

CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I, Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to certification of audiologists and coverage of audiology services and hearing aids under the Medical Assistance program were duly approved and adopted by this Department on March 22, 1990.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 22nd day of March, 1990.

SEAL:

Patricia A. Goodrich

Patricia A. Goodrich, Secretary
Department of Health and Social Services

89-165

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MAR 22 1990
11:00
Revisor of Statutes
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6-1-90

ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
AMENDING, REPEALING AND RECREATING AND
CREATING RULES

To amend HSS 105.31(1) and (3), 107.19(1)(b), (c) and (h) and (2)(a)1 and 3, 107.24(2)(d)6, (3)(e) and (h)4, (4)(c)2 and (5)(j) and (k); to repeal and recreate HSS 107.24(3)(h)(intro.)1 and 2 and (4)(g); and to create HSS 101.03(17m) and 107.24(4)(h), relating to certification of audiologists and covered audiology and hearing aid services under the medical assistance program.

Analysis Prepared by the Department of Health and Social Services

Under s. HSS 107.19, the Medical Assistance (MA) program has been paying for audiological and hearing aid evaluations and hearing aid performance checks but only when these are conducted by audiologists for recipients experiencing hearing loss. The Department recently found that over half of Wisconsin's counties do not have practicing audiologists available to perform these services, thereby severely limiting access to services for recipients with a hearing loss who need to be evaluated in order to be fitted for a hearing aid or other assistive listening device.

To improve recipient access to these necessary services, the Department is revising s. HSS 107.24(3)(h) to allow MA-certified hearing aid dealers to conduct evaluations and performance checks for recipients over the age of 21 who are not cognitively or behaviorally impaired and have no special needs requiring the expertise of an audiologist. Although they will be allowed to do these evaluations and performance checks, hearing aid dealers will not be reimbursed for them.

This rulemaking order also corrects, clarifies and otherwise updates other rules related to coverage of audiological services and dispensing of hearing aids and other assistive listening devices.

The Department's authority to adopt these rules is found in s. 49.45(10), Stats. The rules interpret s. 49.46(2)(b)6c, Stats., as follows:

SECTION 1. HSS 101.03(17m) is created to read:

HSS 101.03(17m) "Assistive listening device" or "ALD" means a personal communication unit for sound amplification. One type of "assistive listening device" is a hearing aid.

SECTION 2. HSS 105.31(1) and (3) are amended to read:

HSS 105.31(1) Possess a certificate of clinical competence from ~~and current~~ membership in the American speech and hearing association (ASHA);

(3) Have completed the educational requirements and be in the process of accumulating the work experience required to qualify for the certificate under sub. (1).

SECTION 3. HSS 107.19(1)(b), (c) and (h) and (2)(a)1 and 3 are amended to read:

HSS 107.19(1)(b) Hearing aid or other assistive listening device evaluation;

(c) Hearing aid or other assistive listening device performance check;

(h) Speech ~~and-audiotherapy~~ therapy.

(2)(a)1. Speech ~~and-audiotherapy~~ therapy;

3. Dispensing of hearing aids and other assistive listening devices.

SECTION 4. HSS 107.24(2)(d)6 and (3)(e) are amended to read:

HSS 107.24(2)(d)6. Hearing aid or other assistive listening device batteries;

(3)(e) The second and succeeding months of rental use, with the exception that all hearing aid or other assistive listening device rentals require prior authorization;

SECTION 5. HSS 107.24(3)(h)(intro.)1 and 2 are repealed and recreated:

HSS 107.24(3)(h) Purchase or rental of a hearing aid or other assistive listening device as follows:

1. A request for prior authorization of a hearing aid or other ALD shall be reviewed only if the request consists of an otological report from the recipient's physician and an audiological report from an audiologist or hearing aid dealer, is on forms designated by the department and contains all

information requested by the department. A hearing aid dealer may perform an audiological evaluation and a hearing aid evaluation to be included in the audiological report if these evaluations are prescribed by a physician who determines that:

- a. The recipient is over the age of 21;
- b. The recipient is not cognitively or behaviorally impaired; and
- c. The recipient has no special need which would necessitate either the diagnostic tools of an audiologist or a comprehensive evaluation requiring the expertise of an audiologist;

2. After a new or replacement hearing aid or other ALD has been worn for a 30-day trial period, the recipient shall obtain a performance check from a certified audiologist, a certified hearing aid dealer or at a certified speech and hearing center. The department shall provide reimbursement for the cost of the hearing aid or other ALD after the performance check has shown the hearing aid or ALD to be satisfactory, or 45 days has elapsed with no response from the recipient;

SECTION 6. HSS 107.24(3)(h)4 and (4)(c)2 are amended to read:

HSS 107.24(3)(h)4. Provision of services in excess of the life expectancies of equipment enumerated in the MA speech and hearing provider handbook require prior authorization, except for hearing aid or other ALD batteries and repair services.

(4)(c)2. Durable medical equipment which is personalized in nature or custom-made for a recipient and is to be used by the recipient on an individual basis for hygiene or other reasons. These items are orthoses, prostheses including hearing aids or other assistive listening devices, orthopedic or corrective shoes, special adaptive positioning wheelchairs and electric

wheelchairs. Coverage of a special adaptive positioning wheelchair or electric wheelchair shall be justified by the diagnosis and prognosis and the occupational or vocational activities of the resident recipient; and

SECTION 7. HSS 107.24(4)(g) is repealed and recreated to read:

HSS 107.24(4)(g) Provision of hearing aid accessories shall be limited as follows:

1. For recipients under age 18: 3 earmolds per hearing aid, 2 single cords per hearing aid and 2 Y-cords per recipient per year;
2. For recipients over age 18: one earmold per hearing aid, one single cord per hearing aid and one Y-cord per recipient per year; and
3. For all recipients: one harness, one contralateral routing of signals (CROS) fitting, one new receiver per hearing aid and one bone-conduction receiver with headband per recipient per year.

SECTION 8. HSS 107.24(4)(h) is created to read:

HSS 107.24(4)(h) If a prior authorization request is approved, the person shall be eligible for MA reimbursement for the service on the date the final ear mold is taken.

SECTION 9. HSS 107.24(5)(j) and (k) are amended to read:

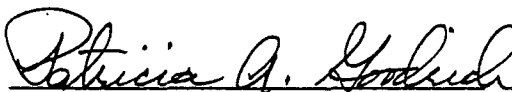
HSS 107.24(5)(j) All repairs of a hearing aid or other assistive listening device ~~repairs~~ performed by a dealer within 12 months after the purchase of the hearing aid or other assistive listening device. These are included in the purchase payment and not as separate services; and

(k) Hearing aid or other assistive listening device batteries which are provided in excess of the guidelines enumerated in the MA speech and hearing provider handbook.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

WISCONSIN DEPARTMENT OF HEALTH AND
SOCIAL SERVICES

Date: March 22, 1990

By: 
Patricia A. Goodrich
Secretary

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State of Wisconsin \

DEPARTMENT OF HEALTH AND SOCIAL SERVICES
1 West Wilson Street, Madison, Wisconsin 53702

Tommy G. Thompson
Governor

Patricia A. Goodrich
Secretary

Mailing Address:
Post Office Box 7850
Madison, WI 53707

March 22, 1990

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Revisor of Statutes
Bureau

Mr. Bruce E. Munson
Revisor of Statutes
7th Floor - 30 on the Square
Madison, WI 53702

Dear Mr. Munson:

As provided in s. 227.20, Stats., there is hereby submitted a certified copy of HSS 101, 105 and 107, administrative rules relating to certification of audiologists and coverage of audiology services and hearing aids under the Medical Assistance program.

These rules are also being submitted to the Secretary of State as required by s. 227.20, Stats.

Sincerely,

Patricia A. Goodrich
Secretary

Enclosure