

265 CMR: BOARD OF REGISTRATION OF HEARING INSTRUMENT SPECIALISTS

265 CMR 4.00: APPRENTICE TRAINING AND REGISTRATION REQUIREMENTS

Section

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4.01: Application for Apprentice's Certificate

(1) Any person 18 years of age or older who holds a high school diploma from an accredited high school or has equivalent proof of high school education may apply in writing for certification as an apprentice. The application shall be made on a form or electronic application prescribed by the Board.

(2) As a condition for applying for an apprentice's certificate, the applicant shall agree in writing to participate in and perform the training, functions and responsibilities prescribed for apprentices in 265 CMR 4.00 and agree to uphold standards of ethics and professional conduct.

(3) The applicant's apprenticeship supervisor shall certify the application as prescribed on the application form. The certification shall include a verification of the statements of the apprentice and a statement that the supervisor agrees to participate in the apprenticeship program described in 265 CMR 4.00 including the provision of applicable instruction of the formal training requirements of 265 CMR 4.03 and to perform the functions and duties prescribed in 265 CMR 4.06.

(4) The applicant's apprenticeship supervisor shall certify in writing that he/she is registered in good standing in the Commonwealth as a hearing instrument specialist or licensed as an audiologist. He or she shall provide the appropriate license number and date of expiration to the Board.

(5) The applicant shall accompany his or her application with the filing fee set by the Secretary of Administration and Finance. The fee shall be paid by personal check or money order.

(6) The Board shall notify an applicant promptly in writing whether or not his/her apprentice application has been approved. The initial written notification may be in electronic form. If the Board approves the application, the Board shall issue to the applicant an apprentice's certificate, and such certificate shall include the name of the applicant's apprenticeship supervisor and the date on which the period of training and experience referred to in M.G.L. c. 112, § 198 shall begin.

4.02: Term of Apprenticeship Program, Disputed Terminations

(1) Term. The term of the apprenticeship program shall be a minimum of one year of full time or the equivalent part-time employment under the rules of supervision as specified in M.G.L. c. 112, § 198 and 265 CMR 4.00 and shall include instruction through a training program as set out in 265 CMR 4.03. Apprentices who work in excess of the normal work day or week shall nevertheless be required to complete the minimum one year term in order to qualify for a

certificate of completion of the apprenticeship program. If the minimum one year full-time or equivalent part time employment hours are not completed, the apprentice registration shall expire 18 months after it is granted. An apprentice registration may be reissued once for a period of 18 months at the discretion of the Board for good cause shown. Such one-time reissuance shall be available if either the minimum one year full time or equivalent part time employment has not been completed or has been completed but the examination has not been passed.

- (2) The supervisor shall be responsible for providing supervision until either:
 - (a) the apprentice obtains a certificate of registration as a hearing instrument specialist from the Board; or

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- (b) the supervisor or apprentice gives written notification to the Board that he or she is terminating supervision and training.
- (3) An apprentice may cancel his or her apprenticeship program at any time during the program, upon written notice to the Board and the employer/supervisor of the termination and its effective date.
- (4) Disputed Terminations.
 - (a) An employer/supervisor may terminate the apprenticeship program of an apprentice whom he or she reasonably determines does not demonstrate aptitude or interest in the practice of a hearing instrument specialist. The supervisor must first notify the Board and the apprentice in writing of his or her intent to terminate the apprentice's participation no less than two weeks before the termination becomes effective. Upon written request to the Board by the apprentice affected, the Board or its designee may hold a conference with the apprentice and the supervisor within one month after the supervisor's notice of the intent to terminate has been received by the Board, unless the supervisor and the apprentice agree to a later date. The date on which the conference is scheduled to be held shall not affect or alter the intended date of termination unless the apprentice and supervisor otherwise agree.
 - (b) The purpose of the conference described in 265 CMR 4.02(4) is to review and consider on an informal basis the intended termination, in an effort to resolve the disputes or differences, if any, between the supervisor and the apprentice. The conference does not constitute an adjudicatory proceeding as defined in M.G.L. c. 30A. The Board (or its designee) may recommend to the supervisor/employer that he/she continue to employ the apprentice. Neither the Board nor its designee may require that an employer continue to employ an apprentice.

4.03: Formal Training Program and Educational Equivalents

- (1) Home Study Course.
 - (a) During the period of apprenticeship, the apprentice shall complete the course entitled, *Distance Learning for Professionals in Hearing Health Sciences*, also referred to as the International Hearing Society Home Study Course, and shall submit proof of passing the home study course prior to taking the licensure exam.
 - (b) If the apprentice passes the home study course final examination but fails the Massachusetts licensure exam, he or she will not have to repeat the home study course prior to the next available Massachusetts licensure examination.
 - (c) The Board may accept home study courses other than the International Hearing Society Course. If the apprentice enrolls in a home study course other than the International Hearing Association Course, he or she must submit in writing to the Board a request to take such home study course. The request must contain a description of the course including a syllabus and grading criteria. If approved, the apprentice will be required to submit proof of passing the home study course prior to taking the licensure exam.
- (2) Substitute for Home Study Course.
 - (a) An apprentice who has a certificate, an associates degree or a higher degree in audiology or hearing instrument technology from an accredited college or university and has received passing grades in every audiology or hearing instrument class may substitute such certificate or degree for the home study requirement. The apprentice must submit an official transcript to the Board prior to taking the licensure exam.

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(b) The Board may accept a college certificate or degree in a discipline other than audiology or hearing instrument technology as a substitute for the home study program if the Board determines such degree is significantly related to the field of hearing instrument technology. The apprentice must submit to the Board a written request to substitute a certificate or degree in a discipline other than audiology or hearing instrument technology. Such request must include a copy of the official transcript.

(3) Practicum.

(a) During the apprenticeship period, the apprentice shall be required to have at least 150 hours of directly supervised practicum that shall include the following:

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1. 25 hours of pure tone air conduction, bone conduction, and speech audiometry, recorded and/or live voice;
2. 25 hours of hearing instrument evaluations post fitting;
3. 20 hours of instrument fittings with actual clients;
4. ten hours of earmold orientation types, uses, and terminology;
5. 15 hours of earmold impressions and otoscopic examinations of the ear;
6. 15 hours of troubleshooting of defective hearing instruments;
7. 20 hours of case history with actual clients;
8. Ten hours of Massachusetts general laws and regulations governing the licensing of persons fitting and dispensing hearing instruments and federal Food and Drug Administration and Federal Trade Commission regulations relating to the fitting and dispensing of hearing instruments; and
9. Ten hours of supplemental work in one or more of the above areas.

(b) The specific required hours of practical instruction as set out in 265 CMR 5.03(3) are to be provided by the apprentice's supervisor or a designee of the supervisor. If any training is provided by a designee of the supervisor, such designee must be licensed in the Commonwealth as a hearing instrument specialist or audiologist and the Board, as needed may request a copy of such license.

(c) The time spent by apprentices in related instruction during the regular workday is to be classified as hours of work, and apprentices are to receive their normal hourly compensation for this time. Such hours will be counted as part of the term of the apprenticeship. Time spent by apprentices in related instruction at local educational institutions outside the regular work hours is not to be classified as hours of work, and the employer is not required to pay the apprentice their normal hourly compensation for this time.

(d) Prior to applying for licensure, an apprentice must submit in writing to the Board certification from his or her supervisor that all of the specific required hours of practical training have been successfully completed.

4.04: Duties/Work Requirements of Apprentice

(1) In entering into apprenticeship program prescribed by 265 CMR 4.00, an apprentice shall assume all of the responsibilities described in 265 CMR 4.00 and shall follow all of the state and federal laws, rules and regulations governing or related to the dispensing of hearing instruments.

(2) An apprentice shall perform diligently and faithfully the work of dispensing hearing instruments and such duties as are assigned by his or her employer or supervisor.

(3) An apprentice shall perform the functions of a hearing instrument specialist in accordance with Board rules only under the supervision of a licensed hearing instrument specialist or licensed audiologist. Such supervision shall be direct, on site and full time, or the equivalent part time, for a minimum of 30 days after the initial hiring of the apprentice.

(4) It is the responsibility of an apprentice to fulfill the formal training and practicum requirements as set forth in 265 CMR 4.03 and obtain and submit to the Board all required documentation concerning these requirements.

(5) An apprentice shall treat all customers and coworkers in a professional and courteous manner and shall respect the property of customers, the employer and colleagues and shall abide by the employer's work rules.

4.05: Duties and Responsibilities of Apprenticeship Supervisor

(1) Every apprentice shall have one designated supervisor who shall carry out all the duties, functions and responsibilities of a supervisor as set forth in 265 CMR 4.00. Such supervisor shall sign the application form of the apprentice as set out in 265 CMR 4.01(3) certifying his or her agreement to be designated as the apprenticeship supervisor. Such supervisor may or may not be the employer of the apprentice. If the supervisor is not the employer of the apprentice, he or she must be an employee of the apprentice's employer.

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- (2) In entering into the apprenticeship program described by 265 CMR 4.00, a supervisor shall assume all of the responsibilities described in 265 CMR 4.00 and shall follow all of the state and federal laws, rules and regulations governing or related to the practice of dispensing hearing instruments and shall treat all customers, coworkers and apprentices in a professional and courteous manner.
- (3) A supervisor may supervise only one designated apprentice at any given time.
- (4) Direct Supervision. For a minimum of 30 days full-time or the equivalent part-time after the initial hiring of the apprentice, the supervisor is responsible for direct, on site supervision of the apprentice. Such direct supervision shall include:
 - (a) the presence of the supervisor in the office to which the apprentice is assigned all of the time which the apprentice works;
 - (b) the physical presence of the supervisor in the same work area with the apprentice a minimum of 50% of the time in which the apprentice is providing services;
 - (c) supervisor approval of the selection of a hearing aid by an apprentice;
 - (d) actual oversight by the supervisor of all testing and taking of ear mold impressions performed by the apprentice;
 - (e) written approval by the supervisor of the results of all hearing tests performed by the apprentice; and
 - (f) countersignature by the supervisor of all sales documents prepared by the apprentice.
- (5) Supervision Subsequent to Direct Supervision Period. After the minimum 30 day full-time or equivalent part-time direct supervision period, for the remainder of the apprenticeship, the supervisor shall:
 - (a) review and approve in writing all hearing aid fittings by the apprentice, including the physical inspection of ear mold impressions, ear mold plans, and hearing aid recommendations and fittings;
 - (b) give final approval to work performed by the apprentice; and
 - (c) attempt to contact the consumer who purchased the hearing aid by phone or through a follow up appointment within one week of purchase to ensure satisfaction with the fitting.
- (6) Written Report.
 - (a) A supervisor shall personally approve the progress of the apprentice he or she is supervising and shall make a detailed written evaluation of the apprentice periodically, but not less frequently than once every three months.
 - (b) The report shall describe in detail the specific types and hours of work experience and training and related technical instruction which the apprentice has received during the three-month reporting period.
 - (c) A supervisor shall sign the report under the penalties of perjury.
 - (d) A supervisor shall give a copy of each written evaluation and each written report concerning an apprentice to the apprentice.
- (7) A supervisor shall notify the Board of the completion of all apprenticeship programs.

4.06: Home Visits

- (1) During the first 60 days of an apprenticeship, no apprentice shall conduct or participate in a home visit to a customer for the purpose of testing or fitting without being accompanied by his

or her supervisor or a licensed hearing instrument specialist or audiologist licensed in Massachusetts and designated by the supervisor. Such licensee designated by a supervisor shall act as the apprentice's supervisor for purposes of the home visit and is responsible for following all state and federal laws and rules and regulations governing or related to the practice of dispensing hearing instruments. A supervisor is responsible for the conduct of the apprentice on all unsupervised visits during the entire length of the apprenticeship.

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(2) While on a home visit, the apprentice and supervisor shall abide by all state and federal laws and rules and regulations governing or related to the practice of dispensing hearing instruments including 265 CMR 7.04: *Conduct for Home Visits* specifically governing professional conduct for home visits.

REGULATORY AUTHORITY

265 CMR 4.00: M.G.L. c. 112, § 198.