



State of West Virginia

BOARD OF HEARING AID DEALERS
DEPARTMENT OF HEALTH
1800 Washington Street, East
Charleston, W. Va. 25305

RECEIVED

JUL 16 1985

ATTY. GEN. OFFICE

NOTICE OF EMERGENCY RULE

B

RULE TITLE: REGULATIONS GOVERNING THE WEST VIRGINIA
BOARD OF HEARING AID DEALERS

The attached rule is filed as an Emergency Rule. The facts and circumstances constituting the emergency are as follows:

Section 7.05 is amended to prevent a hearing aid dealer from supervising or attempting to supervise more than one trainee. It is the firm belief and opinion of the Board that more than one trainee cannot be supervised so as to insure the safety and health of each patient. Two or more trainees could not be supervised at the same and, as a consequence, one would be supervised and one would not.

Sections 14.01(1) and 14.01(m) are being amended to comply with recent statutory amendments which require the Board to fix a maximum fee for examination and fitting in those cases in which a person elects to exercise his right to return a hearing aid pursuant to W. Va. Code, §30-26-15(b). Questions involving possible violations of the federal anti-trust law have been answered and this amendment is necessary to protect and promote the public health and welfare. Ill fitting and incorrectly prescribed hearing aids are much more likely to be returned if the public is protected from being overcharged.


Ralph E. Hoover, Chairman

FILED

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OFFICE OF THE ATTORNEY GENERAL
STATE OF WEST VIRGINIA

EMERGENCY
WEST VIRGINIA LEGISLATIVE RULE
WEST VIRGINIA BOARD OF
HEARING AID DEALERS
CHAPTER 30-26
SERIES I

Title: Regulations governing the West Virginia Board of
Hearing Aid Dealers

Section 7.05.

No person holding a trainee permit shall engage in the practice of dealing in or fitting of hearing aids except while under the direct supervision of a specified licensed hearing aid dealer or fitter. Such supervisor and the holder of the temporary trainee permit shall work in the same office and shall continue to so work so long as that temporary trainee permit shall endure. No licensed hearing aid dealer or fitter may supervise more than one trainee at any time. The supervisor may be held responsible to the Board for any violations of the law regulating hearing aid dealers and fitters, or any violation of the Administrative Regulations.

Section 14.01.

(j) In the event that the prospective purchaser of a hearing aid shall exercise his right to rescind the purchase agreement, the fee to be charged for such cancellation shall not exceed one hundred twenty-five dollars (\$125.00). This fee shall include all services performed by the dealer and all materials used in the fitting including the fee for the examination, fitting, training, use of the hearing aid, the cost of the earmold if required, any batteries furnished and any pertinent taxes.

The purchase agreement shall contain the following wording in type not smaller than that used in the body of the purchase agreement:

"You have the right to return the hearing aid to the dealer from whom it was purchased at any time within thirty days after receipt of the aid and to rescind the purchase agreement excepting for reasonable fitting and examination

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EMERGENCY

Board of Hearing Aid Dealers

Leg. Rule, 30-26

Series I, Sec. 14.01

charges if the aid does not function properly cannot be adjusted to correct the deficiency in your hearing or is otherwise unsatisfactory. The aid so returned must be without damage."

(k) The hearing aid dealer and fitter may elect to meet the return privilege by renting or leasing the aid to the prospective customer. If the dealer so elects, the rental or leasing agreement shall have a fee not to exceed one hundred twenty-five dollars (\$125.00) and the agreement shall specify that the prospective buyer may rescind the rental or lease agreement at any time by returning the hearing aid in good condition and that he shall incur no further costs by so doing.

WEST VIRGINIA LEGISLATIVE RULES
WEST VIRGINIA BOARD OF HEARING AID DEALERS

Chapter 30-26
Series I
(1983)

Subject: Regulations Governing the West Virginia Board of Hearing Aid Dealers

Section 1. General

1.1. Scope - These legislative regulations establish general rules governing the West Virginia board of hearing aid dealers.

1.2. Authority - These legislative regulations are issued under authority of and are related to the West Virginia Code, Chapter 30, Article 26. et seq., as amended.

1.3. Effective Date - These legislative regulations were promulgated on October 18, 1973, and became effective November 22, 1973.

1.4. Filing Date - These legislative regulations were filed in the office of the Secretary of State on October 22, 1973.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended on the 30th day of December, 1982, in the Secretary of State's office.

1.6. Certification - These legislative regulations are certified authentic by the Secretary of State.

Section 2. Duties and Powers of the Board

2.1. The duties and powers of the board are defined in Article 26 of Chapter 30 of the Code of West Virginia and are hereby made a part of these regulations.



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Ralph E. Hoover
Ralph E. Hoover, Chairman

FILED

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CLERK OF COURT
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CLERK OF COURT

EXHIBIT

#2
10-10-85

PERIOD - Beyond 10/10/85