

LEGISLATURE OF NEBRASKA  
ONE HUNDRED EIGHTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 593**

Introduced by Hardin, 48.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to the hearing instrument specialists; to  
2 amend sections 38-1501, 38-1502, and 38-1510, Reissue Revised  
3 Statutes of Nebraska, and section 38-1509, Revised Statutes  
4 Cumulative Supplement, 2022; to define terms; to change provisions  
5 relating to licensure and regulation of hearing instrument  
6 specialists; to harmonize provisions; and to repeal the original  
7 sections.
- 8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 38-1501, Reissue Revised Statutes of Nebraska, is  
2 amended to read:

3 38-1501 Sections 38-1501 to 38-1518 and sections 3, 4, and 7 of this  
4 act shall be known and may be cited as the Hearing Instrument Specialists  
5 Practice Act.

6 Sec. 2. Section 38-1502, Reissue Revised Statutes of Nebraska, is  
7 amended to read:

8 38-1502 For purposes of the Hearing Instrument Specialists Practice  
9 Act and elsewhere in the Uniform Credentialing Act, unless the context  
10 otherwise requires, the definitions found in sections 38-1503 to 38-1507  
11 and sections 3 and 4 of this act apply.

12 Sec. 3. Cerumen management means the removal of cerumen for the  
13 purpose or in the course of inspecting ears, making ear impressions, or  
14 fitting or maintaining hearing instruments.

15 Sec. 4. Medical liaison means an otolaryngologist or a licensed  
16 physician if no otolaryngologist is available with whom a cooperative  
17 arrangement for consultation is established by a hearing instrument  
18 specialist.

19 Sec. 5. Section 38-1509, Revised Statutes Cumulative Supplement,  
20 2022, is amended to read:

21 38-1509 (1)(a) (1) Except as otherwise provided in this section, it  
22 shall be unlawful for any person to no person shall engage in the sale of  
23 or practice of fitting hearing instruments or display a sign or in any  
24 other way advertise or represent oneself ~~himself or herself~~ as a person  
25 who practices the fitting and sale or dispensing of hearing instruments  
26 unless such person ~~he or she~~ holds an unsuspended, unrevoked hearing  
27 instrument specialist license issued by the department as provided in the  
28 Hearing Instrument Specialists Practice Act.

29 (b) A hearing instrument specialist license shall confer upon the  
30 holder the right to engage in the scope of practice of cerumen management  
31 and the dispensing of hearing instruments, including the selection,

1 fitting, and sale of ~~select, fit, and sell~~ hearing instruments. A person  
2 holding a license issued under the act prior to August 30, 2009, may  
3 continue to practice under such license until it expires under the terms  
4 of the license.

5 (2) A licensed audiologist who maintains a practice pursuant to (a)  
6 licensure as an audiologist, or (b) a privilege to practice audiology  
7 under the Audiology and Speech-Language Pathology Interstate Compact, in  
8 which hearing instruments are regularly dispensed, or who intends to  
9 maintain such a practice, shall be exempt from the requirement to be  
10 licensed as a hearing instrument specialist.

11 (3) A hearing instrument specialist or audiologist may order the use  
12 of devices pursuant to 21 C.F.R. 801.109, as such regulation existed on  
13 January 1, 2023.

14 (4) (3) Nothing in the Hearing Instrument Specialists Practice Act  
15 ~~act~~ shall prohibit a corporation, partnership, limited liability company,  
16 trust, association, or other like organization maintaining an established  
17 business address from engaging in the business of selling or offering for  
18 sale hearing instruments at retail without a license if it employs only  
19 properly licensed natural persons in the direct sale and fitting of such  
20 products.

21 (5) (4) Nothing in the act shall prohibit the holder of a hearing  
22 instrument specialist license from the fitting and sale of wearable  
23 instruments or devices designed for or offered for the purpose of  
24 conservation or protection of hearing.

25 Sec. 6. Section 38-1510, Reissue Revised Statutes of Nebraska, is  
26 amended to read:

27 38-1510 (1) The Hearing Instrument Specialists Practice Act is not  
28 intended to prevent any person from engaging in the practice of measuring  
29 human hearing for the purpose of selection of hearing instruments if such  
30 person or organization employing such person does not sell hearing  
31 instruments or the accessories thereto.

1           (2) The Hearing Instrument Specialists Practice Act does ~~act~~ shall  
2 not apply to a person who is a physician licensed to practice in this  
3 state, except that such physician shall not delegate the authority to fit  
4 and dispense hearing instruments unless the person to whom the authority  
5 is delegated is licensed as a hearing instrument specialist under the  
6 act.

7           (3) The Hearing Instrument Specialists Practice Act does not change  
8 the scope of practice of a licensed audiologist.

9           Sec. 7. (1) Prior to performing cerumen removal, a licensed hearing  
10 instrument specialist shall have an arrangement with a medical liaison.  
11 If a licensee engaged in routine cerumen removal discovers any trauma,  
12 including, but not limited to, continuous uncontrolled bleeding,  
13 lacerations, or other traumatic injuries, the licensee shall, as soon as  
14 practical, refer the patient to the medical liaison.

15           (2) Prior to entering into an arrangement with a medical liaison, a  
16 licensed hearing instrument specialist shall obtain the training,  
17 knowledge, and skills necessary to perform cerumen management, including:

18           (a) Principles of cerumen management, including the anatomy of the  
19 ear canal and the eardrum and classification of cerumen;

20           (b) Use of instruments;

21           (c) Techniques for cerumen removal;

22           (d) Recognition of complications;

23           (e) Recognition of contraindications; and

24           (f) Sanitation and safety procedures.

25           (3) The licensee shall maintain documentation evidencing the  
26 satisfactory completion of the training.

27           (4) A licensee may refer a patient to a medical liaison if the  
28 patient exhibits contraindications to cerumen removal requiring medical  
29 consultation or medical intervention.

30           (5) A licensee shall carry appropriate professional liability  
31 insurance before performing cerumen removal.

1           (6) A licensee shall perform cerumen management using the customary  
2 removal techniques that are commensurate with the licensee's training and  
3 experience.

4           Sec. 8. Original sections 38-1501, 38-1502, and 38-1510, Reissue  
5 Revised Statutes of Nebraska, and section 38-1509, Revised Statutes  
6 Cumulative Supplement, 2022, are repealed.