



State of West Virginia

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

FILED

1986 MAR -6 PM 2:04

OFFICE OF THE SECRETARY OF STATE

NOTICE OF RULE MODIFICATION

LEGISLATIVE RULE: Regulations governing the West Virginia
Board of Hearing Aid Dealers

The above titled rule has been modified as a result of comments by the Legislative Rule-Making Committee and the attached modifications have been incorporated into the above titled rule and filed in the Secretary of State's Office on March 6, 1986.

Ralph E. Hoover
Chairman

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

"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 hearing aid and to rescind the

EMERGENCY

Board of Hearing Aid Dealers

Leg. Rule, 30-26

Series I, Sec. 14.01

purchase agreement excepting for reasonable fitting and examination charges if the hearing aid does not function properly cannot be adjusted to correct the deficiency in your hearing or is otherwise unsatisfactory. The hearing 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 hearing 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 lessee 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 LEGISLATURE
Legislative Rule-Making Review Committee



NOTICE OF ACTIONS TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

January 28, 1986

TO: ✓ Ken Hechler, Secretary of State; State Register

TO: Paul Richard Hull
Senior Assistant Attorney General
Office of the Attorney General
State Capitol
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Regulations governing the West Virginia Board
of Hearing Aid Dealers

1986 JAN 31 AM 10 32

FILED

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule as originally filed or as modified by the agency X

2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the state register and with the agency proposing the rule.

cc: Board of Hearing Aid Dealers