

The Hearing Aid Sales and Services Regulations

being

[Chapter H-2.01 Reg 1](#) (effective March 10, 2006) as amended
by Saskatchewan Regulations [46/2013](#) and [85/2015](#).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

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CHAPTER H-2.01 REG 1
The Hearing Aid Sales and Services Act

PART I
Preliminary Matters

Title

1 These regulations may be cited as *The Hearing Aid Sales and Services Regulations*.

Interpretation

2(1) In these regulations:

- (a) **“Act”** means *The Hearing Aid Sales and Services Act*;
 - (b) **“*The Hearing Aid Dealers Policy Manual September 2005*”** means *The Hearing Aid Dealers Policy Manual, September 2005*, as amended from time to time, published by the department;
 - (b.1) **“hearing instrument practitioner”** means a person who possesses the qualifications set out in subsection 11(1);
 - (b.2) **“provided to the purchaser”** means the day on which the hearing aid is first placed in the purchaser’s ear by the hearing aid practitioner;
 - (c) **Repealed.** 5 Jly 2013 SR 46/2013 s3.
 - (d) **“purchaser”** means a person who purchases a hearing aid or a person to whom a hearing aid service is provided, and includes a prospective purchaser;
 - (e) **Repealed.** 5 Jly 2013 SR 46/2013 s3.
 - (f) **“student”** means a person described in subsection 13(1).
- (2) For the purposes of the Act and in these regulations, **“licensee”** means a holder of a valid licence issued pursuant to these regulations.

27 Jan 2006 cH-2.01 Reg 1 s2; 5 Jly 2013 SR
46/2013 s3.

PART II
Licensing

Application for licence

3(1) An applicant for a licence, other than for a renewal of a licence, shall submit with the application:

(a) with respect to each individual, other than a student, who will be providing hearing aid services in the name of the applicant's business as a hearing aid dealer:

(i) the individual's name;

(ii) evidence of the individual's qualifications to provide hearing aid services; and

(iii) the results of a recent criminal record search;

(b) in the case of an applicant who is not an individual described in clause (a), the results of a recent criminal record search with respect to the applicant;

(c) current calibration records for each piece of equipment to be used in providing hearing aid services;

(d) an application fee of \$250; and

(e) a licence fee in the amount calculated in accordance with section 5.

(2) Before issuing a licence to an applicant, the director may require an inspection of the business premises and equipment of the applicant and an evaluation of the ability of the applicant to provide hearing aid services in accordance with the Act and these regulations.

27 Jan 2006 cH-2.01 Reg 1 s3.

Application for renewal

4(1) An applicant for a renewal of a licence shall submit with the application:

(a) the names of all individuals, other than students, who are providing hearing aid services in the name of the applicant's business as a hearing aid dealer and:

(i) with respect to individuals whose qualifications have previously been reported pursuant to section 3, evidence that they have completed the number of hours of continuing education required by section 14 during the term of the licence that is about to expire; and

(ii) with respect to individuals whose qualifications have not been reported previously pursuant to section 3:

(A) evidence of their qualifications to provide hearing aid services; and

(B) the results of a recent criminal record search for each of them;

- (b) current calibration records for each piece of equipment being used in providing hearing aid services; and
 - (c) a licence fee in the amount calculated in accordance with section 5.
- (2) Before issuing a renewal of a licence to an applicant, the director may require an inspection of the business premises and equipment of the applicant and an evaluation of the ability of the applicant to provide hearing aid services in accordance with the Act and these regulations.

27 Jan 2006 cH-2.01 Reg 1 s4.

Licence fees

5 The amount of a licence fee to be paid pursuant to section 3 or 4 is the amount L calculated in accordance with the following formula:

$$L = \$250 \times N$$

where N is the number of individuals, other than students, who:

- (a) will be providing hearing aid services in the name of the applicant's business as a hearing aid dealer, in the case of an application described in section 3; or
- (b) are providing hearing aid services in the name of the applicant's business as a hearing aid dealer at the time of the application, in the case of an application described in section 4.

27 Jan 2006 cH-2.01 Reg 1 s5.

Terms and conditions

6(1) The following term shall be incorporated in each licence:

"Subject to the other terms and conditions of this licence, the licensee shall operate the hearing aid dealer's business governed by this licence in accordance with *The Hearing Aid Dealers Policy Manual, September 2005*, as amended from time to time, published by Saskatchewan Health and supplied by the department to the licensee".

(2) Specific terms and conditions included in a licence pursuant to subsection 6(2) of the Act may vary, add to or remove any of the requirements set out in *The Hearing Aid Dealers Policy Manual, September 2005* and, in the event of a conflict between *The Hearing Aid Dealers Policy Manual, September 2005* and a term or condition in a licence, the term or condition in the licence prevails.

27 Jan 2006 cH-2.01 Reg 1 s6.

Letters of credit

7(1) If, pursuant to subsection 5(2) of the Act, the director requires an applicant for a licence to provide a letter of credit as security, the letter of credit must be an irrevocable standby letter of credit that:

- (a) is issued by a bank, credit union or trust corporation that is authorized to transact business in Saskatchewan;
- (b) is set out on the letterhead of the issuing financial institution;
- (c) contains the provisions described in Part II of the Appendix unless otherwise approved by the minister; and
- (d) is in the amount LC calculated in accordance with the following formula:

$$LC = \$10,000 \times N$$

where N is the number of individuals, other than students, providing hearing aid services in the name of the hearing aid dealer.

(2) If, pursuant to subsection 5(2) of the Act, the director requires an applicant for a renewal of a licence to provide a letter of credit as security, the letter of credit must, subject to subsection (3), meet the requirements of subsection (1).

(3) In the case of an applicant for a renewal of a licence who has previously provided a letter of credit pursuant to subsection (1), if the director has had recourse to the letter of credit or if the number of individuals, other than students, providing hearing aid services in the name of the applicant has increased, the applicant must provide:

- (a) an amendment to the letter of credit to increase the face amount to the amount LC determined in accordance with the formula set out in clause (1)(d) based on the number of individuals, other than students, providing hearing aid services in the name of the applicant at the time of the application for a renewal; or
- (b) a new letter of credit in the amount LC determined in accordance with clause (a).

27 Jan 2006 cH-2.01 Reg 1 s7.

Recourse to letter of credit

8(1) Notwithstanding that the Crown in right of Saskatchewan has not suffered any loss or damage, the director may have recourse to a letter of credit provided pursuant to section 7 by presenting a demand to the issuer of the letter of credit, together with the letter of credit, if the director has reason to believe that:

- (a) the licensee has failed to comply with a decision of the director that requires the licensee to pay an amount to another person and the period set out in subsection 19(2) for appealing that decision has expired; or
- (b) the licensee has failed to comply with a decision of an adjudicator that requires the licensee to pay an amount to another person within the time specified in the decision or, if no time is specified, within 30 days after the date of the decision.

(2) The director shall pay the moneys received pursuant to a letter of credit to the person or persons on whose behalf a decision is being enforced pursuant to subsection 11(6) or 19(19) of the Act by recourse to the letter of credit.

27 Jan 2006 cH-2.01 Reg 1 s8.

PART III Provision of Services

Hearing aid services

9 Without limiting the generality of clause 2(g) of the Act, the following activities are hearing aid services that may only be performed by a person who is authorized in accordance with this Part to provide hearing aid services:

- (a) testing hearing for the purpose of recommending a hearing aid;
- (b) counselling an individual with respect to hearing loss;
- (c) recommending an individual to a member of another profession for follow-up;
- (d) written reports on the results of a hearing test;
- (e) selecting and recommending hearing aids;
- (f) adjusting and setting controls for saturated sound pressure levels, gain, compression and tone;
- (g) completing procedures to verify and validate a hearing aid fitting;
- (h) providing follow-up services to the fitting of a hearing aid and services relating to the repair and maintenance of a hearing aid;
- (i) making impressions for ear moulds;
- (j) performing otoscopic examinations;
- (k) placing the otoblock down the ear canal;
- (l) removing ear wax from the ear canal;
- (m) changing the receiver of a hearing aid.

27 Jan 2006 cH-2.01 Reg 1 s9; 5 Jly 2013 SR
46/2013 s4.

Provision of hearing aid services

10 Subject to section 17 of the Act and to sections 11 to 13, the following persons may provide hearing aid services:

- (a) hearing instrument practitioners;
- (b) **Repealed.** 5 Jly 2013 SR 46/2013 s5.
- (c) students.

27 Jan 2006 cH-2.01 Reg 1 s10; 5 Jly 2013 SR
46/2013 s5.

Hearing instrument practitioner

11(1) Subject to section 33.1, a hearing instrument practitioner is:

- (a) an audiologist;
 - (b) a person who holds a diploma from a hearing aid practitioner education program of at least two years' duration that:
 - (i) is approved by the director; and
 - (ii) requires the successful completion of the course competencies set out in Table 1 of Part III of the Appendix;
 - (c) a person who has successfully completed a competency review pursuant to section 33.2;
 - (d) a person who produces evidence establishing to the satisfaction of the director that the person is registered as the equivalent of a hearing instrument practitioner in good standing pursuant to legislation of another jurisdiction in Canada; or
 - (e) a person who produces evidence establishing to the satisfaction of the director that the person:
 - (i) is registered as the equivalent of a hearing instrument practitioner in good standing pursuant to legislation of a jurisdiction outside of Canada that is recognized by the minister; and
 - (ii) has successfully completed an education program that the director is satisfied is equivalent to that mentioned in clause (b).
- (2) A hearing instrument practitioner who is not an audiologist may provide any hearing aid service other than a service to which section 17 of the Act applies.

5 Jly 2013 SR 46/2013 s6; 23 Oct 2015 SR
85/2015 s2.

12 Repealed. 5 Jly 2013 SR 46/2013 s7.

Students

- 13(1)** A student is an individual who, as part of the requirements for a formal program of study in hearing instrument science, is participating in a period of work experience under the supervision of a hearing instrument practitioner.
- (2) If a student provides hearing aid services on behalf of a hearing aid dealer, the hearing aid dealer shall ensure that the student provides those services:
- (a) only under the supervision of a hearing instrument practitioner who takes responsibility for the services provided by the student and signs the audiograms and written reports produced by the student;
 - (b) only for a period that does not exceed 12 weeks; and
 - (c) only in accordance with any restrictions set out in the hearing aid dealer's licence.

27 Jan 2006 cH-2.01 Reg 1 s13; 5 Jly 2013 SR
46/2013 s8.

Continuing education

14(1) Subject to subsections (2) and (3), a hearing aid dealer shall ensure that each individual providing hearing aid services, other than a student, completes at least 10 hours of continuing education during the term of the hearing aid dealer's licence.

(2) For the purposes of subsection (1), continuing education must be obtained in courses that are directly related to the provision of hearing aid services, including:

- (a) courses offered online and at conferences held by provincial, national and international professional associations;
- (b) in-service programs and product update presentations offered by hearing aid manufacturers;
- (c) other courses and in-service programs approved by the director.

(3) Not more than five of the 10 hours of continuing education required pursuant to subsection (1) may be courses described in clause (2)(b).

5 Jly 2013 SR 46/2013 s9.

Equipment

15(1) A hearing aid dealer shall have, as a minimum, the following equipment:

- (a) an otoscope;
- (b) an audiometer;
- (c) an acoustic immittance bridge;
- (d) a real-ear analyser.

(2) A hearing aid dealer shall ensure that each piece of equipment used in providing hearing aid services is:

- (a) calibrated annually; and
- (b) maintained in good operating condition at all times.

(3) The director may require a hearing aid dealer to have the calibration of equipment used in providing hearing aid services carried out by an independent third party.

(4) A hearing aid dealer shall ensure that any equipment or material marked by its manufacturer as being intended for single use only is discarded after one use.

27 Jan 2006 cH-2.01 Reg 1 s15.

Facilities for testing hearing

16(1) Subject to subsection (2), a hearing aid dealer shall ensure that hearing tests are conducted in a commercial sound booth equipped with a diagnostic audiometer.

(2) If a hearing aid dealer does not have access to a commercial sound booth equipped with a diagnostic audiometer, the hearing aid dealer shall ensure that any hearing test conducted with a portable audiometer is conducted in accordance with the requirements set out in *The Hearing Aid Dealers Policy Manual, September 2005*.

27 Jan 2006 cH-2.01 Reg 1 s16.

Audiograms

17(1) A hearing aid dealer shall ensure that each audiogram produced as a result of a hearing test:

(a) is produced in accordance with the requirements set out in *The Hearing Aid Dealers Policy Manual September, 2005*;

(b) is in a format approved by the director, uses standardized audiometric symbols recognized by the American National Standards Institute or the International Standards Organization and contains the information set out in *The Hearing Aid Dealers Policy Manual, September 2005* with respect to each ear; and

(c) is dated and signed:

(i) by the person who conducted the hearing test; or

(ii) if the hearing test was conducted by a student, by the hearing instrument practitioner who supervised the conduct of the test by the student.

(2) Not later than seven days after receiving a request, a hearing aid dealer shall provide a copy of the audiogram, without charge, to the person whose hearing was tested.

(3) A hearing aid dealer shall ensure that a hearing instrument practitioner explains the results of a hearing test as shown on the audiogram to the person whose hearing was tested and provides that person with advice in accordance with *The Hearing Aid Dealers Policy Manual, September 2005*.

(4) An audiogram that meets the requirements of this section may be used for the purposes of providing hearing aid services to the person whose hearing was tested for a period of 12 months following the date set out on the audiogram.

27 Jan 2006 cH-2.01 Reg 1 s17; 5 Jly 2013 SR
46/2013 s10.

Medical clearance

18(1) In this section, “**medical clearance**” means a written statement from a duly qualified medical practitioner, prepared within 30 days before the date of the sale of a hearing aid to an individual, indicating that the duly qualified medical practitioner approves, or does not have a medical reason for objecting to, the provision of a hearing aid to that individual.

(2) Subject to subsection (3), no person shall sell a hearing aid to any individual without a medical clearance if the individual:

(a) exhibits any of the symptoms set out in *The Hearing Aid Dealers Policy Manual, September 2005*; or

(b) is less than 18 years of age.

(3) A licensee may sell a hearing aid to an individual described in clause (2)(a) who is 18 years of age or older if the individual provides the licensee with a written waiver of medical clearance signed and dated by the individual.

(4) A written waiver of medical clearance signed and dated by an individual who is less than 18 years of age or by a parent of an individual who is less than 18 years of age is not valid for the purposes of this section.

27 Jan 2006 cH-2.01 Reg 1 s18.

Verification and validation

19 A hearing aid dealer shall ensure that a verification and validation measure that meets the requirements set out in *The Hearing Aid Dealers Policy Manual, September 2005* is completed at the time a hearing aid is fitted, for the purpose of determining the appropriateness of the hearing aid to the hearing loss.

5 Jly 2013 SR 46/2013 s11.

Follow-up services

20(1) Subject to subsection (2), after the day on which a hearing aid is provided to the purchaser, a hearing aid dealer shall schedule at least one in-person follow-up appointment with the purchaser for the purposes of:

- (a) ensuring that the hearing aid is correctly adjusted for the purchaser's hearing loss;
- (b) remedying any problems that the purchaser may have experienced; and
- (c) answering any questions that the purchaser may have.

(2) The follow-up appointment mentioned in subsection (1) must occur no later than 10 days before the end of the trial period mentioned in section 26.

(3) A hearing aid dealer shall:

- (a) provide follow-up, repair and maintenance services at a business location in Saskatchewan; or
- (b) in the case of repair and maintenance services, make these services available through a mailing address in Saskatchewan.

5 Jly 2013 SR 46/2013 s12.

PART IV
Business Practices

Sale without audiogram prohibited

21 A hearing aid dealer shall not sell a hearing aid to any person unless a hearing test has been conducted on that person by a hearing instrument practitioner within the preceding 12 months and an audiogram that meets the requirements of section 17 has been produced with respect to that hearing test.

27 Jan 2006 cH-2.01 Reg 1 s21; 5 Jly 2013 SR 46/2013 s13.

H-2.01 REG 1**HEARING AID SALES AND SERVICES****Refusal to accept audiogram from other practitioner prohibited**

22 A hearing aid dealer shall not refuse to sell a hearing aid or provide a hearing aid service on the basis of an audiogram that meets the requirements of section 17 and that was produced, within the preceding 12 months commencing on the date set out on the audiogram, by a hearing instrument practitioner who is employed by a licensee other than the hearing aid dealer.

27 Jan 2006 cH-2.01 Reg 1 s22; 5 Jly 2013 SR 46/2013 s14.

Charge for further audiogram prohibited

23 If a hearing aid dealer performs a further hearing test on a person within the 12-month period that follows the production of an audiogram meeting the requirements of section 17 from a hearing test on that person, the hearing aid dealer shall not charge the person for the further hearing test unless:

- (a) the person exhibits a medical condition indicating that the person's hearing may have changed; or
- (b) the further hearing test was performed at the request of the person.

27 Jan 2006 cH-2.01 Reg 1 s23.

Contracts

24(1) A hearing aid dealer shall ensure that every contract for the sale of a hearing aid contains:

- (a) the name, address and telephone number of the purchaser;
- (b) the name, business address, telephone number and, if applicable, fax number of the hearing aid dealer;
- (c) an address for service in Saskatchewan of the hearing aid dealer;
- (d) the name of the hearing instrument practitioner who selected and recommended the hearing aid;
- (e) the date on which the contract is signed;
- (f) the location from which the sale was made;
- (g) an itemized list of the hearing aid services and products to be provided pursuant to the contract and the cost of each item;
- (h) the total amount payable;
- (i) the method of payment and the terms and conditions of payment;
- (j) the terms of the warranty provided by the hearing aid manufacturer;
- (k) **Repealed.** 5 Jly 2013 SR 46/2013 s15.
- (l) the length of the trial period and the date of the final day of the trial period; and
- (m) a statement of cancellation rights that meets the requirements set out in section 25.

(2) A hearing aid dealer shall ensure that every contract for the sale of a hearing aid is printed with:

- (a) the heading in not less than 14-point bold type; and
- (b) the remainder of the information in not less than 12-point type.

(3) A hearing aid dealer shall ensure that a copy of the contract of sale is provided to the purchaser at the time the contract is signed by the purchaser.

27 Jan 2006 cH-2.01 Reg 1 s24; 5 Jly 2013 SR 46/2013 s15.

Statement of cancellation rights

25(1) A statement of cancellation rights in a contract for the sale of a hearing aid must:

- (a) contain the words specified in the “Purchaser’s Right to Cancel” in Part IV of the Appendix;
- (b) show the heading “Purchaser’s Right to Cancel” in not less than 14-point bold type; and
- (c) show the remainder of the information in not less than 12-point type.

(2) If a statement of cancellation rights mentioned in subsection (1) is not located on the first page of the contract of sale, a notice is to be placed on the first page of the contract in not less than 12-point bold type, directing the purchaser to the location of the statement in the contract.

5 Jly 2013 SR 46/2013 s16.

Trial period

26(1) For the purposes of clause 18(1)(b) of the Act, the trial period is the period of 60 days from the day on which a hearing aid is provided to the purchaser or any longer period set out in the contract of sale as the trial period.

(2) The trial period mentioned in subsection (1) does not include any period during which a hearing aid dealer provides the purchaser with a hearing aid, on a temporary basis, for the purposes of testing or demonstrating it before entering into a contract of sale.

5 Jly 2013 SR 46/2013 s17.

Refund

27(1) Subject to subsection (2), for the purposes of subsection 18(3) of the Act, a purchaser of a hearing aid who cancels a contract of sale by returning the hearing aid to the hearing aid dealer within the trial period is entitled to a refund in an amount equal to the purchase price of the hearing aid.

H-2.01 REG 1**HEARING AID SALES AND SERVICES**

(2) The hearing aid dealer may retain the following amounts paid by or on behalf of the purchaser of a hearing aid who cancels a contract of sale pursuant to subsection (1), but the amounts retained must not exceed 10% of the total amount payable pursuant to clause 24(1)(h):

- (a) the cost of the hearing test administered to the purchaser;
- (b) the cost of the ear mould impression;
- (c) the cost of the ear mould.

5 Jly 2013 SR 46/2013 s18.

Purchaser records

28(1) A hearing aid dealer shall, in accordance with *The Hearing Aid Dealers Policy Manual, September 2005*, keep records with respect to each purchaser of a hearing aid containing, as a minimum, the following:

- (a) a case history form;
- (b) any audiograms produced, including copies of any acoustic immittance results and any real-ear measurements taken in the ear;
- (c) any written reports produced;
- (d) a medical clearance, if applicable;
- (e) a written waiver of medical clearance, if applicable;
- (f) a copy of the contract of sale;
- (g) a copy of the statement of cancellation rights;
- (h) records with respect to any follow-up appointments;
- (i) records with respect to any refund given to the purchaser, including the amount refunded.

(2) A hearing aid dealer shall maintain the records mentioned in subsection (1) in Saskatchewan.

(3) At the request of a purchaser of a hearing aid, the hearing aid dealer must provide a copy of the records mentioned in subsection (1) to the purchaser.

5 Jly 2013 SR 46/2013 s19.

Misrepresentation of hearing aid services prohibited

29(1) No hearing aid dealer shall misrepresent the hearing aid services provided by the hearing aid dealer.

(2) Without limiting the generality of subsection (1), no hearing aid dealer shall:

- (a) misrepresent the warranty provided by the manufacturer of a hearing aid; or

- (b) provide to a purchaser an audiogram that:
 - (i) is not produced or signed by the person who conducted the hearing test or supervised the conduct of the hearing test by a student;
 - (ii) is produced or signed by a person who is not qualified to conduct the hearing test; or
 - (iii) does not represent the results of a hearing test conducted on the purchaser.

27 Jan 2006 cH-2.01 Reg 1 s29.

Misrepresentation of hearing aid benefits prohibited

30 No hearing aid dealer shall misrepresent or exaggerate the benefits of a hearing aid.

27 Jan 2006 cH-2.01 Reg 1 s30.

Prohibition against advertising without disclosing dealer's name and address

31 No hearing aid dealer shall advertise the hearing aid dealer's business by any means unless the advertisement discloses:

- (a) the name of the hearing aid dealer; and
- (b) the address and telephone number of the head office of the hearing aid dealer.

5 Jly 2013 SR 46/2013 s20.

Prohibition re unsolicited appointments

32 No hearing aid dealer shall represent to any individual that the individual has an appointment with the hearing aid dealer by indicating orally, in writing or by any other means, a time and place of an appointment unless the individual has requested an appointment.

27 Jan 2006 cH-2.01 Reg 1 s32.

**PART V
General**

Appeals

33(1) For the purposes of subsection 19(2) of the Act:

- (a) Form 1 of Part I of the Appendix is prescribed as the form for the notice of appeal; and
 - (b) \$250 is prescribed as the fee for commencing an appeal.
- (2) If, pursuant to subsection 19(16) of the Act, the adjudicator orders an appellant to pay the costs of the hearing, the costs of the hearing are deemed to be \$250.

27 Jan 2006 cH-2.01 Reg 1 s33.

Transitional – qualified and provisional hearing instrument practitioners

33.1(1) In this section, “**former regulations**” means *The Hearing Aid Sales and Services Regulations*, as those regulations existed on the day before the coming into force of this section.

(2) An individual is deemed to be a hearing instrument practitioner for the purposes of section 11 for a period commencing on the day on which this section comes into force and ending on the day that is two years after this section comes into force if, on the day before this section comes into force, the individual was a qualified hearing instrument practitioner as defined in the former regulations.

(3) An individual may provide hearing aid services as set out in section 12 of the former regulations for a period commencing on the day on which this section comes into force and ending on the day that is two years after this section comes into force if, on the day before this section comes into force, the individual was a provisional hearing instrument practitioner as defined in the former regulations.

5 Jly 2013 SR 46/2013 s21.

Transitional – competency review

33.2(1) Subject to section 33.3, an individual mentioned in subsection 33.1(2) or (3) who intends to continue to provide hearing aid services after the day that is two years after the day on which this section comes into force but who is not a hearing instrument practitioner pursuant to clause 11(1)(a) or (b) must successfully complete a competency review in accordance with this section that confirms that the individual meets standards equivalent to those mentioned in clause 11(1)(b).

(2) The individual mentioned in subsection (1) must apply for an initial competency review within six months after the coming into force of this section.

(3) The individual mentioned in subsection (1) may complete a maximum of two competency reviews in accordance with subsection (4), but a second competency review, if applicable, must not be completed until at least three months after the initial competency review.

(4) The competency reviews must be completed within 24 months after the coming into force of this section and are to be performed:

(a) in the case of the initial review, by the director, without charge;

(b) in the case of a second review, subject to the prior approval of the director, by a member of the faculty of an educational institution that offers a hearing aid practitioner education program of at least two years' duration.

(5) An individual must make a separate application for each competency review he or she wishes to complete using Form 2 in Part I of the Appendix.

(6) The cost and scheduling of a second competency review mentioned in clause (4)(b) are to be the responsibility of the individual making the application.

(7) The results of a competency review mentioned in clause (4)(b) must be submitted to the director as soon as is reasonably practicable after it has been completed.

(8) Subject to subsections (9) and (10), an individual who has twice failed a competency review must cease providing hearing aid services after the day on which he or she is advised of the second failure.

(9) An individual mentioned in subsection (8) who is a licensee pursuant to the Act may continue to provide hearing aid services pursuant to section 9 until the date that is the earlier of:

(a) the day on which the individual makes arrangements acceptable to the director for the hearing aid services to be provided by a hearing instrument practitioner on behalf of that business; and

(b) the day that is one month after the day on which the individual is advised of the second failure.

(10) An individual mentioned in subsection (8) may resume providing hearing aid services on producing evidence acceptable to the director that the individual has successfully completed a hearing aid practitioner education program mentioned in clause 11(1)(b).

5 Jly 2013 SR 46/2013 s21.

Transitional - enrolment in diploma program

33.3(1) An individual mentioned in subsection 33.1(2) or (3) who intends to continue to provide hearing aid services after the day that is two years after the day on which this section comes into force, who is not a hearing instrument practitioner pursuant to clause 11(1)(a) or (b) and who either chooses not to complete a competency review or has failed the initial competency review must provide evidence acceptable to the director that the individual is enrolled in a hearing aid practitioner education program mentioned in clause 11(1)(b).

(2) An individual who is enrolled in a hearing aid practitioner education program in accordance with subsection (1) may continue to provide hearing aid services until the day that is four years after the day on which this section comes into force.

(3) An individual mentioned in subsection (2) who intends to continue to provide hearing aid services after the day that is four years after the day on which this section comes into force must produce evidence acceptable to the director that the individual has successfully completed a hearing aid practitioner education program mentioned in clause 11(1)(b).

5 Jly 2013 SR 46/2013 s21.

Coming into force

34(1) Subject to subsections (2) and (3), these regulations come into force on March 1, 2006.

(2) Subject to subsection (3), if section 24 of *The Hearing Aid Sales and Services Act* is not in force on March 1, 2006, these regulations come into force on the day on which section 24 of *The Hearing Aid Sales and Services Act* comes into force.

(3) If these regulations are filed with the Registrar of Regulations after March 1, 2006 and after the day on which section 24 of *The Hearing Aid Sales and Services Act* comes into force, these regulations come into force on the day on which they are filed with the Registrar of Regulations.

27 Jan 2006 cH-2.01 Reg 1 s34.

Appendix

**PART I
Forms**

**FORM 1
[Clause 33(1)(a)]**

Notice of Appeal

Pursuant to section 19 of *The Hearing Aid Sales and Services Act*

TO: The Minister of Health

1. I, _____, hereby appeal the
(name of hearing aid dealer)

decision made by the Director of Hearing Aid Dealer Licensing on the _____ day
of _____, 20 _____ respecting the following matter:

(Check applicable items)

- _____ refusal to issue licence; [subsection 6(1) of the Act]
- _____ refusal to renew licence; [subsection 6(1) of the Act]
- _____ term or condition included in licence; [subsection 6(2) of the Act]
- _____ suspension of licence; [subsection 11(2) of the Act]
- _____ amendment of licence; [subsection 11(2) of the Act]
- _____ cancellation of licence; [subsection 11(2) of the Act]
- _____ adding or varying term or condition of licence; [subsection 11(2) of the Act]
- _____ order to provide refund, service or other adjustment. [subsection 11(4) of the Act]

A copy of the decision is attached to this Notice of Appeal.

2. I appeal the above-noted decision on the following grounds:

(Here briefly set out the reasons for your appeal, including the errors that you allege were made by the director in making the decision. Please provide full details and attach all supporting documentation. Attach additional pages if necessary.)

3. I request the following relief:

(Here briefly set out what action you are requesting the adjudicator to take, for example: reversing the director's decision, amending the order in some fashion.)

4. I request a stay of the director's decision pending the determination of my appeal.

Yes No

5. My address for service of documents is:

(Here list your address and your telephone number.)

DATED this _____ day of _____, 20 ____ .

(signature)

FORM 2
[Subsection 33.2(5)]

Application for Competency Review

TO:

The Director of Licensing, Ministry of Health

1. I, _____, hereby apply for a competency
(name of applicant for competency review)

review in accordance with section 33.2 of *The Hearing Aid Sales and Services Regulations*.

2. This application is with respect to:
(Check applicable items)

(a) _____ an initial competency review [application must be made within 6 months after the coming into force of section 33.2]; or

(b) _____ a second competency review [review must be completed within 24 months after the coming into force of section 33.2 and at least 3 months after initial competency review]

My initial competency review was conducted on _____ .
(date)

I am requesting approval from the director to have the second competency review completed by the following educational institution and program:

(name, address and phone number of hearing aid practitioner education institution/program)

TO BE COMPLETED BY THE MINISTRY OF HEALTH	
APPROVED _____ <i>(date)</i>	NOT APPROVED _____ <i>(date)</i>
_____ <i>(Director's signature)</i>	

3. I acknowledge that if I fail this competency review, I will no longer be qualified to provide hearing aid services. *(applies to second competency review only)*

4. I hereby grant permission to and direct the hearing aid practitioner education program referenced above (if applicable) to release the results of my competency review to the Ministry of Health at the following address:

3475 - Albert Street
Regina, SK S4S 6X6
Attention: Director of Licensing, Ministry of Health.

This permission remains valid for 18 months from the date of this application.

DATED this _____ day of _____, 20 _____ .

(signature of applicant)

PART II
Required Provisions in Letter of Credit
[Clause 7(1)(c)]

A letter of credit must:

- (a) set out:
 - (i) the name and address of the issuing financial institution;
 - (ii) the name and address of the applicant (*licensee or proposed licensee of the hearing aid business*);
 - (iii) the name, if any, and address of the hearing aid business or proposed hearing aid business with respect to which the letter of credit is being issued;
 - (iv) the name of the beneficiary (*the Minister of Health*);
 - (v) the date of issue;
 - (vi) the amount in Canadian dollars that may be drawn against the letter of credit;
 - (vii) the expiry date; and
 - (viii) the title of the Minister of Health's representative who is authorized to sign the demand on behalf of the minister; (*Director of Hearing Aid Dealer Licensing*)
- (b) state that the letter of credit is irrevocable;
- (c) provide for sight payment to the Minister of Health by way of the financial institution's draft against presentation of a written demand for payment signed by the authorized departmental representative identified in the letter of credit by his or her office;
- (d) provide that more than one written demand for payment may be presented, the total of which shall not exceed the face amount of the letter of credit;
- (e) provide that the issuing financial institution will honour each demand made in conformity with the terms of the letter of credit without recognizing any claims or defences of the applicant arising from the applicant's relationships with the Crown or the financial institution;
- (f) provide that the letter of credit will, from time to time, be deemed to be automatically extended for a specified period (of not less than one year) from the present or any future expiration date unless, 60 days prior to an expiration date, the issuing financial institution notifies the Minister of Health's authorized representative in writing by registered mail that the issuing financial institution elects not to consider the letter of credit extended for an additional period, at which time the Minister of Health can draw for the balance of the amount of the letter of credit; and
- (g) provide that the letter of credit is subject to the Uniform Customs and Practice for Documentary Credits, 1993 Revision, International Chamber of Commerce, Paris, Publication No. 500 (*the letter of credit may reference a more recent version if necessary for consistency with standard commercial practice as at the date of issue*).

PART III

Tables

TABLE 1

**Required Course Competencies in a
Hearing Aid Practitioner Education Program***[Subclause 11(1)(b)(ii)]*

Item	Course Competencies
1	Communications
2	Anatomy of the Ear and Auditory Pathway
3	Diagnostic Methods and Measurements
4	Hearing Instrument Technology
5	Interpersonal Skills Development
6	Disorders and Medical Conditions Related to Hearing Loss
7	Diagnostic Methods
8	Hearing Loss Rehabilitation
9	Business Management
10	Professional Responsibilities and Ethics
11	Advanced Hearing Test Methods
12	Prescribing Hearing Aids, Fitting and Follow-up Care
13	Aspects of the Aging Process
14	Counselling
15	Aural Rehabilitation
16	Practicum/Field Placement

PART IV

Purchaser's Right to Cancel*[Clause 25(1)(a)]*

You may cancel this contract of sale at any time during the period that ends:

- within three (3) days after the date of purchase, not including Saturday, Sunday or a statutory holiday, by giving written notice of cancellation to [licensee's name]; or
- within the trial period of [_____] days by returning the hearing aid to [licensee's name].

You do not need to give [licensee's name] a reason for cancelling this contract of sale during this period.

To cancel this contract of sale, you must give notice of cancellation to [licensee's name], at [licensee's address], by personal service, by registered mail or by any other means set out in the contract.

If you cancel this contract of sale, the licensee has thirty (30) days from the date the contract is cancelled to refund any payment you have made.

To obtain a refund, you must return the hearing aid that you purchased.

If you cancel this contract of sale within three (3) days after the date of purchase, an amount equal to the total of the cost of performing a hearing test and the cost of preparing an impression of the ear may be retained by [licensee's name].

If you cancel this contract of sale within the trial period, an amount equal to the total of the cost of the hearing test administered, the cost of the ear mould impression and the cost of the ear mould may be retained by [licensee's name].

The total amount retained by [licensee's name] pursuant to the preceding paragraph may not exceed 10% of the total amount paid by you pursuant to the contract of sale.

