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NEBRASKA DEPARTMENT OF  
HEALTH AND HUMAN SERVICES

172 NAC 75

TITLE 172 PROFESSIONAL AND OCCUPATIONAL LICENSURE

CHAPTER 75 PRACTICE OF HEARING INSTRUMENT SPECIALISTS

001. SCOPE AND AUTHORITY. These regulations govern the licensure of Hearing Instrument Specialists under the Nebraska Revised Statute (Neb. Rev. Stat.) §§ 38-1501 to 38-1518 of the Hearing Instrument Specialists Practice Act and the Uniform Credentialing Act (UCA).

002. DEFINITIONS. Definitions are set out in the Hearing Instrument Specialists Act, the Uniform Credentialing Act, 172 Nebraska Administrative Code (NAC) 10, and this chapter.

002.01 ACCREDITED HIGH SCHOOL. A secondary school accredited by a regional accrediting institution.

002.02 INITIAL TRAINING. The first 90 days of training commencing from issuance of the temporary license.

002.03 PRACTICAL EXAMINATION. One part of the qualifying examination. The Nebraska Practical Examination administered by the Department.

002.04 PROVIDER. An individual or sponsoring organization that presents continuing education programs to licensees and requests approval from the Board for those programs.

002.05 QUALIFYING EXAMINATION. Examination consisting of the written and the practical examination.

002.06 SUPERVISOR. An individual that holds an active non-disciplined license as a hearing instrument specialist or audiologist in Nebraska.

002.07 SUPERVISION. The process by which the quality of work of a temporary licensee is monitored. Supervision includes training and guidance in order to prepare the temporary licensee to perform the correct procedures for fitting and selling hearing aid instruments. During the first 90 days of initial training and guidance, the supervisor must be physically present for at least 80 hours while the temporary licensee is carrying out assigned duties.

002.08 WRITTEN EXAMINATION. One part of the qualifying examination. The International Hearing Society's Written Comprehensive Examination.

003. LICENSE REQUIREMENTS. To obtain a license, an individual must submit a complete application provided by the Department and provide documentation demonstrating that the

applicant meets the licensing requirements of Neb. Rev. Stat. §§ 38-1501 to 38-1518, 172 NAC 10, and this chapter.

003.01 DOCUMENTATION. The following documentation must be provided to the Department.

003.01(A) AGE. Provide documentation showing that the applicant is at least 21 years of age.

003.01(B) EDUCATION. Submit an official transcript, directly from the issuing institution, showing completion of a 4-year course of study from an accredited high school; or an official copy of a diploma or certificate from an accredited high school.

003.01(C) EXAMINATION. Provide documentation of successful completion of the qualifying examination sent directly to the Department.

003.01(D) LICENSED IN ANOTHER JURISDICTION. If an applicant holds a license in another jurisdiction, he or she may apply for licensure based upon licensure in another jurisdiction. The applicant must provide documentation that the standards regulating the practice of hearing instrument specialists in the other jurisdiction are equivalent to those maintained in Nebraska and the license was based on a written examination and practical examination equivalent to the qualifying examination for a Nebraska license, the grades given at the examination, and the date the license was issued.

003.01(E) OTHER PROOF OF COMPETENCY. For applicants who are not practicing at the time of application, the following applies:

003.01(E)(i) PASSED EXAMINATION AND NOT PRACTICING. An applicant who has met the education and examination requirements as listed in 172 NAC 75-003.01, who passed the written examination more than 3 years prior to the time of application, and who is not practicing at the time of application, must within the 3 years immediately preceding the application, present proof of having obtained 20 hours of acceptable continuing education within the 3 years immediately preceding the date of application.

003.01(E)(ii) LICENSED IN ANOTHER JURISDICTION AND NOT PRACTICING. An applicant who holds a license in another jurisdiction, but is not practicing at the time of application, must provide proof of having obtained a minimum of 20 hours of acceptable continuing education within the 3 years immediately preceding the date of application.

003.02 TEMPORARY LICENSE. A temporary license may be issued to an applicant who has submitted documentation of meeting educational requirements for licensure set out in this chapter except passing the practical examination. Previous experience or a waiting period is not required to obtain a temporary license. All temporary licenses will become null and void upon the Department's notification that the temporary licensee has passed the practical examination or 1 year from the issuance date, whichever comes first. A temporary license may be renewed once pursuant to this chapter. The supervisor of a person who holds a

temporary license must immediately notify the Department when supervision of the temporary licensee is terminated.

003.02(A) STANDARDS FOR SUPERVISION. Any person who practices as a temporary hearing instrument specialist must be supervised by a hearing instrument specialist or audiologist licensed in Nebraska whose license is active and has not been disciplined.

003.02(A)(i) MANDATORY SUPERVISORY CONTACT. The supervisor must meet with the temporary licensee face to face for 80 hours during the first 90 days of the initial training session, which will commence upon the issuance of the temporary license. Thereafter, the supervisor must meet with the temporary licensee monthly to evaluate the temporary licensee's performance in the following areas:

- (1) Audiometric evaluations;
- (2) Impressions;
- (3) Purchase agreements;
- (4) Instrument orders;
- (5) Hearing instrument fittings; and
- (6) Consultation advice and training.

003.02(A)(ii) ADDITIONAL SUBJECTS COVERED. The supervisor must train the temporary licensee in the following areas during the initial 90-day training period:

- (1) Basic physics of sound;
- (2) Anatomy and physiology of the ear;
- (3) Function of hearing aids;
- (4) Pure tone audiometry, including air conduction testing and bone conduction testing;
- (5) Live voice or recorded voice speech audiometry;
- (6) Masking;
- (7) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing aid; and
- (8) Taking earmold impressions.

004. PRACTICAL EXAMINATION. An applicant must successfully complete the practical examination administered by the Department.

004.01 ELIGIBILITY. To be eligible to take the practical examination, an applicant must have met the age, education, and written examination requirements for licensure set out in 172 NAC 75.

004.02 APPLICATION. To register for the practical examination, the applicant must submit a complete application for licensure as provided by the Department.

004.03 PASSING SCORE. The practical examination passing scores obtained must be at least 70 out of 100 in each subject examined.

004.04 REEXAMINATION. An examinee who fails the practical examination may retake the examination pursuant to the requirements as set forth below:

- (A) An examinee who fails the practical examination with an overall average of less than 70 must retake the entire examination.
- (B) An examinee who fails the practical examination in 1 or 2 subjects with an overall average of 70 or above must retake those sections failed.
- (C) An examinee who fails the practical examination in more than 2 subjects with an overall average of 70 or above must retake the entire examination.
- (D) The applicant may retake the practical examination upon resubmission of an application and fee.

005. RENEWAL, WAIVER OF CONTINUING EDUCATION, AND INACTIVE STATUS. The applicant must meet the requirements set out in 172 NAC 10 and this chapter. All hearing instrument specialist licenses expire on December 31<sup>st</sup> of each even-numbered year. Temporary hearing instrument specialist licenses expire one year from the date of issuance and may be renewed for one additional twelve-month period.

005.01 WAIVERS OF CONTINUING EDUCATION REQUIREMENTS FOR ILLNESS OR DISABILITY. The Department may waive continuing education requirements, in whole or in part, upon submission of proof that the license holder was suffering from a serious or disabling illness or physical disability which prevented completion of the required number of continuing education hours during the 24 months immediately preceding the license renewal date.

006. CONTINUING EDUCATION. On or before December 31<sup>st</sup> of each even-numbered year, individuals holding an active license in the State of Nebraska must complete at least 24 hours of acceptable continuing education hours during the preceding 24-month period.

006.01 CONTINUING EDUCATION HOUR OR CREDIT CALCULATIONS. The following provides the hour calculations for acceptable continuing education:

006.01(A) PROGRAMS AT STATE AND NATIONAL MEETINGS. Includes meetings of the Nebraska Hearing Aid Society and the National Hearing Aid Society. Documentation must include a certificate of attendance and a program outline or objectives. One hour for each hour of attendance.

006.01(B) FORMAL EDUCATION COURSES. The content of the course must relate directly to the practice of hearing aid instrument dispensing and fitting. Live streaming instruction, where the applicant can interact with the lecturer, may count as formal education. Documentation must include a certificate of attendance. One hour for each hour of attendance.

006.01(C) UNIVERSITY OR COLLEGE SPONSORED COURSES. The content of the course must relate directly to the practice of hearing aid instrument dispensing and fitting. Distance learning courses are included. Documentation must include a certificate of attendance. One hour for each hour of attendance.

006.01(D) PRESENTER OR LECTURER. One hour credit will be awarded for each hour of scientific presentation by a licensee acting as an essayist or lecturer to licensed hearing instrument specialists if the program relates to the theory or clinical application of theory

pertaining to hearing instrument specialists. A licensee may receive continuing education credit for only the initial presentation during a renewal period.

006.01(E) FORMAL SELF-STUDY. The content of the self-study activity must relate to the practice of hearing aid dispensing and fitting whether the subject is research, treatment, documentation, education, or management. A licensee may complete a maximum of 6 hours of continuing education by formal self-study each 24-month renewal period. The self-study program must have a testing mechanism. Documentation must include a certificate of completion and a program outline or objectives. One hour for each 2 hours of study.

006.01(F) BUSINESS, MANAGEMENT, AND MARKETING COURSES. Must pertain to the practice of hearing aid instrument dispensing and fitting. A licensee may complete a maximum of 8 hours of continuing education utilizing these courses each 24-month renewal period. Documentation must include a certificate of attendance and a program outline or objectives. One hour for each hour attended.

006.01(G) SUPERVISION. Supervision of a temporary hearing instrument specialist by a hearing instrument specialist. One credit hour is earned for each 8 hours of in person supervision. A maximum of 10 hours of continuing education can be earned from supervision during each 24-month renewal period.

006.01(H) OTHER ACTIVITIES. Other types of activity that may be acceptable may include: human relations, governmental regulations and third party reimbursement. One hour for each hour attended.

006.02 ACCEPTABLE CONTINUING EDUCATION PROGRAMS. In order for a continuing education activity or program to be accepted for renewal or reinstatement of a license, the program must be at least 60 minutes in duration; the program's objectives must relate directly to the theory or clinical application of theory pertaining to the practice of hearing aid instrument dispensing and fitting; the presenter of the program must be qualified by education, experience, or training; and the program must be open to all hearing instrument specialists licensed in Nebraska.

007. UNPROFESSIONAL CONDUCT. Unprofessional conduct is set out in Neb. Rev. Stat. § 38-179 and this chapter:

- (A) Providing services for which he or she is not trained or experienced;
- (B) Willfully or intentionally committing any act which endangers patient safety or welfare;
- (C) Encouraging or promoting hearing aid instrument dispensing and fitting by untrained or unqualified persons.
- (D) Failing to safeguard the welfare of patients;
- (E) Failing to maintain appropriate professional relationships with patients;
- (F) Carrying out hearing aid instrument dispensing and fitting services that have been requested when such services are known to be contraindicated or unjustified;
- (G) Carrying out procedures that have been requested when such services are known to be outside of the hearing instrument specialist's scope of practice;
- (H) Falsification or unauthorized destruction of patient records; and

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- (J) Deceiving, misleading, or defrauding the public through advertising, including charging a fee through any hearing instrument specialist service conducted within 24 hours after performing a hearing instrument specialist service that was advertised as being free.

008. REINSTATEMENT. The applicant must meet the requirements set out in 172 NAC 10.

009. FEES. Fees are set out in 172 NAC 2.