



2023 ASSEMBLY BILL 431

September 19, 2023 - Introduced by Representatives ROZAR, S. JOHNSON, BEHNKE, BRANDTJEN, CLANCY, GUSTAFSON, MADISON, MOSES, O'CONNOR, SCHMIDT, TUSLER, VANDERMEER and WICHGERS, cosponsored by Senator CABRAL-GUEVARA. Referred to Committee on Health, Aging and Long-Term Care.

1 **AN ACT** *to amend* 459.01 (5) and 459.10 (1) (intro.); and *to create* 459.01 (1b)
2 and 459.115 of the statutes; **relating to:** practice of fitting and dealing in
3 hearing aids, certification of hearing instrument specialists to engage in
4 cerumen management, and granting rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, no person may engage in the practice of fitting and dealing in hearing aids unless he or she is licensed as an audiologist or as a hearing instrument specialist, with certain exceptions. The practice of fitting and dealing in hearing aids is defined to mean the measurement of human hearing by means of an audiometer or by any other means accepted by the Hearing and Speech Examining Board solely for the purpose of making selections, adaptations, or sales of hearing aids intended to compensate for impaired hearing. This bill amends the definition of the practice of fitting and dealing in hearing aids to apply only to the selections, adaptations, or sales of prescription hearing aids.

Further, this bill requires the Hearing and Speech Examining Board to issue certificates to hearing instrument specialists to engage in cerumen management. Cerumen is a wax-like secretion from glands in the external auditory canal. Under current law, hearing instrument specialists may not engage in cerumen management, unlike audiologists who may engage in cerumen management. To be certified to engage in cerumen management under the bill, a hearing instrument specialist must complete a course on cerumen management identified by the Hearing and Speech Examining Board. In identifying cerumen management courses, the

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completion of which qualifies a hearing instrument specialist to engage in cerumen management, the bill directs the Hearing and Speech Examining Board to select cerumen management courses that consist of at least six hours of instruction in removing cerumen from an ear canal using a variety of safe techniques and that includes a final examination on proper cerumen management procedures. Finally, the bill directs the Hearing and Speech Examining Board to promulgate rules to implement the cerumen management certification, including rules to define the scope of cerumen management and to establish proper infection control practices.

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.** 459.01 (1b) of the statutes is created to read:

2 459.01 (1b) “Cerumen” means a wax-like secretion from glands in the external
3 auditory canal.

4 **SECTION 2.** 459.01 (5) of the statutes is amended to read:

5 459.01 (5) “Practice of fitting and dealing in hearing aids” means the
6 measurement of human hearing by means of an audiometer or by any other means
7 accepted by the examining board solely for the purpose of making selections,
8 adaptations, or sales of prescription hearing aids intended to compensate for
9 impaired hearing. This term also includes making impressions for ear molds and
10 includes cerumen management in the course of examining ears, taking ear
11 impressions, or fitting prescription hearing aids by an individual who holds a
12 certificate to engage in cerumen management under s. 459.115.

13 **SECTION 3.** 459.10 (1) (intro.) of the statutes is amended to read:

14 459.10 (1) (intro.) Subject to subch. II of ch. 111 and the rules adopted under
15 s. 440.03 (1), the examining board may reprimand the licensee or permit holder or
16 revoke, suspend, limit or deny the trainee permit ~~or~~ license, or certificate to engage

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1 in cerumen management under s. 459.115, or any combination thereof, of any person
2 who has done any of the following:

3 **SECTION 4.** 459.115 of the statutes is created to read:

4 **459.115 Cerumen management.** (1) The examining board shall issue a
5 certificate to engage in cerumen management to a person licensed under this
6 subchapter who completes a course on cerumen management identified by the
7 department under sub. (3).

8 (2) No person licensed under this subchapter may engage in cerumen
9 management unless he or she holds a valid certificate issued under sub. (1).

10 (3) The examining board shall identify cerumen management courses for
11 which completion qualifies a person licensed under this subchapter for a certificate
12 under sub. (1). In identifying cerumen management courses, the examining board
13 shall select cerumen management courses that consist of at least 6 hours of
14 instruction in removing cerumen from an ear canal using a variety of safe techniques
15 and that includes a final examination on proper cerumen management procedures.

16 (4) The examining board shall promulgate rules necessary to administer this
17 section, including rules for all of the following:

18 (a) Defining the scope of cerumen management.

19 (b) Establishing contraindications for which a person licensed under this
20 subchapter shall refer a patient to an otolaryngologist or a physician for cerumen
21 management.

22 (c) Establishing proper infection control practices.

23 (5) A certificate issued under this section is permanent unless revoked and is
24 not subject to periodic renewal.

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SECTION 4

1 **(6)** Every person licensed under this subchapter who is certified to engage in
2 cerumen management shall annually submit to the examining board evidence
3 satisfactory to the examining board that he or she has in effect malpractice liability
4 coverage in the minimum amounts required by the examining board by rule.

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(END)