

**ARTICLE 104-02  
MISCELLANEOUS PROVISIONS**

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**CHAPTER 104-02-01  
DEFINITIONS**

Section	
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**104-02-01-01. Definitions.**

1. "Adequate and proper audiometric testing" as used in North Dakota Century Code section 44-33-12 includes, except as provided in this subsection, a minimum of air conduction, bone conduction pure tone thresholds, and speech audiometry with appropriate masking. When indicated, these measures should be supplemented with sound field measures, real ear evaluations, or other board-approved methods of verification of improvement in hearing or discrimination. The minimum tests described in this subsection are subject to appropriate modification or omission depending upon the age and ability of the person being tested to respond to the tests.
2. "Direct supervision" as used in subsection 2 of North Dakota Century Code section 43-33-08 means to coordinate, direct, and inspect at first hand the accomplishments of. Direct supervision requires direct onsite supervision in the same facility or location.
3. "Hearing instrument" refers to new hearing instruments and includes the serial number provided at the time of delivery, the length of warranty on the hearing instrument, and whether the warranty is backed by the dealer or manufacturer. The term "hearing instrument" also refers to stock hearing instrument, custom shells, earmolds, used or repaired hearing instruments, and includes the serial number provided at the time of delivery, the length of warranty on the hearing instrument, and whether the warranty is backed by the dealer, manufacturer, or repair shop. In addition, all used or reconditioned instruments must be clearly marked as such.
4. "Measuring of hearing" as used in North Dakota Century Code section 43-33-04 includes that such measure should be conducted in an environment which takes into account background noise levels and their effect upon the acquisition of valid threshold measurements. Testing should not be conducted in an environment which would render thresholds invalid.
5. "Measuring of human hearing" as used in North Dakota Century Code section 43-33-04 includes the measurement of human hearing through the utilization of an audiometer and those procedures common to otological and audiological assessment of hearing acuity.
6. "Sale" as used in North Dakota Century Code chapter 43-33 must be deemed made or completed when a purchase agreement of receipt is signed by the purchaser, total or partial payment is made, and the hearing instruments are ordered.
7. "Week" means a period of forty hours.

**History:** Effective July 1, 1996; amended effective April 1, 1999.

**General Authority:** NDCC 43-33-14

**Law Implemented:** NDCC 43-33-01