

MEMBERSHIP

**MISSOURI  
HEARING  
SOCIETY**

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2020

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## LETTER FROM THE PRESIDENT

The scope of practice of our profession has changed over time as new technologies arose and new understandings came to light regarding the functioning of the ear and its relationship to the body. We, as a Society, seek to improve the professional standards of Hearing Instrument Specialists, to promote ethical principles that lend dignity to the profession and insure continued public confidence in the profession, and to promote goodwill and cooperation among those engaged in the general field of hearing services. By joining the Society, each MHS member gives their agreement to these goals and helps, by their input, to shape the decisions that will determine our collective future.

When we, as the MHS, adopted the Practice Profile for Hearing Health Dispensers, it was to provide a guide and, in some ways, an inspiration. It can be used to provide a framework for structuring the form of your practice. It can offer ways to expand your patient services. It can affirm that you are on the right path already and encourage you to strengthen your successful actions. Successful actions are those actions that bring about an uptrend in production and ultimately financial stability.

In a world that is becoming increasingly regulated, it is wise to define ourselves rather than to wait for others to do so. It is in our best interests to share our ideas about our ways of practicing and our profession to create a richer understanding of how hearing healthcare professionals interact with and serve the public. In the future, legislative issues will arise and each member's opinion will be very important in structuring the position and, thus the response, of the MHS to these issues.

Please, throughout the year communicate with those who serve on the MHS Board and express your opinion. If this were the only way in which you could participate in Society endeavors, be assured it is a valid and significant contribution. As your elected President, I am always interested in hearing what you have to say and learning how we can better serve your needs.

This Directory provides valuable data about how your Society operates and its focus. It also handily lists the names, phone numbers, fax numbers, and even e-mail addresses of your Officers and Directors. As our swiftly changing world brings crossroads to light, pull out this Directory, contact your Officers and Directors, and share your point of view. It has impact.

*David Shepard*  
MHS President

# HISTORY OF THE MISSOURI HEARING SOCIETY

The purpose of the Missouri Hearing Society is to:

- 1) Educate their members and the public.
- 2) Further the interest of the hearing impaired and those who work with the hearing impaired.
- 3) Enhance the image of the Hearing Instrument Specialist and Audiologist through positive public relations efforts with the residents of the State of Missouri.

The Society was founded in the early 1950's by a group of hearing aid dealers from throughout the state who had become concerned about the lack of continuing education opportunities and wanted to improve the educational opportunities available to hearing aid dealers. In addition, the actions of a few unethical dealers were creating a negative image for the majority of the ethical businessmen who functioned throughout the state. In that regard it was the intent of the Society to encourage a code of conduct and improve the image of the Missouri Hearing Aid Dealer.

In the late 1960's the Missouri Hearing Aid Society was a major factor in protecting the interests of the Missouri Hearing Aid Dealers when the Hearing Aid Dealers' Licensing Bill was drafted and again when the Speech Pathology and Audiology Bill was drafted a few years later. The Legislative Committee continues to monitor legislative activity in the state that pertains to the field of hearing impairment and hearing aids. In addition, the Committee will work with state legislators to initiate legislation where needed.

The Society has presented an Annual Education Meeting that has grown and improved every year. In their initial meetings, the Society would invite a well-known ear, nose and throat specialist from the region to speak to the group for a few hours in a one-day session.

In the earlier years, attendance at the Annual Meetings was typically 10 to 20 people. Today the meeting involves attendance of over 100 people and presentations by 8 to 10 speakers. The Annual Meeting of the Missouri Hearing Society eliminates the necessity of travel out-of-state for completion of the continuing education requirements. In fact, many dealers from surrounding states attend the Missouri Hearing Society's Annual Meeting.

In 1995, the Missouri licensing law was updated to include the term hearing instrument specialist. MHAS followed by changing the Society's name to Missouri Hearing Society. The Society is continually active in public relations efforts to improve the public image of the Hearing Instrument Specialist through participation in such activities as "May Is Better Hearing and Speech Month". It maintains a line of communication with the professional associations of Missouri such as the Missouri Ear, Nose and Throat Society, the Missouri Speech and Hearing Association and the Missouri Academy of Audiology.

In summary, the Missouri Hearing Society is your organization. Its efforts are directed toward improving you and your business of dispensing hearing instruments and improving the public's perception of the Hearing Instrument Specialist. By supporting this organization, you are helping yourselves. Please join!



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**2020-2021**  
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2020-2021**

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## MISSOURI HEARING SOCIETY

### **Annual Convention & Educational Seminar**

## **March 4-6, 2021**

*Adams Pointe Conference Center  
& Courtyard by Marriott  
1400 NE Coronado Drive  
Blue Springs, MO*



# COMMITTEES

## 2020-2021

### CONVENTION COMMITTEE

Chair: Lynn Royer  
David Shepard  
Paula Rodgers

### EDUCATION COMMITTEE

Chair: Richelle Kluck  
Lynn Royer

### VENDOR RELATIONS COMMITTEE

Chair: Tyler Reuthebeck  
Charlie Brown  
Cheryl Green

### SILENT AUCTION COMMITTEE

Chair: Sherri Eddy  
McKayla Wheeler  
Kathy-Jo Facticeau

### MEMBERSHIP COMMITTEE

Bradley Jackson  
Yon Wibskov

### LEGISLATIVE COMMITTEE

Chair: Tom Wright  
Scott George  
Tiffany Davis  
Rebecca Krouse

### NEWSLETTER/DIRECTORY COMMITTEE

Chair: Marsha Wade  
Kathy-Jo Facticeau

### WEBSITE COMMITTEE

Chair: Rebecca Krouse  
Richard LeRoux

# MISSOURI HEARING SOCIETY, INC.

## BY-LAWS

### ARTICLE I

#### Name and Nature of Organization

**Section 1. Name:** The name of this organization shall be the Missouri Hearing Society, Inc., and may hereinafter be referred to as MHS.

**Section 2. Nature:** The nature of this organization is that of an association of professional persons involved in the science of hearing.

### ARTICLE II

#### Purposes

The purposes for which this Society is organized are:

1. To promote goodwill and cooperation among the hearing instrument specialists and others in the State of Missouri engaged in the general field of hearing services.
2. To promote the welfare, insofar as hearing is concerned, of the hearing impaired.
3. To improve the professional standards of the hearing instrument specialists of the State of Missouri by means of an educational program among its members and to inculcate among the members ethical principles that will lend dignity to the profession and insure continued public confidence in the profession.
4. To promulgate among the general public knowledge and understanding of the use and value of instruments which aid hearing.
5. To improve methods of dispensing, fitting, and using hearing instruments.
6. To foster and encourage the development of a closer relationship between the members of the Society and the general public, hearing instrument specialists, the medical profession, and others working in and allied to the field of audiology; and especially by the coordination of professional and lay efforts, services and assistance.
7. To collect and disseminate information of value to members, to the general public, and to the medical profession.

8. To conduct these activities and achieve these objectives without pecuniary profit.
9. To do everything and anything which properly may be done by a corporation not-for-profit organized for the above purposes under the laws of the State of Missouri and to possess all proper powers, rights, and privileges permitted such a corporation not-for-profit by such laws, and to do everything reasonably necessary, suitable, proper, convenient, or incidental to the aforesaid purposes.
10. To maintain a reference file on all members and persons directly employed by MHS.

## **ARTICLE III**

### **Membership**

**Section 1. Classification:** Membership in the Society shall consist of Regular Members, Individual Members, Associate Members, and Honorary Members. Regular, Individual, and Associate members shall have the right to vote.

**Section 2. Regular Membership:** Any person having a valid Hearing Instrument Specialist or Audiologist license shall be eligible for Regular membership and shall pay dues and assessments as prescribed by the Board of Directors. Regular members shall have the right to hold office.

**Section 3. Associate Membership:** Any person, company, or firm who provides goods and services incidental to the practice of dispensing hearing instruments and/or the testing of hearing and is in consonance with the purposes and goals of the Society, but not having a valid Hearing Instrument Specialist or Audiologist license by the State of Missouri, shall be eligible for Associate membership. Associate members shall have all the rights and privileges of a Regular member except to hold an officer position and shall pay dues as prescribed by the Board.

**Section 4. Individual Membership:** Any person in consonance with the purposes and goals of the Society, who is not actively engaged in the practice of testing hearing, dispensing hearing instruments, or providing goods and services incidental to the practice shall be eligible for individual membership. Individual members shall have all the rights and privileges of a Regular Member except to hold an officer position and shall pay dues as prescribed by the Board.

**Section 5. Honorary Membership:** The Board may honor persons by conferring upon them Honorary membership, if in the opinion of the Board they have distinguished themselves in the field of audiology, hearing instruments, or otology, or have made a worthy contribution to the Society. Any person receiving an

Honorary membership shall not be required to pay any dues or assessments, and shall not have the right to vote.

**Section 6. Admission to Membership:**

- A. An application for Regular, Individual or Associate membership shall be accompanied by the membership fee and may be submitted to any officer of the Society by mail or in person. The applicant shall supply such necessary information as prescribed by established Board policy and procedure, but such requirements shall apply equally to all applicants. Admission to membership shall be by vote of the Board. To be admitted, an applicant must receive a majority of the votes of those present and voting.
- B. A person may be submitted to the Board of Directors for consideration for Honorary membership by any Regular member. Admission to Honorary membership shall be by vote of the Board. To be admitted, an applicant must receive a 2/3 majority of those present and voting.

**Section 7. Termination of Membership:**

- A. **By Action of the Board of Directors.** If any person shall at any time be guilty of unprofessional conduct, or shall have his or her license revoked, suspended, or placed on probation, or shall at any time be guilty of an act prejudicial to the profession or the Society or to the purposes for which the Society is formed, in the opinion of the Board, the Board may hold a hearing and such member shall be notified to appear personally before the Board at a designated time not less than 30 days after such notification, and at such time be given a hearing. By a 3/4 majority vote of all members present and voting at the meeting, the membership of such member may be terminated. Such terminated member shall be required to return his Society credentials to the Secretary of the Society.
- B. **By Resignation.** Resignation from membership shall be presented to the Board in writing, but shall not relieve any member from liability for any dues accrued and unpaid at the time when such resignation is filed. A member who resigns shall forfeit all right, title, and interest in any property of the Society and any claim or claims against the Society shall terminate and cease to exist.

## ARTICLE IV

### Officers and Directors

**Section 1. Qualifications of Officers:** To be eligible to be nominated as a candidate for any office of the Society a person must be a Regular member in good standing.

**Section 2. Qualifications of Directors:** To be eligible to be nominated as a candidate for Director of the Society, a person must be a member in good standing.

**Section 3. Officers:** The officers of the Society shall be President; President-Elect; Treasurer; and Secretary. The terms for President and President-Elect shall be two (2) years. The President-Elect shall succeed to President at the conclusion of the President's term. If for any reason the President-Elect fulfills an unexpired term of the President, that person may be elected to a full two-year term. The terms for Secretary and Treasurer shall be two (2) years. They may succeed themselves once. A member may be elected to an office previously held after at least one term out of that office. An officer may be immediately elected to another office without regard to length of service in any other office. Nothing in this section shall preclude or prevent an officer from being elected as a director immediately following his term of office, provided that all other provisions and requirements for Director as set forth in these By-Laws are met.

### **Section 4. Duties of Officers:**

- A. **President:** The President shall preside at all meetings of the Board, and of the membership, He and shall perform other duties as prescribed by the Board of Directors.
- B. **President-Elect:** During the absence or inability of the President to render and perform his the duties or exercise his the powers as set forth in these By-Laws, or in the act under which the Society is organized, the same shall be performed and exercised by the President-Elect, and when so acting, the President-Elect shall have all the powers and be subject to all the responsibilities given to, or imposed upon, the President. The President-Elect shall also perform other duties as prescribed by the Board of Directors.
- C. **Secretary:** The Secretary shall keep the minutes of all meetings of the Board and of the members in appropriate books. The Secretary shall have other duties as prescribed by the Board.
- D. **Treasurer:** The Treasurer shall have the care and custody of, and be responsible for, all the funds and securities of the Society in such bank or banks, savings and loan associations, trust companies, or safe deposit vaults as

the Board may designate. The Treasurer shall do and perform all duties as prescribed by the Board.

**Section 5. Duties of Directors:** The Board of Directors shall have the control and general management of the affairs and business of this Society. Such Directors shall, in all cases, act as a Board regularly convened, and they may adopt such rules and regulations for the conduct of their meetings and the management of the Society as they deem proper, not inconsistent with these By-Laws and the laws of the State of Missouri.

**Section 6. Membership of the Board:** Directors shall be elected for a term of two (2) years and may succeed themselves two (2) times. The Board of Directors shall consist of no more than seventeen (17) members as follows: The officers of the Society shall be members of the Board and shall serve during their term of office. Ten (10) Directors shall be elected from the Regular members as members of the Board, with five (5) Directors being elected in even-numbered years and five (5) Directors being elected in odd-numbered years. One (1) director may be elected from the Individual members in odd-numbered years. Two (2) Directors may be elected by the membership from the Associate members. One (1) Associate member director shall be elected in the even-numbered years and one (1) shall be elected in the odd-numbered years.

**Section 7. Board of Directors Meetings:** The Board shall hold regular meetings at such place and time determined by the Board. Special meetings of the Board may be called at any time by the President or by any three (3) members of the Board upon at least ten (10) days notice to each Director, given personally or by mail, telephone or electronic transmission. Any member of the Board who is absent from three (3) consecutive regular meetings, without justifiable cause, may be subject to expulsion from the Board.

**Section 8. Quorum at Board Meetings:** A simple majority of the Board shall constitute a quorum.

**Section 9. Resignation:** The resignation of any Officer or Director shall be presented in writing.

**Section 10. Vacancies:** If a vacancy occurs in the office of President by reason of resignation, disability, death, or otherwise, the President-Elect shall assume the office for the remainder of the term. If the President-Elect declines to assume the office of President, the Board shall elect a member of the Board to fill such a vacancy until the next annual membership meeting. If a vacancy occurs in any other office or directorship by reason of resignation, disability, death, or otherwise, the Board shall elect a qualified member of the Society to complete the unexpired term.

## ARTICLE V

### Membership Meetings

**Section 1. Annual Membership Meeting:** Membership meetings of the Society at which the Directors and Officers of the Society are elected shall be held annually. All meetings of the general membership shall be held at such time and place as the Board shall decide, in accordance with the provisions of these By-Laws.

**Section 2. Special Meetings:** Special meetings of the membership may be called by the President or upon request of ten percent (10%) of the voting membership of the Society, but no less than five (5) members. The time and place of the meeting shall be selected by the Board.

**Section 3. Notice of Meeting:** Notices of all membership meetings of the Society shall be mailed or sent by electronic transmission to each member at least two (2) weeks before the date of such meeting and shall state the place, time, and purpose thereof.

**Section 4. Quorum:** The voting members of the Society present in person at a duly called annual or special meeting, shall constitute a quorum for all purposes.

**Section 5. Order of Business:** The order of business at the annual membership meeting of the Society shall be as follows:

- A. Call to Order.
- B. Roll Call.
- C. Reading of Minutes of Previous Meeting.
- D. Report of Board of Directors and Officers.
- E. Report of Committees.
- F. Old Business.
- G. Communications.
- H. Election and Installation of Officers.
- I. Election of Directors.
- J. New Business.
- K. Adjournment.

The order of business at any meeting may be changed by vote of the majority of the voting members present. A motion to change the order of business is not debatable.

## ARTICLE VI

### Finances, Dues, Assessments

**Section 1. Dues and Assessments:** The amount of the annual dues and/or special assessments shall be established by the Board, subject to provisions of these By-Laws.

**Section 2. Deposit of Funds:** The funds of the Society shall be deposited or kept with a bank, trust company, or savings and loan institution as approved by the Board. Such funds shall be disbursed upon the order or orders of not less than two (2) signatures designated by the board.

## ARTICLE VII

### Nominations and Elections

**Section 1. Nominations by Nominations Committee.** Nominations by the Nominations Committee shall be made as prescribed under Article VIII, Section 4 of these By-Laws.

**Section 2. Nominations by Members:** Prior to the Annual Membership Meeting nominations may also be made by Regular members for Regular and Individual board positions. Such nominations shall be in writing, signed by not less than ten percent (10%) of the entire number of voting members (but at least five), and filed with the Secretary not later than forty (40) days before the annual meeting.

**Section 3. Nominations At Annual Meeting:** Nominations for any office or for Director may be made from the floor at the annual meeting of the membership. Nomination must be made by a Regular or Individual member in good standing.

**Section 4. Election:** Each Officer of this Society shall be elected by a majority vote of the members, at the annual membership meeting and shall serve until their successors are elected and verified. The Regular and Individual Directors shall be elected by a plurality vote of the members, at the annual membership meeting and shall serve until their successors are elected and verified. The Officers' and Directors' terms of office shall commence at the completion of the annual membership meeting.



## ARTICLE VIII

### Committees

**Section 1. Executive Committee:** There shall be an Executive Committee consisting of the Officers of the Society and one (1) other member of the Board as designated by the Board.

**Section 2. Duties of Executive Committee:** The President shall be the Chairman of the Executive Committee. The Executive Committee shall supervise the affairs of the Society and regulate its internal economy, approve expenditures and commitments, according to rules prescribed by the Board, act for and carry out established policies of the Society as defined by the Board, and report to the Directors at each meeting of the Board. The Executive Committee may hold regular meetings monthly or as it may otherwise determine, at such place and at such times and upon such notice as it may in its discretion determine. Special meetings of the Executive Committee may be called at any time by the President or by any two (2) of its members, either personally or by mail, telephone or electronic transmission. Three (3) members of the Executive Committee shall constitute a quorum for all purposes.

**Section 3. Standing Committees:** Within 30 days after taking office the President shall appoint the members of the various Standing Committees as prescribed under these By-Laws, and shall designate the person to serve as chairman of each committee. In the event the President does not make the appointments within thirty (30) days after taking office, the existing members shall serve for another full term. The following Standing Committees shall be appointed: Membership, Convention, Inter-Professional Relations, Public Relations, Legislative, Education and Nominations.

**Section 4. Nominations Committee:** The Nominations Committee shall make nominations for officers and regular and individual directors from such qualified members as have indicated their willingness to serve. The nominations to be submitted at the annual meeting shall be decided upon by at least a majority of the committee, and a report filed with the Secretary of the Society. The Secretary shall determine that the nominees meet the qualifications as stated in these By-Laws.

**Section 5. Special Committees:** The President may, upon his own initiative or at the direction of the Board, appoint such special committees as may be needed from time to time.

## ARTICLE IX

### Rules of Procedure

The rules of procedure at meetings of the members of the Society shall be according to "Robert's Revised Rules of Order", so far as applicable and when not inconsistent or in conflict with these By-Laws.

The rules of procedure may be suspended by a majority vote of those present and voting at any meeting. The suspension applies only to the procedure in which the meeting may be conducted, and in no way implies that anything contained in these By-Laws may be changed, altered, added to, or deleted except as provided in Article XI "Alterations or Amendments".

## ARTICLE X

### Chapters

**Section 1. Authorization:** The Board may authorize chapters of the Society in such a manner as is hereinafter provided and subject to such regulations as the Board may from time to time determine and prescribe.

**Section 2. Organization:** The Board may authorize a chapter to be organized in any City, County, or area in the State of Missouri upon receipt of a petition signed by four (4) or more voting members of the Society in good standing. Chapters shall be designated in the following manner: (Name of City, County, or Area) Chapter of Missouri Hearing Society.

**Section 3. Chapter Members:** A person shall qualify for membership in a chapter in a like manner as a person qualifies for membership in the Society (in each membership category). All Chapter officers and 75% of the Chapter directors (if any) shall be members of MOHS.

**Section 4. Chapter Dues:** Any Chapter dues and/or assessments established shall be in addition to MOHS dues and/or assessments, except that any person who is a member of a Chapter, but is not a member of MOHS shall not be required to pay MOHS dues and/or assessments.

**Section 5. By-Laws Applicable:** The By-Laws of the Society shall apply to all chapters of the Society. Only those specific exceptions contained in this Article (Article X) shall take precedence over any other Section of the By-Laws of the Society.

## **ARTICLE XI**

### **Amendments**

These By-Laws may be amended at any time by a vote of the majority of the Board of Directors present at any meeting at which such amendment is proposed; provided, however, that no such amendment shall be proposed unless all members of the Board of Directors shall have at least fourteen (14) business days' notice of such proposal, including a complete text of any proposed amendments; provided, however, that in the announcement for the annual meeting of the members all amendments made in the preceding year to the By-Laws shall be presented in summary form to the membership, and shall be ratified by a majority vote of the Society at such annual meeting. In the event any such amendment shall be rejected, any action taken pursuant to that amendment shall be valid and shall not be subject to attack.

## **ARTICLE XII**

### **Definitions**

In these By-Laws, unless the context requires otherwise:

1. Society or MHS shall mean Missouri Hearing Society.
2. In writing means written, printed, or both.
3. May is discretionary; Shall is obligatory.
4. Office refers to the position of President, President-Elect, Secretary, or Treasurer. A Director is elected to a Directorship.
5. Board shall mean the Board of Directors of the Society.
6. Persons shall mean "individuals, businesses, or corporations".

*Approved March 5, 2020*



**MO BOARD OF HEARING INSTRUMENT SPECIALISTS  
CODE OF ETHICS  
MISSOURI CODE OF STATE REGULATIONS**

**20 CSR 2165-3.010 General Obligations of the Licensee**

**PURPOSE:** *The purpose of this Code of Ethics to be implemented through the Board of Examiners for Hearing Instrument Specialists (hereafter referred to as the "board"), is to benefit and uphold the public health, safety and welfare in the performance of professional services, avoid the appearance of impropriety, and provide competent services according to professional and ethical obligations.*

(1) It is fitting for the profession to have standards of excellence which set it apart, help it to self-govern, and enable its members to qualify as professionals. Therefore, this Code of Ethics is binding upon every person licensed by the board to practice the fitting of hearing instruments as defined in section 346.010(11), RSMo. In these rules of professional conduct, the word "licensee" shall mean any hearing instrument specialist, hearing instrument specialist in training, or registered supervisor.

(2) By applying for or becoming a hearing instrument specialist or hearing instrument specialist in training, a person shall--

(A) Comply with and uphold the Code of Ethics defined in these rules; and

(B) Understand and be familiar with sections 346.010 to 346.250, RSMo, also known as the Hearing Instrument Specialists Act.

(3) It shall be unethical for a hearing instrument specialist in training to misrepresent or mislead, directly or by implication, prospective purchasers into the erroneous belief that the hearing instrument specialist in training is licensed as a hearing instrument specialist by the state of Missouri by--

(A) Omitting "hearing instrument specialist in training" or its equivalent as defined in 29 CSR 2165-2.030 from business cards, advertising, or any other industry document bearing his/her name; or

(B) Representing him/herself implicitly through silence as a licensed hearing instrument specialist.

(4) It shall be unethical for a registered supervisor of a hearing instrument specialist in training to--

(A) Fail to provide the required training and supervision according to 20 CSR 2165-2.010 to a hearing instrument specialist in training; or

(B) Misrepresent, either directly or by implication, the process for review of the performance of a hearing instrument specialist in training.

(5) It is incompetency in the practice of selling and fitting hearing instruments if each of the following testing procedures is not used before a client is fitted:

(A) Air conduction, with masking where indicated;

(B) Bone conduction, with masking where appropriate;

- (C) Speech reception threshold and word discrimination, utilizing test equipment with a calibrated circuit; and
- (D) Visual otoscopy.

(6) The results of these tests shall be recorded in writing and retained in the client's file for a period of three (3) years from the date of the test.

(7) Failure to complete or misrepresent completion of continued education requirements as required in section 346.095, RSMo (Supp. 1995) is a violation of the Code of Ethics.

## **20 CSR 2165-3.020 Deceptive Practices**

**PURPOSE:** *This rule protects the public by requiring full disclosure of the type and extent of the relationship between the licensee and the consumer.*

(1) It shall be an unfair and deceptive practice to engage in bait advertising as defined in Chapter 407, RSMo. In determining whether there has been a violation of this rule, consideration will be given to acts or practices that demonstrate that the advertising offer was not made in good faith for the purpose of selling the advertised product or service, but was made for the purpose of selling a product or service other than the product or service offered to the prospective purchaser.

- (2) It shall be an unfair and deceptive practice for the licensee to misrepresent--
- (A) The brand, model, grade, quality, quantity, origin, novelty, price, cost, terms of sale, use, construction, size, composition, dimension, type, design, development, visibility, durability, performance, fit, appearance, efficacy, benefits, cost of operation, resistance to climatic conditions, physiological benefit, psychological benefit, or psychological well-being induced by any product;
  - (B) Any service or adjustment offered, promised, or to be supplied to purchasers of any product;
  - (C) Any material fact pertaining to the manufacturer, distribution, or marketing of any product;
  - (D) The scientific or technical knowledge, training, experience or other qualifications of the licensee, or of his/her employees, relating to the selection, fitting, adjustment, maintenance or repair of any product;
  - (E) The reparability, including the cost thereof, or the adequacy of a prospective purchaser's own hearing instrument or ancillary equipment; and
  - (F) For the purpose of this rule "misrepresent" shall mean making misleading, deceiving, improbable or untruthful representations, or in any other material respect, regarding the character, intent or type of business.

(3) It shall be an unfair and deceptive practice for the licensee to misrepresent in advertising or otherwise misrepresent that a hearing instrument has a guarantee,

warranty, or promise similar in nature without a clear and conspicuous disclosure of--

(A) The nature and extent of the guarantee;

(B) Any material conditions or limitations in the guarantee which are imposed by the guarantor;

(C) The manner in which the guarantor will perform the guaranteed services; and

(D) The identity of the guarantor. The necessary disclosure requires that any guarantee made by the licensee which is not binding upon the manufacturer must clearly state that the guarantee is offered by the licensee only.

(4) It shall be an unfair and deceptive practice for the licensee to represent, unless it is true, directly or indirectly through the use of any word or term in his/her corporate or trade name, in his/her advertising, or otherwise:

(A) That the licensee is a manufacturer of hearing instruments or devices, batteries, parts, or accessories; and

(B) That the licensee is the owner or operator of a factory or producing company manufacturing such products.

(5) It shall be an unfair and deceptive practice, for the licensee directly or by implication to—

(A) Omit disclosure that instruments have been used, or contain used parts. In such cases the licensee shall make full and non- deceptive disclosure of such facts in all advertising and promotional literature relating to the product, on the container, box or package in which such product is packed or enclosed and, if the product has the appearance of being new, on the product itself. The required disclosure shall be made by both verbal and written use of such words as "used," "secondhand," "repaired," or "rebuilt," whichever most accurately describes the product involved; and

(B) Misrepresent the identity of the rebuilder of the hearing instrument. If the rebuilding of the hearing instrument was done by other than the original manufacturer, the licensee shall disclose such fact whenever the original manufacturer is identified.

(6) It shall be an unfair or deceptive practice for the licensee to--

(A) Represent, either directly or by implication, through the use of words or expressions that any hearing instrument, device or part is hidden or cannot be seen unless such is the fact; and

(B) Represent, directly or by implication, that a hearing instrument utilizing bone conduction has certain specified features such as the absence of anything in the ear, or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle and that in most cases of hearing loss this type of instrument is not suitable.

(7) The licensee shall not misrepresent, either directly or by implication, that batteries sold only by such licensee or bearing a specified brand, label, or other

identifying mark, are the only batteries suitable for use in a particular type or make of hearing instrument or device when such is not the fact. It shall also be unethical to imply in any manner, that a hearing instrument does not need batteries when such is not the case.

(8) It shall be an unfair, deceptive practice or unethical conduct for the licensee to advertise or otherwise represent to prospective purchasers any statement which has the capacity and tendency or effect of misleading them into the belief that any hearing instrument or device, or part or accessory therefore, is a new invention or involves a new mechanical or scientific principle, when such is not the fact.

(9) It shall be an unfair or deceptive practice and unethical conduct for the licensee to--

(A) Represent or use any seals, emblems, shields, or other insignia which represent, directly or by implication, in any manner that a hearing instrument or device has been tested, accepted or approved by any individual, concern, organization, group or association, unless such is the fact and unless the hearing instrument or device has been tested by such individual, concern, organization, group or association in such manner as reasonable to insure the quality and performance of the instrument in relation to its intended usage and the fulfillment of any material claims made, implied or intended to be supported by such representation or insignia; and

(B) Make any other false, misleading or deceptive representation respecting any testing, acceptance or approval of a hearing instrument or device by any individual, concern, organization, group or association.

(10) When the licensee initiates contact through direct mail or other advertisement, the licensee shall display clearly on each promotional item the business/establishment name, the principal establishment's street address and telephone number.

## 20 CSR 2165-3.030 Medical Clearance and Waivers

**PURPOSE:** *This rule outlines and explains the licensee's responsibilities and requirements to represent him/herself accurately to the public.*

- (1) In accordance with federal law, all licensees shall clearly communicate to every purchaser, prior to the purchase, that s/he is not conducting an examination, diagnosis, or prescription by a person licensed to practice medicine in the state of Missouri, and therefore his/her opinions must not be regarded as medical opinion or advice.
- (2) It shall be an unfair or deceptive practice for the licensee to misrepresent, either directly or by implication that the services of a physician have been used in the designing or manufacturing of hearing instruments, or in the selection, fitting, adjustment, maintenance, or repair of hearing instruments or ancillary products unless it is true.
- (3) A licensee shall not represent, directly or by implication, in any manner as to have the capacity and tendency to mislead prospective purchasers into the belief that justifies disparagement of physicians or any other professional in the medical community.
- (4) Should a purchaser refuse to consult a physician after being advised to do so by the licensee, the purchaser must sign a medical waiver, in accordance with federal law, which must be a part of or attached to the purchase agreement.





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# MISSOURI HEARING SOCIETY MEMBERSHIP APPLICATION

(Please Print or Type)

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Name of Business: \_\_\_\_\_

Preferred Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Cell: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_ (email must be included for future correspondence)

Other Address: \_\_\_\_\_ City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: \_\_\_\_\_

Type of Membership Applying For:

- Regular Member - \$125.00 (Licensed)  
(Licensed Hearing Instrument Specialist or Audiologist)
- Associate Member - \$50.00  
(A provider of goods and services to a Licensed Hearing Instrument Specialist or Audiologist)
- Individual Member - \$50.00 (Non-Licensed)  
(Any person in consonance with the purpose and goals of the Society who is not eligible to be a Regular or Associate Member)

Do You Hold: Valid Permanent Hearing Instrument Specialist License? \_\_\_\_\_  
Valid Permanent Audiologist License? \_\_\_\_\_  
License # \_\_\_\_\_ Date (s) Received: \_\_\_\_\_  
Temporary Permit? \_\_\_\_\_ Permit # \_\_\_\_\_ Date Received: \_\_\_\_\_

Do you or have you ever held a Hearing Instrument Specialist or Audiologist License from another State?

- Yes -- State(s): \_\_\_\_\_  
 Valid  Invalid  Revoked
- No

Are you NBC-HIS? \_\_\_\_\_ CCC-A? \_\_\_\_\_ Au.D? \_\_\_\_\_

List other associations you belong to: \_\_\_\_\_

MO Legislative Districts: Home - \_\_\_\_\_ House \_\_\_\_\_ Senate  
Office - \_\_\_\_\_ House \_\_\_\_\_ Senate

*I hereby agree to abide by the Laws of the State of Missouri governing the fitting and dispensing of hearing instruments and to comply with MHS's Standards of Conduct.*

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE APPROVED BY BOARD

\_\_\_\_\_  
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## IMPORTANT CONTACT INFORMATION



### MISSOURI STATE GOVERNMENT

Stay in touch with your legislators and keep abreast of bills affecting the hearing industry. Let your Senators and Representatives know who you are before you need their help by sending a complimentary e-mail when they have accomplished something you favor.

You can find out who represents you and how to contact them by using the websites listed below. These sites are wonderful tools and contain a wealth of information that can be helpful.

[www.moga.state.mo.us](http://www.moga.state.mo.us)

[www.senate.mo.gov](http://www.senate.mo.gov)

[www.house.mo.gov](http://www.house.mo.gov)



### INTERNATIONAL HEARING SOCIETY

Keep informed concerning what IHS is doing for you and your business: 16880 Middlebelt – Suite 4 ▪ Livonia, Michigan 48154 ▪ (734) 522-7200 ▪ [www.ihinfo.org](http://www.ihinfo.org)

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# **MISSOURI HEARING SOCIETY**

**ANNUAL CONVENTION AND  
EDUCATIONAL SEMINAR**

**March 4-6, 2021**

*Adams Pointe Conference Center  
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1400 NE Coronado Drive  
Blue Springs, MO*