

Kansas Administrative Regulations

Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments

Article 1.—Application for License

67-1-8. Potentially disqualifying civil and criminal records; advisory opinion; fee.

(a) Any of the following criminal records may disqualify an applicant from receiving a license:

(1) Conviction of any felony related to the fitting and dispensing of hearing instruments;

(2) conviction of any class A misdemeanor that includes any of the following:

(A) A crime whose victim was a client, customer, or other individual with whom the applicant had a professional or fiduciary relationship;

(B) a crime that occurred at the applicant's work site or while the applicant was on work duty;

(C) a crime involving fraud, theft, or misappropriation of another person's money or property;

(D) a crime classified as a sex offense or requiring registration as a sex offender by the jurisdiction in which the conviction occurred;

(E) a crime involving assault or battery as defined by the jurisdiction in which the conviction occurred;

(F) a crime involving the unlawful use, possession, or distribution of drugs; or

(G) a crime involving the abuse, neglect, or exploitation of a child, elderly person, or disabled person as defined by the jurisdiction in which the conviction occurred; or

(3) conviction of any other misdemeanor that meets both of the following conditions:

(A) The crime involved at least one of the circumstances described in paragraph (a)(2); and

(B)(i) Fewer than five years have passed since the applicant completed that individual's sentence, including any term of incarceration, probation, or community supervision; or

(ii) the applicant has been convicted of another crime in the five years immediately preceding the date of application for license.

(b) Civil records that may disqualify an applicant from receiving a license shall be records of any court judgment or settlement in which the applicant admitted or was found to have engaged in conduct that would constitute a violation of the hearing instrument act or any of the board's regulations. Those records shall not be used to disqualify an applicant for more than five years after the applicant satisfied any judgment or restitution ordered by the court or agreed to in the settlement.

(c) Any individual with a criminal or civil record described in this regulation may submit a petition to the board for an informal, advisory opinion concerning whether the individual's civil or criminal record may disqualify the individual from licensure. Each petition shall include the following:

(1) The details of the individual's civil or criminal record, including a copy of the court records or the settlement agreement;

(2) an explanation of the circumstances that resulted in the civil or criminal record; and

(3) a check or money order in the amount of \$50.00.

(Authorized by K.S.A. 74-120 and 74-5806; implementing K.S.A. 74-120 and 74-5818; effective Jan. 10, 2020.)

***** Authenticated Kansas Administrative Regulation *****