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CHAPTER 331
OREGON HEALTH AUTHORITY
HEALTH LICENSING OFFICE

FILING CAPTION: Rule clarifies time lines around hearing tests and retests prior to fitting a hearing aid.

EFFECTIVE DATE: 11/01/2019

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Filed By:
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AMEND: 331-670-0010

RULE TITLE: Practice Standards

NOTICE FILED DATE: 08/09/2019

RULE SUMMARY: Clarifying rule around hearing tests - when they must be done and who is authorized to do them prior to fitting a hearing aid.

RULE TEXT:

(1) The Council recognizes and adopts the following uniform set of hearing loss measurement standards required for use when interpreting audiograms: 0-110 for degrees of decibel hearing loss (dB HL) and 125-8000Hz for frequency. A licensee must use the uniform measurement standards for advising clients on peripheral or cochlear hearing loss. The uniform measurement standards are available on the Office website.

(2) Testing requirements prior to fitting a hearing aid:

(a) A licensee must verify and document the following tests were completed:

(A) Puretone Air Conduction Threshold testing (should include at a minimum, the following frequencies – 250, 500, 1000, 2000, 3000, 4000, and 6000 or 8000 Hz);

(B) Puretone Bone Conduction Threshold testing (should include at a minimum, the following frequencies – 500, 1000, 2000, and 4000 Hz);

(C) Speech Recognition Threshold testing (SRT);

(D) Word Recognition Score (WRS) also known as speech discrimination testing;

(E) Most Comfortable Listening Level (MCL); and

(F) Uncomfortable Listening Level (UCL).

(b) If all the tests in (2)(a) of this rule were completed by a licensee, or an individual who is licensed and has hearing tests in their scope of practice, within 90 days of the hearing aid fitting, the licensee does not need to repeat the tests before fitting a hearing aid.

(c) If any of the tests in (2)(a) of this rule were completed by a licensee, or an individual who is licensed and has hearing tests in their scope of practice, more than 90 days and fewer than 180 days from the hearing aid fitting, Puretone Air Conduction Threshold testing as described in (2)(a)(A) of this rule must be completed before fitting a hearing aid.

(A) If Puretone Air Conduction Threshold testing as described in (2)(a)(A) shows a threshold shift of less than 10 decibels at any frequency, the licensee does not need to complete the tests in (2)(a)(B-F) before fitting a hearing aid.
(B) If Puretone Air Conduction Threshold testing as described in (2)(a)(A) shows a threshold shift of 10 decibels or more at any frequency, then the tests in (2)(a)(B-F) also must be completed prior to fitting a hearing aid.
(d) If any tests were completed more than 180 days prior to hearing aid fitting, all the tests in (2)(a)(A-F) this rule must be performed before fitting a hearing aid.
(e) The only circumstances under which a hearing aid may be fitted without the verification of the completion of the tests described in (2)(a)(B-F), are:
(A) There is a documented and fully explained client language barrier that prevents the completion of tests (2)(a)(C) and (D). The licensee still must complete and document the results of the tests described in (2)(a)(A),(B),(E) and (F), and verify that the hearing aid is giving a benefit.
(B) There is a documented and fully explained client medical reason that prevents the completion of one or more of the tests in (2)(a)(B-F). The licensee still must complete and document the results of the test described in (2)(a)(A), and verify that the hearing aid is giving a benefit.
(f) All licensees completing the tests described in (2)(a)(A-F) must perform the tests to industry standards.
(3) A licensee must perform at least one of these verification procedures within the 30-day rescission period:
(a) Soundfield testing for puretone thresholds; or
(b) Real-ear probe microphone measurements; or
(c) Speech mapping.
(4) A licensee must abide by the IHS Code of Ethics (2009).
(5) A licensee must provide the client with the Statement to the Prospective Hearing Aid Purchaser Form, or a form that includes all of the information required in ORS 694.036(1). The licensee must complete the form, and then the form must be signed by both the client and licensee prior to the consummation of the hearing aid sale. The form is available at the Office website.
(6) A licensee must provide the client with a new Statement to the Prospective Hearing Aid Purchaser Form for each hearing aid or set of hearing aids.
(7) A licensee must refund all monies paid by or on behalf of the client if the hearing aid purchase is canceled prior to the consummation of the sale. The client shall incur no additional liability for the cancellation.
(8) The 30-day rescission period begins at the consummation of the sale.
(9) A licensee must conduct and document at least one post-consummation of sale appointment with the client before the 30-day rescission period expires. The licensee must document in the client's record any change to the agreed-upon location or date of the appointment, if the licensee is unable to contact the client, or if the licensee is unable to provide the follow-up appointment.
(10) Under provisions of ORS 694.042(4), a licensee may retain no more than 10 percent of the purchase amount, or $250 per hearing aid, whichever amount is less, if the cancellation of the sale occurs during the 30-day rescission period.
(11) A licensee must have a written recommendation from a licensed physician as defined in ORS 694.142(2) prior to activating or adapting the masking features of a hearing aid when a client has tinnitus or has signs or symptoms of tinnitus. The licensee must provide services within the scope of the written recommendation only. For instance, a licensee cannot activate a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless the written recommendation recommends activation. A licensee cannot adjust a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless the written recommendation recommends the specific setting needed for adaption of the hearing aid. A licensee shall refer a client back to the licensed physician if the client needs services outside of the written recommendation. A licensee must have obtained manufacturer-specific training on their equipment as well as a comprehensive course on tinnitus and the masking function of a hearing aid prior to activating the masking function of a hearing aid.
(12) A licensee must use the federal disclosure statement available on the Office website for in home sales. This form must be completed and affixed to the Statement to the Prospective Hearing Aid Purchaser.

(13) A licensee must post the following statement in public view on the business premises or provide the client with a written notice stating: “Individuals are entitled to a copy of the audiogram used to conduct hearing evaluations and any test results.”
(14) A licensee must provide a client with a copy of the audiogram used to conduct hearing evaluations and any test results, when requested by the client.
(15) A licensee must abide by the standards of practice set forth in ORS 694.142.

STATUTORY/OTHER AUTHORITY: ORS 694.015-694.170, ORS 694.991

STATUTES/OTHER IMPLEMENTED: ORS 694.015-694.170, ORS 694.991