

2009 DRAFTING REQUEST

Assembly Amendment (AA-AB553)

Received: **02/27/2010**

Received By: **tkuczens**

Wanted: **As time permits**

Identical to LRB:

For: **Donna Seidel (608) 266-0654**

By/Representing: **Natalie Verette**

This file may be shown to any legislator: **NO**

Drafter: **tkuczens**

May Contact:

Addl. Drafters:

Subject: **Occupational Reg. - prof lic**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Seidel@legis.wisconsin.gov**

Carbon copy (CC:) to: **tracy.kuczenski@legis.wisconsin.gov**

Pre Topic:

No specific pre topic given

Topic:

Modify disclosure statement required by hearing instrument specialist

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
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FE Sent For:

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Kuczenski, Tracy

From: Verette, Natalie
Sent: Friday, February 26, 2010 11:37 AM
To: Kuczenski, Tracy
Subject: Amendment to AB 553

Hi Tracy,

Following up on my voicemail, Rep. Seidel would like an amendment drafted to AB 553.

Page 4, Section 7
Line 23: delete "or audiology"
Line 24 "or audiological"

I don't believe there are any other references in the bill relating to this statement on the contract, but if there are then we would need amend those parts of the bill as well.

Below is an e-mail that we received from our constituent that provides background for the amendment. It's probably more information than you need, but I thought I would provide it to you just in case.

Thanks very much,
Natalie

From: Jim and Renee Ogurek [mailto:ogureks@gmail.com]
Sent: Thursday, January 14, 2010 8:10 AM
To: Rep.Seidel
Subject: Assembly Bill 553

Hello Representative Seidel,

I have previously contacted your office regarding changes in Hearing Aid dispensing regulations. On Wednesday December 9th, your Assembly Committee will be holding a public hearing regarding this Bill.

Please consider the following position

- I STRONGLY ENCOURAGE YOU TO SIMPLY REMOVE THE FOUR WORDS "OR AUDIOLOGY" AND "OR AUDIOLOGICAL" FROM THE AMENDMENT TO SECTION 459.03 (2) (B) CONTAINED WITHIN ASSEMBLY BILL 553.
- Amending section 459.03 (2) (b) to add the four words "or audiology" and "or audiological" inappropriately portrays an audiologist as equivalent to a medical physician.
- All three members of the hearing healthcare delivery team – hearing aid specialists, audiologists, and

physicians – are recognized by the Food and Drug Administration as essential and fully qualified entry points into the hearing healthcare delivery system.

- The Food and Drug Administration (FDA) regulates the sale of hearing aid devices in the United States. Sec. 801.421 (Hearing Aid Devices; Conditions for Sale) of the FDA regulations states that “...*a hearing aid dispenser shall not sell a hearing aid unless the prospective user has presented to the hearing aid dispenser a written statement signed by a licensed physician that states that the patient's hearing loss has been medically evaluated...*” Although the regulation allows a prospective purchaser over the age of 18 to waive this provision, an audiologist cannot perform a medical evaluation.
- Sec. 801.420 (Hearing Aid Devices; Professional and Patient Labeling) of the FDA regulation states that, “*Following the medical evaluation, the physician will give you a written statement that states that your hearing loss has been medically evaluated and that you may be considered a candidate for a hearing aid. The physician will refer you to an audiologist or a hearing aid dispenser, as appropriate, for a hearing aid evaluation.*” It is clear that the FDA equates an audiologist with a hearing aid dispenser, not a physician.

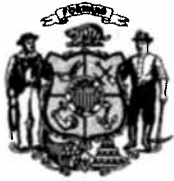
If this provision is dropped, this legislation will benefit the citizens of Wisconsin. If passed as written, it will confuse hearing impaired citizens and create a competitive advantage for one group of providers (Audiologists) over another (Licensed Hearing Instrument Specialists). Wisconsin has a long history of maintaining a regulatory history of creating a "level playing field" for all qualified providers. This assures the highest quality, accessibility, and affordability of care to the citizens of Wisconsin. Please continue this tradition by insisting this provision is dropped.

If you have questions I can be reached at ogureks@gmail.com or 715-571-9882.

Thank you,

James Ogurek

Licensed Hearing Instrument Specialist
Owner Beltone-Hearing Solutions Inc. of Wausau
Past Chairman- Hearing and Speech Examining Board
Past President - Wisconsin Alliance of Hearing Professionals
Past President - International Hearing Society



State of Wisconsin
2009 - 2010 LEGISLATURE

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**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO 2009 ASSEMBLY BILL 553**

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(2/27/10)
in 3/1/10

Billman

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At the locations indicated, amend the bill as follows:

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1. Page 4, line 23: delete "or audiology".

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2. Page 4, line 24: delete "or audiological".

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(END)