

BYLAWS

Hearing Aid Practitioners Board of Newfoundland & Labrador

Adopted unanimously by all board members and licensed hearing aid practitioners present during the annual general meeting of May 4, 2007.

Hearing Aid Practitioners Board of Newfoundland & Labrador Bylaws

Part 1 Bylaws

1. These bylaws may be cited as the Hearing Aid Practitioners Board of Newfoundland & Labrador Bylaws.
2. In these bylaws, unless otherwise specified, the Hearing Aid Practitioners Act, hereinafter shall be called "the act".
3. New bylaws or changes in the bylaws may be enacted from time to time by the board in accordance with section 8(1)&(2) of the act, and when so enacted, a copy shall be sent to the minister for the minister's records.

Part 2 Election of Board Members

4. There shall be four board members elected from and by licensed hearing aid practitioners at the Annual General Meeting of hearing aid practitioners as called by the Board ("AGM").
5. The election of board members shall take place every year, when a position(s) becomes vacant, at the Annual General Meeting of hearing aid practitioners as called by the Board.
6. The members of the Board shall be elected for a term of three years. A member is eligible to be reelected, but shall not be a member of the Board for more than nine consecutive years. The term of any continuing Board member may be adjusted, if necessary, so that the term of no more than 2 Board members shall expire in any one year.
7. The registrar shall act as a returning officer for the board elections.
8. Nominations and voting shall proceed as follows:
 - A. Nomination forms shall be mailed to licensed hearing aid practitioners at least 60 days prior to the A.G.M.;
 - B. Licensed practitioners may nominate more than one individual;
 - C. A licensed practitioner may nominate him or herself;
 - D. Nomination forms must be signed by the nominee indicating that he or she is willing to allow their name to be placed on the ballot;
 - E. Nomination forms must be returned to the registrar at least 30 days prior to the A.G.M.;
 - F. Voting for board members shall be in the form of a secret ballot during the A.G.M.;

- G. Licensed hearing aid practitioners can, if not in attendance at the A.G.M., vote by mail by requesting this option to the board at least 30 days in advance;
- H. Ballots shall be opened in the presence of, and tabulated by, at least two members of the board;
- I. The results of the election shall be announced immediately after being tabulated;
- J. In the event of a tie vote, the chairman of the board shall cast the deciding vote.

Part 3 Board Meetings

- 9. The board shall meet at various times through out the year at the call of the chairman. In addition an annual general meeting shall be held once a year.
- 10. Board members shall be notified by written notice, fax or by telephone at least 14 days prior to meetings.
- 11. Two or more board members, other than the chairman, can call a meeting by giving prior notice as per bylaw 10.

Part 4 Code of Ethics and Professional Misconduct/Incompetence and Conduct Unbecoming

12. Code of Ethics:

Forward

This code of ethics for hearing aid practitioners has been prepared and subscribed for members who are licensed by the Hearing Aid Practitioners Board of Newfoundland & Labrador. These principles of professional conduct are an effort to provide the best service for the hearing impaired and to guide hearing health professionals in their relations with each other and the public in general.

Preamble

This is a code of ethics for those engaged in the testing of human hearing, and in the selection, counseling, fitting, dispensing and servicing of hearing aids. This code sets standards of professional integrity and practice, including relationships with clients, colleagues and the general public.

Ethical principles are standards by which the profession and the individual licensed hearing aid practitioner determine the propriety of their conduct. Adherence to these standards is required for individuals to be licensed as a hearing aid practitioner in Newfoundland & Labrador, and further serves to assure public confidence in the integrity of the services of our members in this profession.

The Hearing Aid Practitioners Board verifies the competence of its licensed members through a legislative program and mandatory continuing education. It is incumbent on all hearing aid practitioners to abide by the act, bylaws and code of ethics when fitting hearing aids in Newfoundland & Labrador.

In order that we can best serve hearing impaired persons and contribute toward their participation in the world of sound and speech, we as licensed hearing aid practitioners, pledge ourselves to abide with this code of ethics:

- A. We shall state only the true facts in our public announcements and advertising of hearing aids and related products, and we shall not, in any way, mislead or misrepresent in regard to their performance, appearance, benefits and use;
- B. We shall provide thorough and ethical consulting services when we dispense hearing aids, including the appropriate testing and fitting suitable for the client's particular type of hearing loss;
- C. We shall, at all times, provide the best possible service to the hearing impaired, offering counsel, understanding and technical assistance contributing toward their deriving the maximum benefit from their hearing aids;
- D. We shall constantly encourage and support research, cooperating with medical and other hearing health professionals and societies to employ the maximum accumulation of scientific knowledge and technical skills in the testing of human hearing for the selection, fitting and maintenance of hearing aids.

Section 1: Conduct and Relationship With Patients

The licensed hearing aid practitioner engaged in the practice of testing human hearing, and in the selection, counseling, fitting, dispensing and servicing of hearing aids, shall hold paramount the welfare of the client.

- A. Continuing Education: It is in the best interest of the client that the hearing aid practitioner engage and participate in continuing education each year;
- B. Referral: The hearing aid practitioner shall utilize all resources available, including referral to the client's family doctor, otolaryngologist or other health care professional when one or more of the following occur:
 - 1. Client desire for referral;
 - 2. Congenital or traumatic deformity of ear with no prior medical review;
 - 3. Conductive hearing loss (15 db or greater at any 2 of 500, 1000, 2000 or 4000hz.);
 - 4. Otaglia within the past 90 days;
 - 5. Otorrhea/drainage within the past 90 days;
 - 6. Foreign body or excess cerumen in the ear canal;

7. Asymmetric hearing loss (15 db difference at any 2 frequencies or 30 db at one);
 8. Sudden change in hearing within the past 90 days;
 9. Unilateral tinnitus within the past 90 days;
 10. Dizziness within the past 90 days;
 11. Clinician judgement that medical review is warranted.
- C. Services Rendered: The hearing aid practitioner shall accept and seek full responsibility for the exercise of judgement within, but not limited to, the areas of his or her expertise. These include the testing of human hearing, and the selection, counseling, fitting, dispensing and servicing of hearing aids. The hearing aid practitioner shall not guarantee outstanding results from the use of hearing aids, products, services or counseling when such is not the case. He or she shall exercise caution so as not to mislead persons to expect results that cannot be predicted;
- D. Confidential Aspects of Patient Relations: The hearing aid practitioner shall hold in professional confidence all information and professional records concerning a client and use such data only for the benefit of the client. The release of information to a third party can only be done with the written authorization of the client;
- E. Conduct in Regard to Colleagues and Hearing Healthcare Professions: The hearing aid practitioner must keep the welfare of the patient uppermost at all times. He or she shall avoid disparaging, pejorative and/or inaccurate remarks or comments about professional colleagues or members of the hearing health care professions. He or she shall conduct him or herself at all times in a manner which will enhance the status of the profession. He or she shall be supportive to individuals and organizations with whom he or she is associated to their mutual benefit. He or she shall not agree to practice judgement and skill, which tend to cause a deterioration of the quality of his or her service, or which require him or her to consent to unethical conduct;
- F. Maintenance of Records: The hearing aid practitioner shall initiate and maintain records of services provided to clients. All laws pertaining to keeping of records must be carefully observed;
- G. Fees and Compensation: The hearing aid practitioner is entitled to demand payment of reasonable charges from persons by whom he or she is consulted and to whom he or she provides services and to recover as a debt, in a court, the appropriate charges for a consultation and those services. The hearing aid practitioner shall not cause financial or other exploitation when rendering his or her professional services;
- H. Delay in Providing Services: The hearing aid practitioner shall not delay furnishing care to patients served professionally, without just cause;
- I. Discontinuance of Services: The hearing aid practitioner shall not discontinue services to clients without providing reasonable notice of withdrawal, providing all contractual agreements have been satisfied;

- J. **Safety and Sanitation:** The hearing aid practitioner shall at all times practice accepted standards of infection control and shall exercise precaution to maximize client safety.

Section 2: Responsibility to the Profession and Colleagues

The hearing aid practitioner has the duty to observe the Hearing Aid Practitioner's Act and Regulations and its Bylaws, to uphold the dignity and honor of the profession and to accept its ethical principles. He or she shall not engage in any activity that will bring discredit to the profession and shall expose, without fear or favor, illegal or unethical conduct in the profession.

- A. In the event it appears that a hearing aid practitioner is in violation of this code, fellow hearing aid practitioners are encouraged to report circumstances to the Hearing Aid Practitioners Board;
- B. The hearing aid practitioner holding an appointed position with the Hearing Aid Practitioners Board shall not use such a position for self-aggrandizement.

Section 3: Advertising

The hearing aid practitioner who chooses to advertise his or her services shall use only materials considered ethical and complying with the Hearing Aid Practitioners Act and Regulations and Bylaws. The hearing aid practitioner shall endorse the following statement of principles that assures protection of the hearing impaired and the public in general.

- A. **Truth:** Advertising shall tell the truth and shall reveal significant facts, the concealment of which would mislead the public, and shall not dispense any product, or part hereof, representing that it is new, unused or rebuilt, when such is not the fact;
- B. **Responsibility:** Advertisers shall be willing and able to provide substantiation of claims made;
- C. **Disparagement:** Advertising shall offer merchandise or services on its merits, and shall refrain from attacking competitors or disparaging their products, services or methods of doing business;
- D. **Bait Advertisement:** Advertising shall offer only merchandise or services which are readily available for purchase during the advertised period at the advertised price;
- E. **Guarantees and Warranties:** Advertising of guarantees and warranties shall be explicit. Advertising of any guarantee or warranty shall clearly and conspicuously disclose the guarantor or warrantor. It is unethical to use or cause to be used, any guarantee or warranty which is false, misleading, deceptive or unfair, whether in respect to the quality, construction serviceability, performance or method of manufacture of any industry product, or in respect to the terms and conditions of refund of purchase thereof, or in any other respect.

Section 4: Standards

Maintenance of high standards by all hearing aid practitioners is in the best interest of persons served professionally, the hearing aid practitioner and the profession.

- A. It shall be unethical for the hearing aid practitioner to willfully and knowingly violate the Hearing Aid Practitioners Act, Regulations or its Bylaws;
- B. It is unethical to use such terms, or abbreviation of such terms as doctor, physician, otologist, otolaryngologist, board certified hearing instrument specialist, audioprosthologist, certified audiologist, clinical audiologist, medical audiologist, research audiologist, industrial audiologist, licensed hearing aid practitioner, or any other title/abbreviation, when such is not the fact. When holding a doctorate or other degree from a profession other than hearing sciences, delineation of such credential shall be required;
- C. It shall be unethical to use any symbol or depiction which connotes the medical profession;
- D. It shall be unethical to use any terms that may reasonably be said to confuse the public that a private business practice has some relationship to a governmental or non-profit medical, educational or research institution.

Section 5: Right of the public to services

- A. The hearing aid practitioner shall not deny to or discriminate against a person or class of persons with respect to the delivery of professional services because of the race, religion, religious creed, political opinion, colour or ethnic, national or social origin, sex, sexual orientation, marital status, family status, age, physical disability or mental disability of that person or class of persons.
- B. Notwithstanding subsection (A), a limitation, specification, exclusion, denial or preference because of physical disability or mental disability shall be permitted if that limitation, specification, exclusion, denial or preference is based upon a good faith qualification.

Section 6: Association

The hearing aid practitioner is encouraged to associate with groups and organizations having as their objectives the betterment of the profession. All licensed hearing aid practitioners pledge themselves to observe and support this Code of Ethics. By violating any part, a hearing aid practitioner is subject to various forms of discipline as per sections 12 to 27 of the Hearing Aid Practitioners Act.

13. Professional Misconduct/Incompetence and Conduct Unbecoming:

The terms professional misconduct/incompetence and conduct unbecoming for the purpose of consideration of a complaint and the institution of disciplinary proceedings includes but is not limited to:

- A. Failure to abide by the terms, conditions or limitations of a hearing aid practitioners license as set out in the act, regulations and bylaws;
- B. Practice as a hearing aid practitioner while not covered by a policy of professional liability insurance including:
 - 1. Providing false or misleading information to the registrar of the board about his or her professional liability insurance; or
 - 2. Failing to notify the registrar of the cancellation or expiry of his or her professional liability insurance;
- C. Breach of the code of ethics governing the practice of hearing aid dispensing as approved by the board;
- D. Failing to pay the appropriate fee to maintain or renew a license;
- E. Failing to perform an audiogram when fitting a hearing aid unless one was done within the previous 12 months and the client indicates no further deterioration in that time. The audiogram should include air and bone conduction measurements with masking as required, word testing including SRT's, MCL's, LDL's and speech discrimination testing with masking as required for both ears;
- F. Failing to refer the client to the family doctor, otolaryngologist or other health care professional as outlined in section 1(B) of the code of ethics;
- G. Falsifying all or part of an audiogram;
- H. Fitting a hearing aid when no objective or subjective benefit can be obtained;
- I. Sharing fees with a client obtained by being approved by the Workplace, Health, Safety and Compensation Commission, the Department of Veteran Affairs or other similar groups;
- J. Employing an unlicensed person and having them perform the duties of a licensed hearing aid practitioner;
- K. Selling a behind the ear hearing aid previously returned for credit from another client, outside the manufacturers 90 day trial period, without specifically notifying the client that this is the case;
- L. Acting as a hearing aid practitioner while the ability to perform an action as a hearing aid practitioner is impaired by alcohol or by a drug;
- M. Acting as a hearing aid practitioner without notifying the board of any criminal convictions that may put the general welfare of the public at risk;
- N. Knowingly permitting the premises in which a business is located to be used for unlawful purposes;
- O. A hearing aid practitioner permitting, consenting to or approving either expressly or by implication the commission of an offence under the act, the regulations or the bylaws by another person associated with the business they employee or are employed by;

- P. Failing to maintain the records that are required to be kept respecting clients;
- Q. Having a conflict of interest. The scope of which lends itself to a broad range of indiscretions that the board and its legal counsel would evaluate on an individual basis;
- R. Refusing to allow a board member to enter at a reasonable time the place of business of the hearing aid practitioner to inspect or ensure that business is upholding all aspects of the act, regulations and bylaws;
- S. Conduct an act relevant to the practice of dispensing hearing aids that, having regard to all the circumstances, would reasonably be regarded by members as disgraceful, dishonorable or unprofessional;
- T. Disclosing of information relating to the testing or dispensing of hearing aids to a person other than to the person to whom the hearing aid was fitted, without the written consent of the person to whom the hearing aid was fitted or other service was performed or as is required by law;
- U. Displaying of a lack of knowledge, skill or judgement or disregard for the welfare of the public he or she serves of a nature or to an extent that demonstrates a hearing aid practitioner is unfit to carry out his or her responsibilities under the act, regulations and bylaws;
- V. Verbally and or physically abusing a member of the board during the performance of his or her duties.
- W. Notwithstanding (R) failing to release information to the Hearing Aid Practitioners Board as required during the investigation of an offence.

Hearing Aid Dealers Board

38 Pearson Street

Suite # 197

St. John's, NL

A1A 3R1

New Bylaw

Attn: All licensed hearing instrument dispensers. This bylaw is in effect from the date of October 1, 2012

Please attach this new adopted bylaw as an addition to Section 3: Advertising part F of the bylaws of the Hearing Aid Practitioners Board of Newfoundland and Labrador.

F. No advertising stating the price of a hearing instrument is allowed. It is permissible to advertise either a percent discount or a fixed amount off of an instrument for a set period of time but the cost of the instrument cannot be advertised.

New bylaw in effect as of November 3, 2015:

Section 7: Renewal of Registration

If a Hearing Aid Practitioner does not provide to the Board by July 1, as part of the renewal of their registration, the registration fee, proof of professional liability insurance and/or proof that they have obtained the ten hours of continuing education, a late fee of 10% of the registration fee will be charged.

New bylaw in effect as of February 27, 2018

Section 1

K. Calibration of equipment:

The hearing aid practitioner, as designed responsible by the business, shall ensure that all diagnostic equipment is calibrated annually. This includes but is not limited to audiometers, real ear verification and impedance equipment. Calibration shall be performed by someone who is trained and certified. The board reserves the right to request documentation certifying compliance.