



2007 ASSEMBLY BILL 610

December 4, 2007 - Introduced by Representatives NEWCOMER, A. OTT, ZEPNICK, SHERIDAN, TOWNSEND, WASSERMAN, JORGENSEN, BIES, KAUFERT and MASON, cosponsored by Senators VINEHOUT, KEDZIE, COGGS, LEHMAN, TAYLOR, KAPANKE and OLSEN. Referred to Committee on Health and Healthcare Reform.

1 **AN ACT** *to renumber* 459.01 (1); *to renumber and amend* 459.24 (3) (d); *to*
2 *amend* 15.405 (6m) (e), 29.193 (2) (a) 1., 29.324 (1) (a), 45.40 (2) (a), 77.54 (22)
3 (b), 102.01 (2) (c), 149.14 (3) (k), 459.01 (2), (3) and (5), 459.02, 459.03 (title),
4 459.03 (1), 459.03 (2) (b), 459.035, 459.04, 459.05 (1m), 459.06 (2) (a) (intro.) and
5 3. and (b) (intro.) and 4. and (3), 459.07 (2), 459.08 (1), 459.085, 459.095 (3),
6 459.10 (1) (d) and (e), 459.10 (1) (g), 459.10 (1) (i), (j), (k) and (p), 459.14 (2),
7 459.20 (2) (a) and (b), (3g) and (3p), 459.22 (2) (b), (c) and (f), 459.24 (1) (a),
8 459.24 (1) (b), 459.24 (1m), 459.24 (3) (e), 459.24 (3) (f), 459.24 (3m), 459.24 (6)
9 (b), 459.26 (2) (a), 459.26 (2) (b) (intro.) and 4., 459.34 (2) (ce), (cm) and (cs),
10 459.34 (2) (d) and 968.27 (7) (b); and *to create* 459.01 (1d), 459.10 (1) (q), (r),
11 (s) and (t), 459.24 (3) (d) 2. and 3., 459.34 (2) (i), 459.34 (2) (j) and 459.34 (2) (k)
12 of the statutes; **relating to:** replacing the term hearing aid with hearing
13 instrument, creating new grounds for discipline of hearing instrument
14 specialists, audiologists, and speech-language pathologists, changing the

ASSEMBLY BILL 610

- 1 definition of audiology, and changing licensing requirements for audiologists,
2 and granting rule-making authority.
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Analysis by the Legislative Reference Bureau

This bill makes the following changes to the regulation of speech-language pathologists and audiologists.

Prohibited conduct.

1. Deceptive advertising. Under current law, the Hearing and Speech Examining Board in the Department of Regulation and Licensing (board) may reprimand the holder of a license or permit issued by the board or revoke, suspend, limit, or deny a license or permit if the holder or applicant engages in certain prohibited conduct, including false, misleading, or deceptive advertising. The bill prohibits deceptive advertising instead of false, misleading, or deceptive advertising. In addition, the bill creates a definition for “deceptive advertising” which includes creating or using promotional literature, testimonials, insignia, or other representation which is misleading, false, or untruthful.

2. Misrepresentation. The bill prohibits the holder of a license or permit from intentionally or negligently representing that the services or advice of a physician or audiologist will be used in connection with the fitting, sale, or maintenance of a hearing instrument when the service or advice will not be used. The bill prohibits the holder of a license or permit from making an intentional or negligent representation regarding a hearing instrument or services. The bill also prohibits the holder of a license or permit from misusing words that imply the involvement of the medical or audiology professions when there is no such involvement. Finally, the bill prohibits a hearing instrument specialist from intentionally or negligently misrepresenting the cause of a hearing impairment, or the cure of a hearing impairment by the use of a hearing instrument.

3. Use of titles. Under current law, no person may use the titles “certified hearing aid audiologist” or “licensed hearing aid audiologist.” The bill also prohibits any person from using any of the following titles: “certified hearing instrument audiologist,” “licensed hearing instrument audiologist,” or “audioprosthologist.”

Audiologist license. Under current law, a person seeking an audiologist license must have received a master’s degree in audiology or completed education or training that the board determines is substantially equivalent. The person must also complete a postgraduate clinical fellowship in audiology approved by the board or substantially equivalent education or training. The person must also pass an examination required for certification by the American Speech-Language-Hearing Association or a substantially equivalent exam, as well as practical techniques tests administered by the board.

The bill changes the requirements for audiologist licensure effective January 1, 2009. Beginning on that date, to obtain an audiologist license a person must do all of the following:

ASSEMBLY BILL 610

1. Either possess a doctoral degree in audiology or submit evidence of substantially equivalent education or training. The doctoral degree program must consist of not less than three years of educational course work and not less than 12 months of clinical rotation or externship.

2. Pass an exam selected or approved by the board as well as practical techniques tests administered by the board. The bill requires the board to select and approve examinations for audiology by rule.

Temporary license to practice audiology. Under current law, the board may grant a temporary license to practice audiology to a person who is completing a postgraduate fellowship if the person practices under the supervision of a licensed audiologist and satisfies other requirements. The bill eliminates temporary licensure for audiologists effective January 1, 2009.

Other changes.

Current law defines audiology as applying principles, methods, or procedures of prevention, identification, evaluation, consultation, intervention, instruction, or research related to hearing, vestibular function, or any abnormal condition related to tinnitus, auditory sensitivity, acuity, function or processing, speech, language, or other aberrant behavior resulting from hearing loss. The bill amends the definition to include assessment, measurement, interpretation, treatment, conservation, management, and counseling to the principles, methods, or procedures applied by an audiologist. The bill also requires that these activities be undertaken for the purpose of diagnosing abnormal conditions and designing and implementing a plan for the treatment, management, or amelioration of the abnormal condition.

The bill also eliminates all statutory references to "hearing aid" and substitutes the term "hearing instrument."

For further information see the **state** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 15.405 (6m) (e) of the statutes is amended to read:

2 15.405 **(6m)** (e) Two public members. One of the public members shall be a
3 hearing aid instrument user.

4 **SECTION 2.** 29.193 (2) (a) 1. of the statutes is amended to read:

5 29.193 **(2)** (a) 1. "Accompanied" means being subject to continuous visual or
6 voice contact without the aid of any mechanical or electronic amplifying device other
7 than a hearing aid instrument.

ASSEMBLY BILL 610

1 **SECTION 3.** 29.324 (1) (a) of the statutes is amended to read:

2 29.324 (1) (a) "Contact" means visual or voice contact without the aid of any
3 mechanical or electronic amplifying device other than a hearing aid instrument.

4 **SECTION 4.** 45.40 (2) (a) of the statutes is amended to read:

5 45.40 (2) HEALTH CARE. (a) The department may provide health care aid to a
6 veteran for dental care, including dentures; vision care, including eyeglass frames
7 and lenses; and hearing care, including hearing aids instruments.

8 **SECTION 5.** 77.54 (22) (b) of the statutes is amended to read:

9 77.54 (22) (b) Artificial limbs, artificial eyes, hearing aids instruments and
10 other equipment worn as a correction or substitute for any functioning portion of the
11 body.

12 **SECTION 6.** 102.01 (2) (c) of the statutes is amended to read:

13 102.01 (2) (c) "Injury" means mental or physical harm to an employee caused
14 by accident or disease, and also means damage to or destruction of artificial
15 members, dental appliances, teeth, hearing aids instruments and eyeglasses, but, in
16 the case of hearing aids instruments or eyeglasses, only if such damage or
17 destruction resulted from accident which also caused personal injury entitling the
18 employee to compensation therefor either for disability or treatment.

19 **SECTION 7.** 149.14 (3) (k) of the statutes is amended to read:

20 149.14 (3) (k) Rental or purchase, as appropriate, of durable medical
21 equipment or disposable medical supplies, other than eyeglasses and hearing aids
22 instruments.

23 **SECTION 8.** 459.01 (1) of the statutes is renumbered 459.01 (1m).

24 **SECTION 9.** 459.01 (1d) of the statutes is created to read:

ASSEMBLY BILL 610

1 459.01 (1d) “Deceptive advertising” means creating, using, or promoting the
2 use of any advertising material, promotional literature, testimonial, guarantee,
3 warranty, label, brand, insignia, or other representation, however disseminated or
4 published, which is misleading, false, or untruthful.

5 **SECTION 10.** 459.01 (2), (3) and (5) of the statutes are amended to read:

6 459.01 (2) “Hearing aid instrument” means any wearable instrument or device
7 designed for or offered for the purpose of aiding or compensating for impaired human
8 hearing and any parts, attachments or accessories of such an instrument or device,
9 except batteries and cords.

10 (3) “Hearing instrument specialist” means any person who is or is required to
11 be licensed under s. 459.05 to engage in the practice of dealing in or fitting hearing
12 aids instruments.

13 (5) “Practice of fitting and dealing in hearing aids instruments” means the
14 measurement of human hearing by means of an audiometer or by any other means
15 accepted by the examining board solely for the purpose of making selections,
16 adaptations or sales of hearing aids instruments intended to compensate for
17 impaired hearing. This term also includes making impressions for ear molds.

18 **SECTION 11.** 459.02 of the statutes is amended to read:

19 **459.02 License required to sell and fit hearing aids instruments. (1)**

20 No person may engage in the practice of selling or fitting hearing aids instruments
21 or display a sign or in any other way advertise or represent himself or herself as a
22 person who practices the fitting or sale of hearing aids instruments unless he or she
23 holds a valid license issued under this subchapter or a valid license or permit to
24 practice audiology issued under subch. II. The license required by s. 459.05 shall be
25 conspicuously posted in his or her office or place of business as registered with the

ASSEMBLY BILL 610**SECTION 11**

1 department at all times. Duplicate licenses shall be issued by the department under
2 this subchapter to valid license holders operating more than one office without
3 additional payment.

4 (2) Nothing in this subchapter or subch. II shall prohibit any corporation or
5 mercantile establishment which maintains an established business address from
6 engaging in the business of selling or offering for sale hearing aids instruments at
7 retail without a license, provided that for the purpose of selling and fitting hearing
8 aids instruments it employs persons licensed under this subchapter or persons
9 issued licenses or permits to practice audiology under subch. II. Such corporation
10 or mercantile establishment shall annually file with the examining board a list of all
11 persons employed for the purpose of selling and fitting hearing aids instruments.

12 **SECTION 12.** 459.03 (title) of the statutes is amended to read:

13 **459.03 (title) Receipt required to be furnished to a person supplied with**
14 **hearing aid instrument.**

15 **SECTION 13.** 459.03 (1) of the statutes is amended to read:

16 459.03 (1) Whoever practices fitting or selling of hearing aids instruments
17 under this subchapter shall deliver to each person supplied with a hearing aid
18 instrument a receipt. The receipt shall contain the licensee's signature and show the
19 licensee's business address and license title and number, together with specifications
20 as to the make and model of the hearing aid instrument furnished and full terms of
21 sale clearly stated. If a hearing aid instrument which is not new is sold, the receipt
22 and the container thereof must be clearly marked as "used" or "reconditioned"
23 whichever is applicable.

24 **SECTION 14.** 459.03 (2) (b) of the statutes is amended to read:

ASSEMBLY BILL 610

1 459.03 (2) (b) A statement that the purchaser has been advised at the outset
2 of the purchaser's relationship with the hearing instrument specialist that any
3 examination or representation made by a hearing instrument specialist in
4 connection with the fitting and selling of this hearing aid instrument is not an
5 examination, diagnosis or prescription by a person licensed to practice medicine or
6 audiology in this state and therefore must not be regarded as medical or audiological
7 opinion or advice.

8 **SECTION 15.** 459.035 of the statutes is amended to read:

9 **459.035 Medical exam before being fitted.** A hearing aid instrument shall
10 not be fitted for or sold to a person 17 years of age or younger unless within 90 days
11 prior to the fitting the person to be fitted has been examined by a physician to
12 determine whether or not he or she has any physical deficiencies that would prohibit
13 the effective use of a hearing aid instrument.

14 **SECTION 16.** 459.04 of the statutes is amended to read:

15 **459.04 Seller's guarantee.** The seller of a hearing aid instrument shall give
16 to the purchaser a personal guarantee that is at least identical in its terms to the
17 guarantee of the manufacturer of the hearing aid instrument.

18 **SECTION 17.** 459.05 (1m) of the statutes is amended to read:

19 459.05 (1m) Whenever the examining board determines that another state or
20 jurisdiction has requirements equivalent to or higher than those in effect in the state
21 for the practice of fitting and selling hearing aids instruments, and that such state
22 or jurisdiction has a program equivalent to or stricter than the program for
23 determining whether applicants in this state are qualified to fit and sell hearing aids
24 instruments, the department may issue a license by reciprocity to applicants who
25 hold valid licenses to deal in or fit hearing aids instruments in such other state or

ASSEMBLY BILL 610**SECTION 17**

1 jurisdiction, who pay the fee specified in s. 440.05 (2) and who are otherwise qualified
2 for licensure. No applicant for a license by reciprocity under this subsection shall be
3 required to submit to or undergo a qualifying examination, if the applicant
4 personally appears at the next meeting of the examining board after filing the
5 application to answer any questions the examining board has.

6 **SECTION 18.** 459.06 (2) (a) (intro.) and 3. and (b) (intro.) and 4. and (3) of the
7 statutes are amended to read:

8 459.06 (2) (a) (intro.) Tests of knowledge in the following areas as they pertain
9 to the fitting of hearing aids instruments:

10 3. The function of hearing aids instruments.

11 (b) (intro.) Practical tests of proficiency in the following techniques as they
12 pertain to the fitting of hearing aids instruments:

13 4. Recording and evaluation of audiograms and speech audiometry to
14 determine proper selection and adaption of a hearing aid instrument.

15 (3) The applicant for license by examination shall appear at a time and place
16 as the examining board designates, to be examined by means of written and practical
17 tests in order to demonstrate that he or she is qualified to practice the fitting of
18 hearing aids instruments. Such examinations shall be conducted at least twice a
19 year and at such other times and places designated by the examining board.

20 **SECTION 19.** 459.07 (2) of the statutes is amended to read:

21 459.07 (2) Upon receiving an application under this section, accompanied by
22 the fee under s. 440.05 (6), the examining board may grant a trainee permit which
23 may entitle the applicant to practice fitting of hearing aids instruments for a period
24 of one year. A person holding a valid hearing instrument specialist license issued
25 under this subchapter or a valid license to practice audiology issued under s. 459.24

ASSEMBLY BILL 610

1 (3) shall be responsible for the direct supervision and training of the applicant and
2 shall be liable for all negligent acts and omissions of the trainee in the fitting of
3 hearing aids instruments.

4 **SECTION 20.** 459.08 (1) of the statutes is amended to read:

5 459.08 (1) A person who holds a license shall notify the department in writing
6 or in accordance with other notification procedures approved by the department of
7 the regular address of the places where he or she engages or intends to engage in the
8 practice of fitting or selling hearing aids instruments. The licensee shall inform the
9 board of any changes in these addresses within 30 days of the change.

10 **SECTION 21.** 459.085 of the statutes is amended to read:

11 **459.085 Calibration of audiometric equipment.** Audiometric equipment
12 used in the evaluation of hearing sensitivity for the fitting and sale of hearing aids
13 instruments shall be calibrated periodically, as specified by rule by the examining
14 board. Certification of these calibrations shall be sent to the examining board with
15 the renewal fee required in s. 459.09 (1) (a).

16 **SECTION 22.** 459.095 (3) of the statutes is amended to read:

17 459.095 (3) In consultation with the department, promulgate rules that
18 require each person issued a license under this subchapter to whom s. 459.09 (1) (b)
19 applies to complete a specified continuing education program or course of study to
20 ensure competence with respect to a matter related to the practice of fitting and
21 dealing in hearing aids instruments if the examining board has received a significant
22 number of consumer complaints about the matter or if the examining board
23 otherwise determines that there is a need for such a requirement. Rules
24 promulgated under this subsection shall establish criteria for the examining board's
25 approval of the continuing education program or course of study and of sponsors and

ASSEMBLY BILL 610**SECTION 22**

1 cosponsors of the continuing education program or course of study. The rules shall
2 also require the examining board to administer, prior to the continuing education
3 program or course of study, an examination on the matter that is the subject of the
4 continuing education program or course of study and to waive a requirement to
5 complete the continuing education program or course of study if a person granted a
6 license under this subchapter passes the examination. A person who takes an
7 examination specified in this subsection shall pay the fee specified in s. 440.05 (1) (b).

8 **SECTION 23.** 459.10 (1) (d) and (e) of the statutes are amended to read:

9 459.10 (1) (d) Been found guilty of an offense the circumstances of which
10 substantially relate to the practice of fitting and dealing in hearing aids instruments.

11 (e) Violated this subchapter or ch. 440 or any federal or state statute or rule
12 which relates to the practice of fitting and dealing in hearing aids instruments.

13 **SECTION 24.** 459.10 (1) (g) of the statutes is amended to read:

14 459.10 (1) (g) Engaged in false, ~~misleading or~~ deceptive advertising.

15 **SECTION 25.** 459.10 (1) (i), (j), (k) and (p) of the statutes are amended to read:

16 459.10 (1) (i) Failed to conduct a direct observation of the ear canal of a person
17 for whom a hearing aid instrument is purchased.

18 (j) Engaged in conduct which evidenced a lack of knowledge or ability to apply
19 principles or skills of the practice of fitting and dealing in hearing aids instruments.

20 (k) Engaged in unprofessional conduct. In this subsection, “unprofessional
21 conduct” means the violation of any standard of professional behavior which through
22 experience, state statute or administrative rule has become established in the
23 practice of fitting and dealing in hearing aids instruments.

24 (p) Sold a hearing aid instrument for use by a person who was not given tests
25 by a hearing instrument specialist or an audiologist licensed under this chapter or

ASSEMBLY BILL 610

1 in another state using appropriate procedures and instrumentation or without
2 proper measurement of the functional intensity and range of the person's hearing.

3 **SECTION 26.** 459.10 (1) (q), (r), (s) and (t) of the statutes are created to read:

4 459.10 (1) (q) Intentionally or negligently misrepresented that the services or
5 advice of a physician or audiologist will be used or made available in the fitting, sale,
6 adjustment, service, maintenance, or repair of a hearing instrument when such
7 services or advice will not be used or made available.

8 (r) Intentionally or negligently misrepresented the cause of a hearing
9 impairment or the cure of a hearing impairment, by the use of a hearing instrument.

10 (s) Made an intentional or negligent misrepresentation regarding a hearing
11 instrument or services.

12 (t) Misused the words "doctor," "clinic," "clinical," or other words, abbreviations,
13 or symbols that imply the involvement of the medical or audiology professions in the
14 absence of such involvement.

15 **SECTION 27.** 459.14 (2) of the statutes is amended to read:

16 459.14 (2) This subchapter does not apply to a person engaged in the practice
17 of measuring human hearing for selecting hearing aids instruments or any other
18 purpose if the person or the organization employing such person does not sell hearing
19 aids instruments or hearing accessories.

20 **SECTION 28.** 459.20 (2) (a) and (b), (3g) and (3p) of the statutes are amended
21 to read:

22 459.20 (2) (a) Applying principles, methods, or procedures of prevention,
23 identification, assessment, measurement, interpretation, evaluation, consultation,
24 intervention, treatment, conservation, management, counseling, instruction, or
25 research related to hearing, vestibular function, or any abnormal condition related

ASSEMBLY BILL 610**SECTION 28**

1 to tinnitus, auditory sensitivity, acuity, function or processing, speech, language, or
2 other aberrant behavior resulting from hearing loss for the purpose of diagnosing
3 such abnormal condition and designing and implementing a plan for the treatment,
4 management, or amelioration of such abnormal condition.

5 (b) Engaging in the practice of fitting and dealing in hearing aids instruments.

6 (3g) “Hearing aid instrument” means any wearable or implantable instrument
7 or device designed for or offered for the purpose of aiding or compensating for
8 impaired human hearing and any parts, attachments or accessories of such an
9 instrument or device, except batteries and cords.

10 (3p) “Practice of fitting and dealing in hearing aids instruments” means the
11 measurement of human hearing by means of an audiometer or by any other means
12 accepted by the examining board for the purpose of making selections, adaptations
13 or sales of hearing aids instruments intended to compensate for impaired hearing,
14 and includes making impressions for ear molds.

15 **SECTION 29.** 459.22 (2) (b), (c) and (f) of the statutes are amended to read:

16 459.22 (2) (b) Authorize a speech–language pathologist licensed under this
17 subchapter to dispense or sell hearing aids instruments without obtaining a hearing
18 instrument specialist license under subch. I.

19 (c) Require a hearing instrument specialist licensed under subch. I to be
20 licensed as an audiologist under this subchapter to engage in the testing of hearing
21 or in other practices or procedures solely for the purpose of fitting or selling hearing
22 aids instruments.

23 (f) Require an individual to be licensed under this subchapter to engage in the
24 practice of speech–language pathology or audiology, other than engaging in the
25 practice of fitting and dealing in hearing aids instruments, in a position for which the

ASSEMBLY BILL 610

1 department of public instruction requires licensure as a speech and language
2 pathologist or audiologist, if the individual's entire practice of speech-language
3 pathology or audiology, other than engaging in the practice of fitting and dealing in
4 hearing aids instruments, is limited to the duties of that position.

5 **SECTION 30.** 459.24 (1) (a) of the statutes is amended to read:

6 459.24 (1) (a) Engage in the practice of speech-language pathology or use the
7 title "speech-language pathologist" or any similar title without limitation by
8 enumeration unless the person holds a current speech-language pathologist license
9 granted by the examining board under sub. (2) or (6) (a).

10 **SECTION 31.** 459.24 (1) (b) of the statutes is amended to read:

11 459.24 (1) (b) Engage in the practice of audiology or use the title "audiologist,"
12 "clinical audiologist," or any similar title without limitation by enumeration unless
13 the person holds a current audiologist license granted by the examining board under
14 sub. (3) or (6) (b).

15 **SECTION 32.** 459.24 (1m) of the statutes is amended to read:

16 459.24 (1m) PROHIBITED TITLES. No person may use the title "certified hearing
17 aid audiologist," "audioprosthologist," "certified hearing instrument audiologist,"
18 "licensed hearing instrument audiologist," or "licensed hearing aid audiologist", or
19 any similar title without limitation by enumeration.

20 **SECTION 33.** 459.24 (3) (d) of the statutes is renumbered 459.24 (3) (d) (intro.)
21 and amended to read:

22 459.24 (3) (d) (intro.) Submits evidence satisfactory to the examining board
23 that he or she has completed a supervised clinical practicum and received satisfied
24 one of the following:

ASSEMBLY BILL 610**SECTION 33**

1 1. Received a master's degree in audiology from a college or university
2 approved by the examining board, or has completed education or training that the
3 examining board determines is substantially equivalent to the completion of those
4 requirements. This subdivision applies to applications received on or before
5 December 31, 2008.

6 **SECTION 34.** 459.24 (3) (d) 2. and 3. of the statutes are created to read:

7 459.24 (3) (d) 2. Submits evidence satisfactory to the examining board that he
8 or she possesses a doctoral degree in audiology from an accredited academic
9 institution approved by the board by rule. The doctoral degree program must consist
10 of not less than 3 years of educational course work and not less than 12 months of
11 clinical rotation or externship. This subdivision applies to applications received
12 after December 31, 2008.

13 3. Submits evidence satisfactory to the examining board that he or she has
14 completed education or training that the examining board determines is
15 substantially equivalent to the requirements under subd. 2. This subdivision applies
16 to applications received after December 31, 2008.

17 **SECTION 35.** 459.24 (3) (e) of the statutes is amended to read:

18 459.24 (3) (e) Submits evidence satisfactory to the examining board that he or
19 she has passed the examination ~~required for certification as an audiologist by the~~
20 ~~American Speech-Language-Hearing Association or passes an examination under~~
21 ~~s. 459.26 (2) (a) to determine fitness as an audiologist, selected or approved by the~~
22 board by rule under s. 459.26 (2) (b), or has completed education or training that the
23 examining board determines is substantially equivalent to ~~passing one of those~~
24 ~~examinations in determining fitness as an audiologist~~ the examination selected or
25 approved by the board under s. 459.26 (2) (b).

ASSEMBLY BILL 610

1 **SECTION 36.** 459.24 (3) (f) of the statutes is amended to read:

2 459.24 **(3)** (f) Submits evidence satisfactory to the examining board that he or
3 she has completed a postgraduate clinical fellowship in audiology approved by the
4 examining board or has completed education or training that the examining board
5 determines is substantially equivalent to the completion of such a fellowship. This
6 paragraph applies to applications received on or before December 31, 2008.

7 **SECTION 37.** 459.24 (3m) of the statutes is amended to read:

8 459.24 **(3m)** FITTING AND SALE OF HEARING AIDS INSTRUMENTS. An audiologist
9 licensed under this subchapter or an individual granted a permit to practice
10 audiology under this subchapter who engages in the practice of fitting and dealing
11 in hearing aids instruments shall do all of the following:

12 (a) Deliver to each person supplied with a hearing aid instrument a receipt.
13 The receipt shall contain the signature and show the business address and, license
14 or permit title, and number of the licensee or permittee, together with specifications
15 as to the make and model of the hearing aid instrument and full terms of sale clearly
16 stated. If a hearing aid instrument that is not new is sold, the receipt and the
17 container must be clearly marked as “used” or “reconditioned”, whichever is
18 applicable. The terms of the guarantee, if there is any given, shall be set out in not
19 less than 8-point type.

20 (b) Give to a purchaser of a hearing aid instrument a personal guarantee that
21 is at least identical in its terms to the guarantee given by the manufacturer of the
22 hearing aid instrument.

23 **SECTION 38.** 459.24 (6) (b) of the statutes is amended to read:

24 459.24 **(6)** (b) ~~Upon application, the~~ The examining board may grant a
25 temporary license to practice audiology to an applicant who, during the completion

ASSEMBLY BILL 610**SECTION 38**

1 of the postgraduate fellowship required under sub. (3) (f) ~~if the applicant,~~ practices
2 under the supervision of an audiologist licensed under sub. (3), satisfies the
3 requirements under sub. (3) (a) to (d), and has submitted an application to take the
4 next available examinations for licensure as an audiologist under s. 459.26 (2) (a) and
5 (b). No license may be issued under this paragraph after December 31, 2008.

6 **SECTION 39.** 459.26 (2) (a) of the statutes is amended to read:

7 459.26 (2) (a) Examinations for speech-language pathologists shall consist of
8 the examinations required for certification as a speech-language pathologist ~~or as~~
9 ~~an audiologist~~ by the American speech-language-hearing association or may consist
10 of other written tests that require applicants to demonstrate minimum competency
11 in services and subjects substantially related to the practice of speech-language
12 pathology ~~or audiology~~ and that are substantially equivalent to the examinations
13 required for such certification.

14 **SECTION 40.** 459.26 (2) (b) (intro.) and 4. of the statutes are amended to read:

15 459.26 (2) (b) (intro.) The examining board shall by rule select and approve
16 examinations for audiology. An applicant for an audiologist license shall also
17 complete an examination administered by the examining board that consists of
18 practical tests of proficiency in techniques that pertain to the fitting of hearing aids
19 instruments, including the following:

20 4. Recording and evaluation of audiograms and speech audiometry to
21 determine proper selection and ~~adaption~~ adaptation of a hearing aid instrument.

22 **SECTION 41.** 459.34 (2) (ce), (cm) and (cs) of the statutes are amended to read:

23 459.34 (2) (ce) Violated any federal or state statute, rule or regulation that
24 relates to the practice of fitting and dealing in hearing aids instruments. This
25 paragraph does not apply to speech-language pathologists.

ASSEMBLY BILL 610

1 (cm) Failed to conduct a direct observation of the ear canal of a person for whom
2 a hearing aid instrument is purchased. This paragraph does not apply to
3 speech-language pathologists.

4 (cs) Sold a hearing aid instrument for use by a person who was not given tests
5 by a hearing instrument specialist or audiologist licensed under this chapter or in
6 another state using appropriate procedures and instrumentation or without proper
7 measurement of the functional intensity and range of the person's hearing. This
8 paragraph does not apply to speech-language pathologists.

9 **SECTION 42.** 459.34 (2) (d) of the statutes is amended to read:

10 459.34 (2) (d) ~~Advertised Engaged in a manner which is false, deceptive or~~
11 ~~misleading advertising.~~

12 **SECTION 43.** 459.34 (2) (i) of the statutes is created to read:

13 459.34 (2) (i) Intentionally or negligently misrepresented that the professional
14 services or advice of a physician or audiologist will be used or made available in the
15 fitting, sale, adjustment, service, maintenance, or repair of a hearing instrument
16 when such services or advice will not be used or made available.

17 **SECTION 44.** 459.34 (2) (j) of the statutes is created to read:

18 459.34 (2) (j) Made an intentional or negligent misrepresentation regarding a
19 hearing instrument or services.

20 **SECTION 45.** 459.34 (2) (k) of the statutes is created to read:

21 459.34 (2) (k) Misused the words "doctor," "clinic," "clinical," or other words,
22 abbreviations, or symbols that imply the involvement of the medical or audiology
23 professions in the absence of such involvement.

24 **SECTION 46.** 968.27 (7) (b) of the statutes is amended to read:

