2021 SENATE BILL 1079

March 9, 2022 - Introduced by Senators LARSON, BEWLEY and AGARD, cosponsored by Representatives BROSTOFF, B. MEYERS, SINICKI, EMERSON, SPREITZER, HEBL, SHELTON, MILROY, BALDEH, OHNSTAD, HONG, ANDERSON, CABRERA and STUBBS. Referred to Committee on Insurance, Licensing and Forestry.

AN ACT to renumber 459.035; to renumber and amend 459.24 (3m) (a); to amend 459.03 (2) (a); to repeal and recreate 459.035 (title); and to create 459.03 (2) (c), 459.035 (2), 459.24 (3m) (a) 1. and 2., 459.24 (3m) (c) and 459.24 (3m) (d) of the statutes; relating to: information and demonstration 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:

SECTION 1. 459.03 (2) (a) of the statutes is amended to read:

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

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

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

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

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

SECTION 3. 459.035 (title) of the statutes is repealed and recreated to read:

459.035 (title) Practice requirements and limitations.

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

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

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

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

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

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

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

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

459.24 (3m) (a) 1. The terms of the guarantee, if there is any given.
2. Language that requires the client or other purchaser to verify all of the following:
   a. That the client or purchaser has received any information required under par. (c).
   b. If the client or purchaser has purchased a hearing aid described in par. (c) 1., that the client or purchaser has been provided the demonstration required under par. (d).

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

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

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

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

459.24 (3m) (d) If a client or other purchaser purchases a hearing aid described in par. (c) 1., demonstrate the proper use of the technology.
SECTION 10. Effective date.

(1) This act takes effect on the first day of the 4th month beginning after publication.

(END)