ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023
COMMITTEE STATEMENT
LB593

Hearing Date: Wednesday February 22, 2023
Committee On: Health and Human Services
Introducer: Hardin
One Liner: Change provisions relating to licensure and regulation of hearing instrument specialists

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:

Aye:	5	Senators Ballard, Hansen, B., Hardin, Riepe, Walz
Nay:	2	Senators Day, Cavanaugh, M.
Absent:		
Present Not Voting:		

Testimony:

Proponents:	**Representing:**
Senator Brian Hardin	Introducer
Janie York	Nebraska Hearing Society
Joe Kohout	Nebraska Hearing Society

Opponents:	**Representing:**
Nikki Kopetzky	Nebraska Speech Language and Hearing Association
Sandra Miller	Complete Hearing
Macy Schott-Miller	Self
Desiree Su	Complete Hearing
Tom Asper	Complete Hearing
Amanda Robinson	Complete Hearing
Meghanne Wetta	Complete Hearing

Neutral:	**Representing:**

* ADA Accommodation Written Testimony

Summary of purpose and/or changes:
LB 593 allows a licensed hearing instrument specialist to engage in the scope of cerumen (earwax) management and the dispensing of hearing instruments.

SECTION BY SECTION SUMMARY:

Sec. 1: Includes new bill language within the Hearing Instrument Specialists Practice Act.

Sec. 2: Includes new definitions within the Hearing Instrument Specialists Practice Act and

Uniform Credentialing Act.

Sec. 3: Defines cerumen management as the removal of cerumen for the purpose or in the course

of inspecting ears, making ear impressions, or fitting or maintaining hearing instruments.

Sec. 4: Defines medical liaison as an otolaryngologist (i.e. ears, nose and throat specialist) or a

licensed physician if no otolaryngologist is available with whom a cooperative arrangement for consultation is established by a hearing instrument specialist.

Sec. 5: Language is harmonized with the terms, unlawful, oneself and such person and the term

Hearing Instrument Specialists Practice Act replaces Act. A hearing instrument specialist license shall confer upon the holder the right to engage in the scope of practice of cerumen management and the dispensing of hearing instruments, including the selection, fitting, and sale of hearing instruments. A hearing instrument specialist or audiologist may order the use of devices pursuant to 21 C.F.R. 801.109 (prescription devices), as such regulation existed on January 1, 2023.

Sec. 6: The term, Hearing Instrument Specialists Practice Act replaces Act. The Hearing

Instrument Specialists Practice Act does not change the scope of practice of a licensed audiologist.

Sec. 7: Prior to performing cerumen removal, a licensed hearing instrument specialist shall have

an arrangement with a medical liaison. If a licensee engaged in routine cerumen removal discovers any trauma, including, but not limited to, continuous uncontrolled bleeding, lacerations, or other traumatic injuries, the licensee shall, as soon as practical, refer the patient to the medical liaison.

Prior to entering into an arrangement with a medical liaison, a licensed hearing instrument specialist shall obtain the training, knowledge, and skills necessary to perform cerumen management, including:

Principles of cerumen management, including the anatomy of ear canal and classification of cerumen;

Use of instruments;

Techniques for cerumen removal;

Recognition of complications;

Recognition of contraindications; and

Sanitation and safety procedures.

A licensee may refer a patient to a medical liaison if the patient exhibits contraindications to cerumen removal requiring medical consultation or medical intervention.

A licensee shall carry appropriate professional liability insurance before performing cerumen removal.

A licensee shall perform cerumen management using the customary removal techniques that are commensurate with the licensee's training and experience

Sec. 8: Repealer

Explanation of amendments:
Amendment 828:

The original section 7 is stricken and replaced with the following:

Cerumen removal is replaced with cerumen management. Prior to engaging in cerumen management, a licensed hearing instrument specialist is required to provide the board with evidence of completion of an approved cerumen management course, professional liability insurance, and an arrangement with a medical liaison. The licensee shall annually thereafter provide evidence to the board of professional liability insurance and an arrangement with a medical liaison.

Prior to engaging in cerumen management, a licensed hearing instrument specialist shall have an arrangement with a medical liaison. If a licensee discovers any trauma, the licensee shall, as soon as practicable, refer the patient to the medical liaison.

Prior to entering into an arrangement with a medical liaison, a licensed hearing instrument specialist shall complete a cerumen management course approved by the board. In order to be approved by the board, the course shall be approved by the International Hearing Society or another organization approved by the board. The course shall also consist of at least 6 hours of a participant practicing cerumen removal; result in a certificate of completion and attestation of competence; and provide the board with evidence of completion and competence. The board may, after consultation with the Board of Medicine and Surgery, adopt rules and regulations.

A licensed hearing instrument engaged with cerumen management shall comply with requirements involving indications for cerumen management (i.e. audiometric testing, making ear impressions, fitting ear devices); referrals to the medical liaison, an otolaryngologist, or a licensed physician; customary removal techniques; proper infection control practices; case history; professional liability insurance; and the prohibition of liability forms.

Ben Hansen, Chairperson