

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 154

Introduced by Hardin, 48.

Read first time January 13, 2025

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to hearing instrument specialists; to amend
2 sections 38-511, 38-1501, 38-1502, 38-1504, 38-1505, 38-1506,
3 38-1508, 38-1510, 38-1511, and 38-1514, Reissue Revised Statutes of
4 Nebraska, and sections 38-1509, 38-1512, and 38-1513, Revised
5 Statutes Cumulative Supplement, 2024; to provide, change, and
6 eliminate definitions; to change provisions relating to licensure
7 and regulation of hearing instrument specialists; to harmonize
8 provisions; and to repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 38-511, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 38-511 Nothing in the Audiology and Speech-Language Pathology
4 Practice Act shall be construed to prevent or restrict:

5 (1) The practice of audiology or speech-language pathology or the
6 use of the official title of such practice by a person employed as a
7 speech-language pathologist or audiologist by the federal government;

8 (2) A physician from engaging in the practice of medicine and
9 surgery or any individual from carrying out any properly delegated
10 responsibilities within the normal practice of medicine and surgery under
11 the supervision of a physician;

12 (3) A person licensed as a hearing instrument specialist in this
13 state from engaging in the fitting, selling, ordering, and servicing of
14 hearing instruments or performing such other duties as defined in the
15 Hearing Instrument Specialists Practice Act;

16 (4) The practice of audiology or speech-language pathology or the
17 use of the official title of such practice by a person who holds a valid
18 and current credential as a speech-language pathologist or audiologist
19 issued by the State Department of Education, if such person performs
20 speech-language pathology or audiology services solely as a part of his
21 or her duties within an agency, institution, or organization for which no
22 fee is paid directly or indirectly by the recipient of such service and
23 under the jurisdiction of the State Department of Education, but such
24 person may elect to be within the jurisdiction of the Audiology and
25 Speech-Language Pathology Practice Act;

26 (5) The clinical practice in audiology or speech-language pathology
27 required for students enrolled in an accredited college or university
28 pursuing a major in audiology or speech-language pathology, if such
29 clinical practices are supervised by a person licensed to practice
30 audiology or speech-language pathology and if the student is designated
31 by a title such as student clinician or other title clearly indicating

1 the training status; or

2 (6) The utilization of a speech aide or other personnel employed by
3 a public school, educational service unit, or other private or public
4 educational institution working under the direct supervision of a
5 credentialed speech-language pathologist.

6 **Sec. 2.** Section 38-1501, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 38-1501 Sections 38-1501 to 38-1518 and sections 5, 6, and 16 to 25
9 of this act shall be known and may be cited as the Hearing Instrument
10 Specialists Practice Act.

11 **Sec. 3.** Section 38-1502, Reissue Revised Statutes of Nebraska, is
12 amended to read:

13 38-1502 For purposes of the Hearing Instrument Specialists Practice
14 Act and elsewhere in the Uniform Credentialing Act, unless the context
15 otherwise requires, the definitions found in sections 38-1503 to 38-1507
16 and sections 5 and 6 of this act apply.

17 **Sec. 4.** Section 38-1504, Reissue Revised Statutes of Nebraska, is
18 amended to read:

19 38-1504 Hearing instrument means any wearable instrument or device
20 designed for, ~~or~~ offered for the purpose of, or represented as aiding
21 persons with or compensating for impaired human hearing and any parts,
22 ~~attachments, or accessories, including earmold, but excluding batteries~~
23 ~~and cords.~~

24 **Sec. 5.** Hearing instrument specialist means a person who engages in
25 the practice of ordering the use and fitting of hearing instruments.

26 **Sec. 6.** Medical liaison means an otolaryngologist or a licensed
27 physician, if no otolaryngologist is available, with whom a cooperative
28 arrangement for consultation is established by a hearing instrument
29 specialist.

30 **Sec. 7.** Section 38-1505, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1505 Practice of ordering the use and fitting of hearing
2 instruments includes the following activities:

3 (1) Eliciting patient case histories, including medical history,
4 otological history, pharmacological history, amplification history, and
5 patient attitudes and expectations;

6 (2) Administering otoscopy and, if required, cerumen removal for the
7 purpose of identifying possible otological conditions, including, but not
8 limited to, any of the conditions related to warnings found in the
9 regulations of the federal Food and Drug Administration, 21 C.F.R.
10 801.422, as such regulations existed on January 1, 2025, which may
11 indicate the need for a medical referral or which may have a bearing on
12 outcomes or recommendations;

13 (3) Administering and interpreting tests of human hearing performed
14 with an audiometer, including other appropriate objective and subjective
15 methodology and measures;

16 (4) Determining candidacy for hearing instruments, and discussing
17 the results of a human hearing test with the individual to inform the
18 individual about potential options for addressing the individual's
19 hearing loss, including hearing instruments, hearing-assistive devices
20 such as cochlear implants, or other medical interventions, and
21 facilitating appropriate referrals, if needed;

22 (5) Ordering, selecting or fitting appropriate hearing instruments
23 and assistive devices, including appropriate technology, programming
24 parameters, and special custom earpiece applications, as indicated;

25 (6) Assessing hearing instrument efficacy utilizing appropriate
26 fitting verification methodology and equipment, which may include real-
27 ear measures or speech mapping, and electroacoustic analysis equipment;

28 (7) Assessing hearing instrument benefits through appropriate
29 validation measures, which may include communication assessment
30 questionnaires or speech audiometry;

31 (8)(a) Taking ear impressions or electronic scans by any method used

1 for the purpose of creating earmolds and (b) preparing earmolds for
2 hearing instruments, assistive devices, telecommunications applications,
3 ear protection, and other related applications;

4 (9) Ordering and modifying earmolds and auditory equipment to meet a
5 patient's needs;

6 (10) Providing services in the use and care of hearing instruments
7 and assistive devices, including listening strategies and other
8 approaches to foster optimal patient results;

9 (11) Providing tinnitus care;

10 (12) Providing supervision and inservice training of those entering
11 the dispensing profession;

12 (13) Providing post-fitting care and services and hearing instrument
13 care and repair services; or

14 (14) Any other act of hearing assessment pertaining to hearing
15 testing, ordering the use of hearing instruments, or the selling,
16 renting, leasing, and delivery of hearing instruments.

17 ~~Practice of fitting hearing instruments means the measurement of~~
18 ~~human hearing by means of an audiometer or by other means approved by the~~
19 ~~board solely for the purpose of making selections, adaptations, or sale~~
20 ~~of hearing instruments. The term also includes the making of impressions~~
21 ~~for earmolds. A dispenser, at the request of a physician or a member of~~
22 ~~related professions, may make audiograms for the professional's use in~~
23 ~~consultation with the hard-of-hearing.~~

24 **Sec. 8.** Section 38-1506, Reissue Revised Statutes of Nebraska, is
25 amended to read:

26 38-1506 Providing tinnitus care means the selection of tinnitus care
27 devices, as contained within the hearing instruments, and tinnitus
28 maskers, which shall be used only in accordance with the audiology
29 department staff of the manufacturer of the devices.

30 ~~Sell, sale, or dispense means any transfer of title or of the right~~
31 ~~to use by lease, bailment, or any other contract, excluding (1) wholesale~~

1 ~~transactions with distributors or dispensers and (2) distribution of~~
2 ~~hearing instruments by nonprofit service organizations at no cost to the~~
3 ~~recipient for the hearing instrument.~~

4 **Sec. 9.** Section 38-1508, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 38-1508 The board shall consist of five professional members and one
7 public member appointed pursuant to section 38-158. Members ~~The members~~
8 shall meet the requirements of sections 38-164 and 38-165. The
9 professional members shall consist of ~~three licensed hearing instrument~~
10 ~~specialists, one otolaryngologist, and one audiologist until one licensed~~
11 ~~hearing instrument specialist vacates his or her office or his or her~~
12 ~~term expires, whichever occurs first, at which time the professional~~
13 ~~members of the board shall consist of three licensed hearing instrument~~
14 ~~specialists, at least one of whom does not hold a license as an~~
15 ~~audiologist, one otolaryngologist, and one audiologist. At the expiration~~
16 ~~of the four-year terms of the members serving on December 1, 2008,~~
17 ~~successors shall be appointed for five-year terms.~~

18 **Sec. 10.** Section 38-1509, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 38-1509 (1)(a) (1) ~~(1)~~ Except as otherwise provided in this section, it
21 shall be unlawful for any person to engage in the practice of ordering
22 the use and fitting of no person shall engage in the sale of or practice
23 of fitting hearing instruments or display a sign or in any other way
24 advertise or represent that the person is engaged in the practice of
25 ordering the use and fitting himself or herself as a person who practices
26 the fitting and sale or dispensing of hearing instruments unless such
27 person he or she holds a current, an unsuspended, and unrevoked hearing
28 instrument specialist license issued by the department as provided in the
29 Hearing Instrument Specialists Practice Act. A person represents that the
30 person is a hearing instrument specialist if the person holds out to the
31 public that the person engages in the practice of ordering the use and

1 fitting of hearing instruments, by any means, or by any service or
2 function performed, directly or indirectly, or by using the term
3 audioprosthologist, hearing center, hearing instrument center, hearing
4 instrument office, hearing instrument specialist, hearing office, or any
5 variation or synonym which expresses, employs, or implies these terms or
6 functions.

7 (b) A hearing instrument specialist license shall confer upon the
8 holder the right to select, fit, and sell hearing instruments. A ~~person~~
9 ~~holding a license issued under the act prior to August 30, 2009, may~~
10 ~~continue to practice under such license until it expires under the terms~~
11 ~~of the license.~~

12 (2) A licensed audiologist ~~who maintains a practice pursuant to (a)~~
13 ~~licensure as an audiologist, or (b) a privilege to practice audiology~~
14 ~~under the Audiology and Speech-Language Pathology Interstate Compact, in~~
15 ~~which hearing instruments are regularly dispensed, or who intends to~~
16 ~~maintain such a practice,~~ shall be exempt from the requirement to be
17 licensed as a hearing instrument specialist if the audiologist maintains
18 a practice in which hearing instruments are regularly dispensed, or
19 intends to maintain such a practice, pursuant to: -

20 (a) Licensure as an audiologist; or

21 (b) A privilege to practice audiology under the Audiology and
22 Speech-Language Pathology Interstate Compact.

23 (3) A hearing instrument specialist or audiologist may order the use
24 of devices pursuant to 21 C.F.R. 801.109, as such regulation existed on
25 January 1, 2025.

26 (4)(a) ~~(3)~~ Nothing in the Hearing Instrument Specialists Practice
27 Act ~~act~~ shall prohibit a corporation, partnership, limited liability
28 company, trust, association, or other like organization maintaining an
29 established business address from engaging in the business of selling or
30 offering for sale hearing instruments at retail without a license if it
31 employs only properly licensed natural persons in the direct sale and

1 fitting of such products.

2 (b) Each such organization shall file annually with the department,
3 on a form provided by the department, a list of the licensed hearing
4 instrument specialists employed by the organization and a statement, on a
5 form provided by the department, that the organization agrees to comply
6 with the rules and regulations adopted and promulgated pursuant to
7 section 38-126.

8 ~~(4) Nothing in the act shall prohibit the holder of a hearing~~
9 ~~instrument specialist license from the fitting and sale of wearable~~
10 ~~instruments or devices designed for or offered for the purpose of~~
11 ~~conservation or protection of hearing.~~

12 **Sec. 11.** Section 38-1510, Reissue Revised Statutes of Nebraska, is
13 amended to read:

14 38-1510 (1) A licensed hearing instrument specialist who provides
15 tinnitus care or cerumen removal shall only provide such service to an
16 individual who is eighteen years of age or older.

17 (2) The Hearing Instrument Specialists Practice Act does not change
18 the scope of practice of a licensed audiologist.

19 (3) (1) The Hearing Instrument Specialists Practice Act is not
20 intended to prevent any person from engaging in the practice of measuring
21 human hearing for the purpose of selection of hearing instruments if such
22 person or organization employing such person does not sell hearing
23 instruments or the accessories thereto.

24 (4) (2) The Hearing Instrument Specialists Practice Act does act
25 shall not apply to a person who is a physician licensed to practice in
26 this state, except that such physician shall not delegate the authority
27 to fit and dispense hearing instruments unless the person to whom the
28 authority is delegated is licensed as a hearing instrument specialist
29 under the act.

30 **Sec. 12.** Section 38-1511, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 38-1511 (1) A licensed hearing instrument specialist shall enter
2 into a written contract for each sale of a hearing instrument which
3 states the terms of the sale.

4 (2) A licensed hearing instrument specialist shall, at the time of
5 delivery of the hearing instrument, provide the patient with a receipt
6 containing the signature, regular business address, and license number of
7 the licensee; the brand, model, manufacturer or manufacturer
8 identification code, and serial number of the hearing instrument; and the
9 amount charged for the hearing instrument. The receipt shall also specify
10 whether the hearing instrument is new, used, or rebuilt, as provided in
11 21 C.F.R. 801.422, as such regulation existed on January 1, 2025; the
12 length of time and other terms of the guarantee; and by whom the hearing
13 instrument is guaranteed.

14 (3) No hearing instrument may be sold to any person unless both the
15 packaging containing the hearing instrument and the itemized receipt are
16 in compliance with all applicable state and federal laws and regulations.

17 (4) Upon delivery of the hearing instrument to any person, the
18 licensed hearing instrument specialist shall confirm the physical and
19 operational performance of the hearing instrument. If a patient purchases
20 a hearing instrument from a licensed hearing instrument specialist
21 outside of the licensee's regular place of business and the regular place
22 of business is beyond a reasonable distance, as determined by the board,
23 the licensed hearing instrument specialist shall provide the patient with
24 the address of an affiliate location with which the licensee is
25 associated that is within a reasonable distance, at which a licensed
26 hearing instrument specialist or audiologist is available for fitting
27 services.

28 (5) Any seller offering for sale or selling a hearing instrument in
29 this state or to a resident of this state shall make available in this
30 state an in-person fitting of the hearing instrument by a licensed
31 hearing instrument specialist in this state prior to the sale.

1 ~~(1) Any person who practices the fitting and sale of hearing~~
2 ~~instruments shall deliver to each person supplied with a hearing~~
3 ~~instrument a receipt which shall contain the licensee's signature and~~
4 ~~show his or her business address and the number of his or her~~
5 ~~certificate, together with specifications as to the make and model of the~~
6 ~~hearing instrument furnished, and clearly stating the full terms of sale.~~
7 ~~If a hearing instrument which is not new is sold, the receipt and the~~
8 ~~container thereof shall be clearly marked as used or reconditioned,~~
9 ~~whichever is applicable, with terms of guarantee, if any.~~

10 (6) A receipt provided pursuant to this section ~~(2) Such receipt~~
11 shall bear in no smaller type than the largest used in the body copy
12 portion the following: The purchaser has been advised at the outset of
13 the his or her relationship with the hearing instrument specialist that
14 any examination or representation made by a licensed hearing instrument
15 specialist in connection with the fitting and selling of this hearing
16 instrument is not an examination, diagnosis, or prescription by a person
17 licensed to practice medicine in this state and therefor must not be
18 regarded as medical opinion or advice.

19 **Sec. 13.** Section 38-1512, Revised Statutes Cumulative Supplement,
20 2024, is amended to read:

21 38-1512 (1) Any person may obtain a hearing instrument specialist
22 license under the Hearing Instrument Specialists Practice Act by
23 successfully passing a qualifying examination pursuant to section 38-1514
24 if the applicant provides verification to the department, on a form
25 provided by the department, that such person:

26 (a) Is at least twenty-one years of age; and

27 (b) Has an education equivalent to a four-year course in an
28 accredited high school; and -

29 (c)(i) Has completed the minimum number of practicum hours
30 prescribed by the board;

31 (ii) Has a two-year degree in hearing instrument sciences or an

1 equivalent as determined by the board;

2 (iii) Has a master's or doctoral degree in audiology from an
3 accredited institution approved by the board;

4 (iv) Has held a current, unsuspended, and unrevoked license to
5 dispense hearing instruments from another jurisdiction for at least
6 twelve of the last eighteen months prior to taking the examination;

7 (v) Is certified by the National Board for Certification in Hearing
8 Instrument Sciences at the time of taking the examination; or

9 (vi) Holds an advanced credential offered by the International
10 Hearing Society at the time of taking the examination.

11 (2) The department, with the recommendation of the board, may
12 determine whether completion of a licensure program from outside of the
13 United States qualifies a person to take the examination in this state.

14 (3) The department, upon recommendation of the board, may waive
15 either or both components of the examination pursuant to section 38-1514
16 for licensure as a hearing instrument specialist if the person has passed
17 the same examination as provided in section 38-1514 or a substantially
18 equivalent examination as determined by the board.

19 (4) The department, with the recommendation of the board, shall
20 determine whether a person has met the requirements to be eligible to
21 take the examination pursuant to the Hearing Instrument Specialists
22 Practice Act.

23 ~~(2) The qualifying examination shall consist of written and~~
24 ~~practical tests. The examination shall not be conducted in such a manner~~
25 ~~that college training is required in order to pass. Nothing in this~~
26 ~~examination shall imply that the applicant is required to possess the~~
27 ~~degree of medical competence normally expected of physicians.~~

28 ~~(3) The department shall give examinations approved by the board. A~~
29 ~~minimum of two examinations shall be offered each calendar year.~~

30 **Sec. 14.** Section 38-1513, Revised Statutes Cumulative Supplement,
31 2024, is amended to read:

1 38-1513 (1) The department, with the recommendation of the board,
2 shall issue a temporary training license to any person who has met the
3 requirements for licensure as a hearing instrument specialist pursuant to
4 subdivisions (1)(a) and (b) subsection (1) of section 38-1512. Previous
5 experience or a waiting period shall not be required to obtain a
6 temporary training license.

7 (2) Any person who desires a temporary training license shall make
8 application to the department. The temporary training license shall be
9 issued for a period of one year. A person holding a valid license as a
10 hearing instrument specialist shall be responsible for the supervision
11 and training of such applicant and shall maintain adequate personal
12 contact with him or her.

13 (3) If a person who holds a temporary training license under this
14 section has not successfully passed the licensing examination within
15 twelve months of the date of issuance of the temporary training license,
16 the temporary training license may be renewed or reissued for a twelve-
17 month period. In no case may a temporary training license be renewed or
18 reissued more than once. A renewal or reissuance may take place any time
19 after the expiration of the first twelve-month period.

20 **Sec. 15.** Section 38-1514, Reissue Revised Statutes of Nebraska, is
21 amended to read:

22 38-1514 (1) The examination required by section 38-1512 for
23 licensure as a hearing instrument specialist shall be comprised of two
24 separate components:

25 (a) A written or computer-based, psychometrically valid, competency
26 examination approved by the board that tests the examinee for knowledge
27 fundamental to the practice of ordering the use and fitting of hearing
28 instruments, which may be an examination developed and maintained by the
29 International Hearing Society; and

30 (b) A practical examination approved by the board that requires the
31 examinee to demonstrate competence in the practice of ordering the use

1 and fitting of hearing instruments, which may be an examination developed
2 and maintained by the International Hearing Society.

3 (2)(a) If an examinee fails more than one portion of the practical
4 examination, the examinee shall retake the entire practical examination
5 upon payment of the examination fee.

6 (b) If an examinee fails only one portion of the practical
7 examination, the examinee may retake that portion of the examination
8 without payment of a fee.

9 (c) If an examinee fails the jurisprudence examination or competency
10 examination, the examinee shall retake the entire examination upon
11 payment of the examination fee.

12 (d) If an examinee fails either the practical or competency
13 component of the examination and fails two subsequent reexaminations, the
14 examinee shall be disqualified from retaking the examination a fourth
15 time until the examinee meets with the board, presents an acceptable
16 written training plan to the board for passing the components of the
17 examination, and successfully completes that plan.

18 ~~The qualifying examination provided in section 38-1512 shall be~~
19 ~~designed to demonstrate the applicant's adequate technical qualifications~~
20 ~~by:~~

21 ~~(1) Tests of knowledge in the following areas as they pertain to the~~
22 ~~fitting and sale of hearing instruments:~~

23 ~~(a) Basic physics of sound;~~

24 ~~(b) The anatomy and physiology of the ear; and~~

25 ~~(c) The function of hearing instruments; and~~

26 ~~(2) Practical tests of proficiency in the following techniques as~~
27 ~~they pertain to the fitting of hearing instruments:~~

28 ~~(a) Pure tone audiometry, including air conduction testing and bone~~
29 ~~conduction testing;~~

30 ~~(b) Live voice or recorded voice speech audiometry;~~

31 ~~(c) Masking when indicated;~~

- 1 ~~(d) Recording and evaluation of audiograms and speech audiometry to~~
2 ~~determine proper selection and adaptation of a hearing instrument; and~~
3 ~~(e) Taking earmold impressions.~~

4 **Sec. 16.** (1) A licensed hearing instrument specialist shall not
5 engage in the practice of ordering the use and fitting of hearing
6 instruments with respect to a patient without first having conducted a
7 face-to-face hearing assessment for the patient. A hearing assessment
8 conducted in accordance with this subsection shall be valid for six
9 months. Such hearing assessment shall include at least the following
10 procedures, and any additional or modified procedures appropriate to
11 technological developments as determined by the board:

- 12 (a) Completion of a patient history questionnaire;
13 (b) Otoscopic examination;
14 (c) Testing to determine the type and degree of hearing loss that
15 includes pure-tone air conduction testing at two hundred fifty hertz,
16 five hundred hertz, one thousand hertz, two thousand hertz, four thousand
17 hertz, and eight thousand hertz and bone conduction testing at five
18 hundred hertz, one thousand hertz, two thousand hertz, and four thousand
19 hertz;
20 (d) Effective masking when indicated;
21 (e) Appropriate testing to determine speech reception thresholds,
22 word recognition scores, most comfortable listening levels, uncomfortable
23 loudness levels, frequency-specific loudness discomfort levels, ability
24 to understand speech in noise, and the selection of the best fitting
25 arrangement for maximum hearing instrument benefit when indicated; and
26 (f) Other speech tests commonly used to assess human hearing acuity.

27 (2) Each component of a hearing instrument shall be adapted to the
28 needs of the patient. A licensed hearing instrument specialist shall
29 conduct a final fitting to ensure physical fit and operational comfort of
30 the hearing instrument.

31 **Sec. 17.** A licensed hearing instrument specialist shall demonstrate

1 the benefit of a hearing instrument fitting by using objective measures,
2 such as aided and unaided sound field testing, real-ear measurements,
3 speech mapping, or electroacoustic analysis, or any additional or
4 modified procedures appropriate to technological developments as
5 determined and approved by the board.

6 **Sec. 18.** A licensed hearing instrument specialist shall determine a
7 patient's benefit with the hearing instrument fitting using validation
8 measures, such as speech audiometry and validated communication
9 assessment questionnaires, or any other method approved by the board.

10 **Sec. 19.** (1) A licensed hearing instrument specialist shall use the
11 following equipment as part of any hearing testing conducted for the
12 purpose of dispensing of hearing instruments:

13 (a) An audiometer that has been calibrated within the twelve months
14 preceding the test and that meets the specifications set forth under this
15 section; and

16 (b) A speech audiometer or a master hearing instrument in order to
17 perform speech tests as required in subdivision (1)(e) of section 16 of
18 this act.

19 (2) A licensed hearing instrument specialist shall provide for the
20 calibration of the equipment utilized for hearing assessments required
21 under section 16 of this act and in the dispensing of hearing instruments
22 at least annually in conformance with current standards of the American
23 National Standards Institute or such other quality control standards
24 established by the board. A licensed hearing instrument specialist shall
25 annually ensure that audiometric equipment has been evaluated
26 electrically and acoustically, that the equipment has been adjusted or
27 repaired if necessary, and that conformity with such standards was
28 determined at that time. A licensed hearing instrument specialist shall
29 maintain calibration records for ten years and shall make the records
30 available for inspection by the department at any time. A licensed
31 hearing instrument specialist shall also use routine procedures for the

1 daily inspection of audiometric equipment, or prior to use if used less
2 often than daily, to generally determine that the equipment is in normal
3 working order.

4 (3) A licensed hearing instrument specialist shall provide the
5 following care of the equipment used in the licensee's practice of
6 ordering the use and fitting of hearing instruments:

7 (a) Hearing instruments, assistive-listening devices, and electronic
8 equipment shall be maintained according to the manufacturer's
9 specifications;

10 (b) Instrumental technology shall be maintained in proper working
11 order and be properly calibrated according to accepted standards; and

12 (c) Proper infection control and sanitation procedures shall be
13 utilized.

14 **Sec. 20.** (1) Prior to engaging in cerumen removal, a licensed
15 hearing instrument specialist shall have held a valid, undisciplined
16 license as a licensed hearing instrument specialist for a minimum of two
17 consecutive years and provide the board with evidence of (a) successful
18 completion of a cerumen removal course pursuant to subsection (3) of this
19 section, (b) professional liability insurance pursuant to subsection (5)
20 of this section, and (c) an arrangement with a medical liaison pursuant
21 to subsection (2) of this section. If the licensed hearing instrument
22 specialist continues to engage in cerumen removal, the licensee shall
23 annually provide evidence to the board of professional liability
24 insurance and an arrangement with a medical liaison.

25 (2) Prior to engaging in cerumen removal, a licensed hearing
26 instrument specialist shall have an arrangement with a medical liaison. A
27 licensed hearing instrument specialist shall refer a patient to a medical
28 liaison if the patient exhibits contraindications to cerumen removal
29 requiring medical consultation or medical intervention. If a licensed
30 hearing instrument specialist engaged in routine cerumen removal
31 discovers any trauma, including, but not limited to, continuous

1 uncontrolled bleeding, lacerations, or other traumatic injuries, the
2 licensee shall, as soon as practicable, refer the patient to the medical
3 liaison.

4 (3)(a) Prior to entering into an arrangement with a medical liaison,
5 a licensed hearing instrument specialist shall complete a cerumen removal
6 course approved by the International Hearing Society or the American
7 Academy of Otolaryngology-Head and Neck Surgery, or another course
8 approved by the board, and provide the board with evidence of such
9 successful completion and attestation of competence. In order to be
10 approved by the board as a cerumen removal course, the course shall be
11 approved by the International Hearing Society or the American Academy of
12 Otolaryngology-Head and Neck Surgery and shall:

- 13 (i) Be overseen by a physician, preferably an otolaryngologist;
14 (ii) Consist of at least six hours of a participant practicing
15 cerumen removal from an ear canal model using a variety of safe
16 techniques;
17 (iii) Include in-person practice of cerumen removal techniques;
18 (iv) Include an infectious control component; and
19 (v) Result in a certificate of successful completion and attestation
20 of competence signed by such physician.

21 (b) The board may, only after consultation with the Board of
22 Medicine and Surgery, adopt rules and regulations as provided in section
23 38-126 to provide requirements for the initial cerumen removal course.

24 (4) The licensed hearing instrument specialist shall maintain
25 documentation evidencing the satisfactory completion of the training.

26 (5) A licensed hearing instrument specialist shall carry appropriate
27 professional liability insurance before engaging in cerumen removal.

28 (6) A licensed hearing instrument specialist shall perform cerumen
29 removal using the customary removal techniques that are commensurate with
30 the licensee's training and experience. Performance of cerumen removal is
31 limited to the patient's cartilaginous outer one-third portion of the

1 external auditory canal.

2 (7) A licensed hearing instrument specialist engaged in cerumen
3 removal shall comply with the following requirements:

4 (a) The indications for cerumen removal for a licensed hearing
5 instrument specialist shall include:

6 (i) Enabling audiometric testing;

7 (ii) Making ear impressions;

8 (iii) Fitting ear protection or prosthetic devices; and

9 (iv) Monitoring continuous use of hearing aids;

10 (b) The licensed hearing instrument specialist shall refer a patient
11 to the medical liaison, an otolaryngologist, or a licensed physician for
12 medical consultation or medical intervention if the patient exhibits any
13 of the following contraindications to cerumen removal:

14 (i) The patient is younger than eighteen years of age;

15 (ii) The patient has a perforated tympanic membrane;

16 (iii) The patient has a history of pain or active drainage or
17 bleeding from the ear;

18 (iv) There is evidence of congenital or traumatic deformity of the
19 ear;

20 (v) The patient has any previous ear surgery;

21 (vi) The patient has tympanostomy tubes, such that irrigation should
22 not be used;

23 (vii) The patient has a bleeding disorder;

24 (viii) The patient has an actual or suspected foreign body in the
25 ear;

26 (ix) The patient has a stenosis or bony exostosis of the ear canal;

27 (x) The patient has a tympanic membrane that the licensed hearing
28 instrument specialist is unable to see; or

29 (xi) There is any other contraindication to cerumen removal that
30 requires medical consultation or medical intervention; and

31 (c) If the patient, while undergoing cerumen removal that did not

1 present contraindications, complains of significant pain, exhibits
2 uncontrolled bleeding or a laceration of the external auditory canal, or
3 notices the acute onset of dizziness or vertigo or sudden hearing loss,
4 the licensed hearing instrument specialist shall immediately stop the
5 procedure and refer the patient to the medical liaison, an
6 otolaryngologist, or a licensed physician.

7 (8) The licensed hearing instrument specialist shall maintain the
8 following proper infection control practices:

9 (a) Universal health precautions;

10 (b) Decontamination;

11 (c) Cleaning, disinfection, and sterilization of multiple-use
12 equipment; and

13 (d) Universal precautions for prevention of the transmission of
14 human immunodeficiency virus, hepatitis B virus, and other bloodborne
15 pathogens, as defined by occupational safety and health standards
16 promulgated pursuant to 29 C.F.R. 1910, as such regulations existed on
17 January 1, 2025.

18 (9) The licensed hearing instrument specialist who performs cerumen
19 removal shall maintain a case history for every patient and informed
20 consent signed by the patient as part of the patient's records.

21 (10) The licensed hearing instrument specialist shall carry
22 appropriate professional liability insurance before performing cerumen
23 removal.

24 (11) The licensed hearing instrument specialist is prohibited from
25 requiring patients to sign any form that eliminates liability if the
26 patient is harmed.

27 (12) A licensed hearing instrument specialist who first passes the
28 initial training in cerumen removal shall take one additional hour of
29 continuing education specific to cerumen removal annually, by any
30 approved means, in addition to the required continuing education
31 requirements for the license as a licensed hearing instrument specialist.

1 **Sec. 21.** A licensed hearing instrument specialist shall advise a
2 prospective hearing instrument user to consult promptly with an
3 otolaryngologist, or a licensed physician if no otolaryngologist is
4 available, before dispensing a hearing instrument if the licensee
5 determines, through inquiry, actual observation, or review of any other
6 available information concerning the prospective user, that the
7 prospective user has any of the conditions related to warnings found in
8 the regulations of the federal Food and Drug Administration, 21 C.F.R.
9 801.422, as such regulations existed on January 1, 2025.

10 **Sec. 22.** It is a condition of licensure under the Hearing
11 Instrument Specialists Practice Act that a licensed hearing instrument
12 specialist comply with the rules of the federal Food and Drug
13 Administration governing the ordering of the use, fitting, and sales of
14 hearing instruments as prescribed by 21 C.F.R. 801.422, as such
15 regulations existed on January 1, 2025.

16 **Sec. 23.** A purchaser of a hearing instrument shall not be required
17 to obtain a medical evaluation for the repurchase of a hearing instrument
18 once a medical evaluation has been obtained for certain otologic
19 conditions that are permanent and would be reidentified at each hearing
20 assessment. Such conditions shall include, but not be limited to:

- 21 (1) Visible congenital or traumatic deformity of the ear;
22 (2) Unilateral or asymmetric hearing loss, assuming no change in
23 thresholds; and
24 (3) Audiometric air-bone gap equal to or greater than an average of
25 fifteen decibels at five hundred hertz, one thousand hertz, and two
26 thousand hertz.

27 **Sec. 24.** (1) A licensed hearing instrument specialist shall keep
28 and maintain in the licensee's office or place of business the following
29 records:

- 30 (a) Results of tests and other records as they pertain to hearing
31 assessments conducted by the licensed hearing instrument specialist and

1 the dispensing of hearing instruments by the licensed hearing instrument
2 specialist;

3 (b) A copy of the written contract and, if executed, signed medical
4 evaluation waiver; and

5 (c) Copies of such other records as the department, with the
6 recommendation of the board, reasonably requires.

7 (2) Any such record shall be kept and maintained by the licensed
8 hearing instrument specialist for a period of seven years after the date
9 the record was produced.

10 **Sec. 25.** A licensed hearing instrument specialist who is certified
11 by the National Board for Certification in Hearing Instrument Sciences or
12 has an advanced credential recognized or offered by the International
13 Hearing Society may work for a company or organization as a trainer and
14 provide specialized training in the practical application of hearing
15 instrument sciences.

16 **Sec. 26.** Original sections 38-511, 38-1501, 38-1502, 38-1504,
17 38-1505, 38-1506, 38-1508, 38-1510, 38-1511, and 38-1514, Reissue Revised
18 Statutes of Nebraska, and sections 38-1509, 38-1512, and 38-1513, Revised
19 Statutes Cumulative Supplement, 2024, are repealed.