



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-4966/1
MED:ahc

2019 SENATE BILL 604

November 27, 2019 - Introduced by Senator LARSON, cosponsored by Representatives BROSTOFF, SKOWRONSKI, SPREITZER, EMERSON, SINICKI, VRUWINK, ANDERSON, BOWEN and C. TAYLOR. Referred to Committee on Health and Human Services.

1 **AN ACT to renumber** 459.035; **to renumber and amend** 459.24 (3m) (a); **to**
2 **amend** 459.03 (2) (a); **to repeal and recreate** 459.035 (title); and **to create**
3 459.03 (2) (c), 459.035 (2), 459.24 (3m) (a) 1. and 2., 459.24 (3m) (c) and 459.24
4 (3m) (d) of the statutes; **relating to:** information and demonstration
5 requirements for hearing instrument specialists and audiologists.

Analysis by the Legislative Reference Bureau

Subject to certain exceptions, this bill requires a hearing instrument specialist or an audiologist, at the time of an initial examination for the fitting and sale of a hearing aid, to inform the prospective client or other purchaser about the operation and benefits of hearing aids with features, such as telecoils, that can provide a direct connection between the hearing aid and an assistive listening system. If the client or other purchaser purchases such a hearing aid, the hearing instrument specialist or audiologist must demonstrate for the client or purchaser the proper use of the technology.

In addition, the bill requires a hearing instrument specialist or audiologist, when delivering a receipt to a person supplied with a hearing aid, to include in the receipt language requiring the client or other purchaser to verify that the client or purchaser has received any required information about hearing aids with features, such as telecoils, and, if the client or purchaser has purchased such a hearing aid, that the client or purchaser has been provided the required demonstration on its use.

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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.** 459.03 (2) (a) of the statutes is amended to read:

2 459.03 (2) (a) The terms of the guarantee, if there is any given; and,

3 **SECTION 2.** 459.03 (2) (c) of the statutes is created to read:

4 459.03 (2) (c) Language that requires the client or or other purchaser to verify
5 all of the following:

6 1. That the client or purchaser has received any information required under
7 s. 459.035 (2) (a).

8 2. If the client or purchaser has purchased a hearing aid described in s. 459.035
9 (2) (a) 1., that the client or purchaser has been provided the demonstration required
10 under s. 459.035 (2) (b).

11 **SECTION 3.** 459.035 (title) of the statutes is repealed and recreated to read:

12 **459.035 (title) Practice requirements and limitations.**

13 **SECTION 4.** 459.035 of the statutes is renumbered 459.035 (1).

14 **SECTION 5.** 459.035 (2) of the statutes is created to read:

15 459.035 (2) (a) 1. Except as provided in subd. 2., a licensee or permit holder
16 under this subchapter shall, at the time of an initial examination for the fitting and
17 sale of a hearing aid, inform the prospective client or other purchaser about the
18 operation and benefits of hearing aid options that can provide a direct connection
19 between the hearing aid and an assistive listening system, such as telecoils. The
20 licensee or permit holder shall provide the information required under this
21 subdivision with cognizance of the most recent standards for accessible design

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1 adopted by the U.S department of justice in accordance with the federal Americans
2 with Disabilities Act of 1990.

3 2. If a licensee or permit holder believes that a prospective client may not be
4 an appropriate candidate for a hearing aid described in subd. 1. and the client is
5 accompanied by an individual other than the client, the licensee or permit holder
6 shall consult with that individual or the client's parent or guardian. If, following that
7 consultation, the licensee or permit holder confirms that the prospective client is not
8 an appropriate candidate for a hearing aid described in subd. 1., the licensee or
9 permit holder is not required to comply with subd. 1.

10 (b) If the client or other purchaser purchases a hearing aid described in par. (a)
11 1., the licensee or permit holder shall demonstrate for the client or purchaser the
12 proper use of the technology.

13 **SECTION 6.** 459.24 (3m) (a) of the statutes is renumbered 459.24 (3m) (a) (intro.)
14 and amended to read:

15 459.24 (3m) (a) (intro.) Deliver to each person supplied with a hearing aid a
16 receipt. The receipt shall contain the signature and show the business address,
17 license or permit title, and number of the licensee or permittee, together with
18 specifications as to the make and model of the hearing aid and full terms of sale
19 clearly stated. If a hearing aid that is not new is sold, the receipt and the container
20 must be clearly marked as "used" or "reconditioned", whichever is applicable. The
21 ~~terms of the guarantee, if there is any given, receipt shall be contain all of the~~
22 following information, set out in not less than 8-point type.:

23 **SECTION 7.** 459.24 (3m) (a) 1. and 2. of the statutes are created to read:

24 459.24 (3m) (a) 1. The terms of the guarantee, if there is any given.

SENATE BILL 604**SECTION 7**

1 2. Language that requires the client or other purchaser to verify all of the
2 following:

3 a. That the client or purchaser has received any information required under
4 par. (c).

5 b. If the client or purchaser has purchased a hearing aid described in par. (c)
6 1., that the client or purchaser has been provided the demonstration required under
7 par. (d).

8 **SECTION 8.** 459.24 (3m) (c) of the statutes is created to read:

9 459.24 **(3m)** (c) 1. At the time of an initial examination for the fitting and sale
10 of a hearing aid, inform the prospective client or other purchaser about the operation
11 and benefits of hearing aid options that can provide a direct connection between the
12 hearing aid and an assistive listening system, such as telecoils, except as provided
13 in subd. 2. The audiologist shall provide the information required under this
14 subdivision with cognizance of the most recent standards for accessible design
15 adopted by the U.S. department of justice in accordance with the federal Americans
16 with Disabilities Act of 1990.

17 2. If an audiologist believes that a prospective client may not be an appropriate
18 candidate for a hearing aid described in subd. 1. and the client is accompanied by an
19 individual other than the client, the audiologist shall consult with that individual or
20 the client's parent or guardian. If, following that consultation, the audiologist
21 confirms that the prospective client is not an appropriate candidate for a hearing aid
22 described in subd. 1., the audiologist is not required to comply with subd. 1.

23 **SECTION 9.** 459.24 (3m) (d) of the statutes is created to read:

24 459.24 **(3m)** (d) If a client or other purchaser purchases a hearing aid described
25 in par. (c) 1., demonstrate the proper use of the technology.

