

AMENDMENTS TO LB88  
(Amendments to E&R amendments, ER26)

Introduced by Blood, 3.

1           1. Insert the following new sections:

2           Sec. 53. Section 38-1509, Reissue Revised Statutes of Nebraska, is  
3 amended to read:

4           38-1509 (1) Except as otherwise provided in this section, no ~~No~~  
5 person shall engage in the sale of or practice of fitting hearing  
6 instruments or display a sign or in any other way advertise or represent  
7 himself or herself as a person who practices the fitting and sale or  
8 dispensing of hearing instruments unless he or she holds an unsuspended,  
9 unrevoked hearing instrument specialist license issued by the department  
10 as provided in the Hearing Instrument Specialists Practice Act. A hearing  
11 instrument specialist license shall confer upon the holder the right to  
12 select, fit, and sell hearing instruments. A person holding a license  
13 issued under the act prior to August 30, 2009, may continue to practice  
14 under such license until it expires under the terms of the license.

15           (2) A licensed audiologist who maintains a practice pursuant to  
16 licensure as an audiologist in which hearing instruments are regularly  
17 dispensed or who intends to maintain such a practice shall ~~also~~ be exempt  
18 from the requirement to be licensed as a hearing instrument specialist  
19 pursuant to subsection (4) of section 38-1512.

20           (3) Nothing in the act shall prohibit a corporation, partnership,  
21 limited liability company, trust, association, or other like organization  
22 maintaining an established business address from engaging in the business  
23 of selling or offering for sale hearing instruments at retail without a  
24 license if it employs only properly licensed natural persons in the  
25 direct sale and fitting of such products.

26           (4) Nothing in the act shall prohibit the holder of a hearing

1 instrument specialist license from the fitting and sale of wearable  
2 instruments or devices designed for or offered for the purpose of  
3 conservation or protection of hearing.

4 Sec. 54. Section 38-1512, Reissue Revised Statutes of Nebraska, is  
5 amended to read:

6 38-1512 (1) Any person may obtain a hearing instrument specialist  
7 license under the Hearing Instrument Specialists Practice Act by  
8 successfully passing a qualifying examination if the applicant:

9 (a) Is at least twenty-one years of age; and

10 (b) Has an education equivalent to a four-year course in an  
11 accredited high school.

12 (2) The qualifying examination shall consist of written and  
13 practical tests. The examination shall not be conducted in such a manner  
14 that college training is required in order to pass. Nothing in this  
15 examination shall imply that the applicant is required to possess the  
16 degree of medical competence normally expected of physicians.

17 (3) The department shall give examinations approved by the board. A  
18 minimum of two examinations shall be offered each calendar year.

19 ~~(4) The department shall issue a hearing instrument specialist~~  
20 ~~license without examination to a licensed audiologist who maintains a~~  
21 ~~practice pursuant to licensure as an audiologist in which hearing~~  
22 ~~instruments are regularly dispensed or who intends to maintain such a~~  
23 ~~practice upon application to the department, proof of licensure as an~~  
24 ~~audiologist, and payment of a twenty-five-dollar fee.~~

25 2. Renumber the remaining sections and correct internal references  
26 accordingly.

27 3. Correct the operative date and repealer sections so that the  
28 sections added by this amendment become operative three calendar months  
29 after the adjournment of this legislative session.