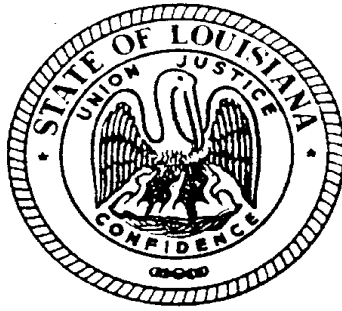


THE LOUISIANA BOARD
FOR
HEARING AID DEALERS

LICENSING ACT
BYLAWS



BY-LAWS

AS AMENDED JULY 2022

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Article I
OFFICE OF THE BOARD

SECTION 1. The office of the Louisiana Board for Hearing Aid Dealers shall be at 2237 N. Hullen St. Ste 203 Metairie, La. 70001. It may have offices at such other places as the Board may designate from time to time, or as the business of the Board may require.

Article II
MEETINGS OF THE BOARD

SECTION 1. As required by L.R.S. 37:2458 the Louisiana Board for Hearing Aid Dealers shall meet at least once each year in the month of January, and should the designated day be a recognized State holiday, then on the first legal day following. This date shall be designated as the annual meeting of the Louisiana Board for Hearing Aid Dealers.

SECTION 2. At such annual meeting the members of the Louisiana Board for Hearing Aid Dealers shall elect, by majority vote of those members present, a Chairperson and a Secretary-Treasurer, who will serve in such office until the next annual meeting.

SECTION 3. The Chairperson of Louisiana Board for Hearing Aid Dealers shall also have the authority to call other meetings of the Board to carry out the purposes of the Board, provided that written notice of such meetings be mailed to the last known address of all members of the Board at least thirty (30) days before such meeting.

SECTION 4. Unless otherwise specified in other Sections of these By-Laws, a majority of the Board shall constitute a quorum for the transaction of business at any meeting, annual or special, and any business transaction shall be legal, valid, and binding.

Article III
DUTIES AND POWERS OF THE BOARD

SECTION 1. It shall be the duty of the Chairperson to preside at all meetings, or in case of his/her inability to attend any meeting, to designate one of the members of the Board to preside in his/her stead. Chairperson will exercise a general supervision of the affairs of the Board and shall have the usual powers of such office and any other powers and duties as the Board may direct. He/she shall, with the Secretary-Treasurer, sign all licenses and certificates issued by the Board. The Chairperson may assign the Administrative Secretary the authority to sign both the Chairperson and the Secretary-Treasurer's names to all licenses and certificates issued by the Board.

SECTION 2. It shall be the duty of the Administrative Secretary to keep all the minutes and

records of the Board. Administrative Secretary shall have custody of all monies received by the Board including application fee, license fees, renewal fees, fines, penalties, and other payments. Secretary-Treasurer shall be responsible, for the preparation of the annual budget of the Board and the Board shall approve the budget. The Secretary-Treasurer will execute a bond in the amount and manner acceptable to the Board. The premium on said bond to be paid out of the funds in the hands of (controlled by) the Board.

SECTION 3. It shall be the duty of Board Members to inspect offices in their District within their elected term. The first year a new Board member is appointed or reappointed, he/she shall contact each office in his/her area to introduce himself or herself. Any new office/dealer in his/her district should be inspected within ninety (90) days.

SECTION 4. The Board may annually request verification of all licensed hearing aid dealers' information including, but not limited to, home address, business address(es), suboffice address(es), personal email, business email, home telephone number(s), cellular number(s), business telephone number(s), La. License number, license date of issuance, name as it appears on the license, personal conviction of an offense involving moral turpitude (as stated in RS 37:2453) within the previous year, documentation record of such conviction, business ownership information.

SECTION 5. The powers of the Board are defined in L.R.S. 37:2457 and are hereby made a part of the By-Laws.

Article IV COMMITTEES

SECTION 1. The Chairperson of the Louisiana Board for Hearing Aid Dealers shall have the authority to appoint committees to assist the Board in any and all matters regarding the purposes of the Board, provided that all persons so appointed must be licensed hearing aid dealers and each committee so appointed will contain at least one member who shall also be a member of the Louisiana Board for Hearing Aid Dealers, who shall be appointed to head the committee.

SECTION 2. Any and all members of any committee appointed by the Chairperson shall serve at the discretion of the Chairperson.

SECTION 3. All committees appointed by the Chairperson shall present reports of activities, accomplishments, and proposed programs at all meetings of the Louisiana Board for Hearing Aid Dealers.

Article V APPLICATION FOR LICENSE

SECTION 1. Every person requesting an application for a license or certificate of endorsement under this act shall be furnished the necessary form.

SECTION 2. The application forms shall be designed to provide the Board with the information necessary to satisfy itself that all requirements pertaining to Act 302 of 1968,

L.R.S. 37:2441-2465 of the legislature of the state of Louisiana are being fulfilled.

SECTION 3. Failure to complete all forms and provide all information required may be just cause for the application to be rejected by the Board and returned to the applicant.

SECTION 4. All applications shall be subscribed by the applicant and sworn to before a Notary Public, and in the case of the Temporary Training Permit, the Sponsor's and Co-Sponsor's shall be notarized.

SECTION 5. The application shall be accompanied by a cashier's check or postal money order in the amount specified by the act. It shall be understood by the applicant that the application fee is to cover the cost of administration and shall not be refunded.

SECTION 6. Any person furnishing false information in such application shall be denied the right to the examination, or if the applicant has already been licensed before the falseness of such information has been made known to the Board, such license shall be subject to suspension or revocation, and the applicant may be subject to prosecution for fraud and/or perjury.

SECTION 7. Complete Applications for examination must be received at least (90) ninety days prior to the next scheduled examination to be eligible to take said examination.

SECTION 8. All applicants being issued a temporary training permit four (4) months prior to the next scheduled examination shall be required to take said examination.

Article VI EXAMINATIONS

SECTION 1. IHS Practical Examinations for applicants applying for license shall be given during the month of January of each year and on any other date(s) that the Board may designate. Once the License application is approved by the Louisiana Board for Hearing Aid Dealers, applicant may schedule with IHS the written portion of the International Licensing Examination for Hearing Healthcare Professionals (ILE) and complete the Open Book Licensing Examination. The Open Book Licensing Examination may be completed and submitted online to the Louisiana State Board for Hearing Aid Dealers.

SECTION 2. The Practical Examination for licensing shall be proctored by the Board or such persons as the Board designates. The Practical Examination fee is \$200.00 per occurrence; nonrefundable and payable to the Louisiana Board for Hearing Aid Dealers. Payment must be received (10) ten days prior to scheduled Practical Examination. After (2) two successive failed attempts of Practical, Written and/or Open Book Examination, applicant must submit a new application for license. The Written Examinations for licensing shall be given online at locations and times as IHS designates. The Written Examination fee is determined by IHS and made payable to IHS directly.

SECTION 3. All applicants for licensing will be given written notice of the next pending Practical examination at least sixty (60) days before the date of the examination. Such written notice should contain the exact time of the examination and the location of the examination.

SECTION 4. Examinations shall be Written, Practical, and an Open Book Examination on the Louisiana Licensing Act & ByLaws. Written and Practical Examinations shall be the

International Licensing Examination for Hearing Healthcare Professionals (ILE) provided by the International Hearing Society (IHS). Certificate of Endorsement Applicants must take the Open Book Examination on the Louisiana Licensing Act & ByLaws to meet Louisiana licensing requirements.

SECTION 5. At the Practical Examination, each applicant will be furnished an identification number. The name of the applicant is not to appear on examination.

SECTION 6. The Practical Examination of each applicant is to be graded by Board members. Board shall not be furnished with applicant's name, but only identification number. The Written Examination results will be sent to LABHAD by IHS. LABHAD will adhere to the IHS recommended pass/fail score.

SECTION 7. There will be no rehearing or appeal from the decision of the Board regarding the granting or denial of an application for a license.

SECTION 8. Within ten (10) days after grading the complete examination (Written, Practical, & Open Book Licensing Act), the LABHAD shall notify applicant in writing, regarding the results of the complete Examination and the LABHAD's decision to grant or deny a license to the applicant.

SECTION 9. Applicants that have failed the IHS Practical Examination will be informed of the section failed. If applicant reapplies to retake Practical Examination & pay retake fees, applicant will only be required to retake the portion failed.

ARTICLE VII AUDIOMETRIC CALIBRATION

All audiometric equipment is to be calibrated on an annual basis. A certificate of current calibration is to be submitted at time of license renewal.

ARTICLE VIII UNETHICAL CONDUCT

SECTION 1. It shall be the responsibility of each holder of a license, temporary training permit, or certificate of endorsement under R.S. 37:2441-2465 to be familiar with and to avoid commission of any of the acts regarded as unethical practices by the Act. Full responsibility for the ethical conduct of a temporary training permit holder shall rest with the license or certificate holders who sponsored his application for a temporary training permit; provided, however, that such sponsoring license or certificate holders may relieve themselves of such responsibility by discharging holder of the temporary training permit, returning said permit by mail, to the Board, together with a letter explaining fully the circumstances under which the temporary training permit holder was separated from the employment of the sponsor(s). If the permit cannot be returned, full explanation shall be

included in same letter.

ARTICLE IX REVOCATION OR SUSPENSION OF LICENSE

SECTION 1. There shall be appointed by the Chairperson of the Board for Hearing Aid Dealers an Ethics Committee of not less than five (5) members, each of whom must be from a different district, and one of whom shall be a member of the Board who shall serve as Chairperson.

SECTION 2. The Ethics Committee will meet at the discretion of its Chairperson.

SECTION 3. The purpose of the Ethics Committee is to investigate all written complaints regarding violations of L.R.S. 37:2441-2465 of licensed hearing aid dealers.

SECTION 4. Upon receipt of a valid written complaint, the Ethics Committee shall furnish to the accused party a copy of the written complaint and shall request from the accused party a written answer to the said complaint.

SECTION 5. In addition to the written answer of the accused party, the accused party shall have the right to appear before the Ethics Committee in person to make any explanations or to give testimony in his/her defense.

SECTION 6. After the Ethics committee has investigated and pondered the complaint, and if the committee is of the opinion that the complaint is justified and that disciplinary action is needed, it shall then file with the Board a written report of its findings of fact and opinion

SECTION 7. Upon receipt of the written report from the Ethics Committee, the Board shall consider the report and may additionally investigate the complaint.

SECTION 8. After due consideration of the written complaint, the written answer to the complaint, if any, all evidence offered, the written report of the Ethics Committee, and any additional investigation by the Board, the Louisiana Board for Hearing Aid Dealers may:

a. Dismiss the complaint as unjustified.

b. Take action under R.S. 37:2461 and/or R.S. 37:2462, in accordance with the decision of the Board.

SECTION 9. In the event that the Board should seek the suspension or revocation of the license or temporary license of the accused party, the Board shall:

a. Set a time, date and location for a public hearing on the merits of the complaint;

b. Notify the accused party of the time, date and location of such public hearing, in writing, and furnish him with the specific charges of the complaint at least thirty (30) days before such hearing;

c. Subpoena, compel the attendance and testimony of witnesses;

d. Employ a public stenographer to transcribe all testimony adduced at the hearing;

e. Any and all evidence and testimony relevant to the complaint may be presented to the Board. The Board will determine which evidence and testimony is relevant and make its consideration thereupon;

f. A majority of the Board will preside;

g. Obtain the services of legal counsel to assist the Board at the hearing;

h. Within sixty (60) days after the hearing render its decision and reasons in writing,

a copy of which is to be mailed to the complainant and the accused licensed hearing aid dealers.

ARTICLE X DISPLAY OF LICENSE

SECTION 1. On application to the Board, each hearing aid dealer shall state the name and location of the office or place of business where his license or certificate will be regularly displayed. Such office shall be accessible to the public during reasonable business hours and shall contain adequate equipment and supplies for serving the needs of the licensee's clientele and such office and equipment shall at all times be kept in a sanitary condition.

SECTION 2. In any case where the office of the license or a certificate holder is to be removed from the address shown in the files of the Board, notice of such change must be filed with the Administrative Secretary, together with the new address, within five (5) working days of such removal. Failure to give such notice shall be deemed just cause by the Board to refuse him renewal of license.

SECTION 3. An identification card will be issued to each license or certificate holder which shall list the location of the office where his/her certificate is displayed and which he/she shall be required to keep in his/her possession at all times during the performance of his/her duties. On the request of any client or prospective client, a Board member, or any peace officer, he/she shall permit identification card to be inspected for the purpose of identification.

SECTION 4. In any case where a temporary training permit holder is separated from the employment of his sponsor(s) for any cause, he shall surrender his identification card to his sponsor(s) for return to the Board with his temporary permit. Upon application of a new sponsor and/or co-sponsor, a new identification card will be issued to the temporary training permit holder and his permit shall be forwarded to his new sponsor and/or co-sponsor.

SECTION 5. All persons holding temporary training permits must work out of the office of the sponsor or co-sponsor, where the sponsor or co-sponsor is permanently and regularly located and must be directly supervised by the fully licensed sponsor or co-sponsor.

SECTION 6. All sub-offices shall be managed by a fully licensed dealer.

ARTICLE XI STATUS OF BY-LAWS

SECTION 1. These By-Laws being for the regulation of the practice of selling and fitting hearing aids and the protection of the hearing handicapped public, the provisions hereby are declared to be separable and the invalidity of any rules, clause, sentence, paragraph, or

section hereof shall not affect the validity of the remainder thereof.

SECTION 2. Any of the above requirements and regulations are subject to change at any time at the will of the majority of the Board.

ARTICLE XII RECOGNIZED PROFESSIONAL AND/OR EDUCATIONAL INSTITUTIONS

The Board recognizes the following organizations as qualified educational and/or professional institutions: IHS, AAA, & ASHA to issue CE(s). The Board may still deny CE(s) if the course approved by any of the above listed organizations covers a topic specific to any other state outside of Louisiana. Courses from all other organizations will be reviewed by the Board for approval.

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