiologist;~~
 34 and

35 (3) one audiologist who is a hearing instrument

1 seller and registered as an audiologist under Minnesota Rules,
2 or if no such rules are in effect, an audiologist who holds a
3 current certificate of clinical competence in audiology from the
4 American Speech-Language-Hearing Association; and

5 (4) one of the following:

6 (a) a licensed physician specializing in
7 treatment of diseases of the ear, who is board eligible or board
8 certified by the American Board of Otolaryngology but is not
9 also a seller of hearing instruments and has no financial
10 interest in the business of hearing instrument selling; or

11 (b) ~~a-dispensing an~~ audiologist who meets
12 ~~the-registration-requirements-in~~ is registered as an audiologist
13 under Minnesota Rules, or if no such rules are in effect, an
14 audiologist who holds a current certificate of clinical
15 competence in audiology from the American
16 Speech-Language-Hearing Association.

17 B. No two members of the advisory council shall be
18 employees of, or have binding contracts requiring sales
19 exclusively for, the same hearing instrument manufacturer or the
20 same employer.

21 Subp. 2. Organization. The advisory council shall be
22 organized and administered according to Minnesota Statutes,
23 section 15.059.

24 Subp. 3. Duties. The advisory council shall:

25 A. advise the commissioner regarding hearing
26 instrument dispenser registration standards;

27 B. advise the commissioner on enforcement of parts
28 4745.0010 to 4745.0060;

29 C. provide for distribution of information regarding
30 hearing instrument dispenser registration standards;

31 D. review applications and make recommendations to
32 the commissioner on granting or denying registration or
33 registration renewal;

34 E. review reports of investigations relating to
35 individuals and make recommendations to the commissioner as to
36 whether registration should be denied or disciplinary action

1 taken against the individual;

2 F. advise the commissioner regarding approval of
3 continuing education sponsors using the criteria in part
4 4745.0045, subpart 3; and

5 G. perform other duties authorized for advisory
6 councils by Minnesota Statutes, chapter 214, or as directed by
7 the commissioner.