



## STATE OF WISCONSIN

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**Governor Scott Walker      Secretary Dave Ross**

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### **Positions Statements Related to Hearing Instrument Specialists Issued by the Hearing and Speech Examining Board**

Licensees must meet a new CE requirement prior to their next license renewal in January 2013. The overall number of required CE hours has **not** changed. The new requirement simply states that two (2) of the 20 hours of CE must be in Ethics. The remaining CE hours may be obtained from any other course approved by the Hearing and Speech Examining Board.

A list of Board approved CE courses for the current biennium which runs from 2/1/2011 through 1/31/2013 can be found on the DSPS website at [www.dsps.wi.gov](http://www.dsps.wi.gov). The list will be updated as new courses are approved.

#### **WHAT IS THE PRIMARY SOURCE OF WISCONSIN LAWS THAT GOVERN THE REGULATION OF HEARING INSTRUMENT SPECIALISTS?**

Hearing instrument specialists are licensed by the Hearing and Speech Examining Board pursuant to Chapter 459, Wisconsin Statutes. See also, Chapters HAS 1-8 Wisconsin Administrative Code.

#### **WHAT IS THE PRIMARY SOURCE OF FEDERAL LAWS THAT GOVERN THE REGULATION OF HEARING INSTRUMENT SPECIALISTS?**

The rules of the U.S. Food and Drug Administration (FDA), relating to hearing aid devices, labeling and conditions for sale. Refer to 21 CFR 801.420-801.421.

#### **WHAT CONSTITUTES THE PRACTICE OF FITTING AND DEALING IN HEARING INSTRUMENTS?**

The practice of fitting and dealing in hearing instruments is defined to mean the measurement of human hearing by means of an audiometer or by any other means accepted by the examining board solely for the purpose of making selections, adaptations or sales of hearing instruments intended to compensate for impaired hearing. This term also includes making impressions for ear molds.

#### **HOW OFTEN ARE HEARING INSTRUMENT SPECIALISTS REQUIRED TO CALIBRATE AUDIOMETRIC EQUIPMENT?**

Audiometric equipment used in the evaluation of hearing sensitivity for the fitting and sale of hearing instruments shall be calibrated not less than once every 12 months. Refer to s. HAS 4.03 (3), Wis. Adm. Code.

**HOW LONG ARE HEARING INSTRUMENT SPECIALISTS REQUIRED TO MAINTAIN RECORDS OF CERTIFICATION OF CALIBRATIONS OF AUDIOMETRIC EQUIPMENT?**

For a period of at least 5 years. Refer to s. HAS 5.02 (2) (fm), Wis. Adm. Code.

**ARE HEARING INSTRUMENT SPECIALISTS REQUIRED TO REPORT CERTIFICATIONS OF CALIBRATIONS OF AUDIOMETRIC EQUIPMENT TO THE BOARD?**

Yes, at the time of renewal of their licenses. Refer to s. 459.085, Wis. Stats.

**HOW LONG ARE HEARING INSTRUMENT SPECIALISTS REQUIRED TO MAINTAIN CLIENT RECORDS?**

Hearing instrument specialists are required to maintain client records for a period of at least 5 years. Refer to s. HAS 5.02 (2) (d), Wis. Adm. Code.

**IS CERUMEN MANAGEMENT WITHIN THE SCOPE OF PRACTICE OF HEARING INSTRUMENT SPECIALISTS?**

No.

**ARE HEARING INSTRUMENT SPECIALISTS REQUIRED TO PROVIDE A GUARANTEE TO A PURCHASER OF A HEARING AID?**

Yes. Hearing instrument specialists are required to give the purchaser of a hearing aid a personal guarantee that is at least identical in its terms to the guarantee of the manufacturer of the hearing aid.

**IS THE FAILURE OF A HEARING INSTRUMENT SPECIALIST TO CONDUCT A DIRECT OBSERVATION OF THE EAR CANAL OF A PERSON FOR WHOM A HEARING AID IS PURCHASED GROUNDS FOR DISCIPLINE?**

Yes.

**HOW IS THE TERM "UNPROFESSIONAL CONDUCT" DEFINED?**

The term "unprofessional conduct" is defined to mean the violation of any standard of professional behavior which through experience, state statute or administrative rule has become established in the practice of fitting and dealing in hearing instruments

**WHAT CONSTITUTES UNPROFESSIONAL CONDUCT?**

The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct under s. 459.10 (1) (k), Stats.:

(a) After a request by the board, failing to cooperate in a timely manner with the board's investigation of complaints filed against the applicant or licensee. There is a rebuttable presumption that a licensee or applicant who takes longer than 30 days to respond to

a request of the board has not acted in a timely manner under this subsection.

(b) Knowingly providing false information to the board.

(c) Knowingly placing false information in a client's records or making a client's record false.

(d) Failing to maintain client records for a period of 5 years.

(dm) Failing to record all of the following information in each client record:

1. The date of entry of pertinent information.

2. The name of the licensee.

3. Information sufficiently legible to allow interpretation by other individuals for the benefit of the client.

(e) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a hearing instrument specialist.

(f) Failing to maintain proper calibration of audiometric equipment, as specified in s. HAS 4.03 (3).

(fm) Failing to maintain adequate records of certification of calibrations of audiometric equipment for a period of 5 years or failing to provide access to those records when requested by the board or its representative.

(g) Failing to clearly state the full terms of sale on a receipt, as required in s. 459.03, Stats. The full terms of sale shall include all of the following:

1. The amount and method of payment.

2. The date, place and method of delivery.

3. The terms of any guarantee.

4. The nature and duration of the trial period and extension, if any.

5. The refund policy and amount, if any.

6. The product return and exchange policy, if any.

7. The product repair policy, if any.

(h) Soliciting from or knowingly disclosing to any person or entity the content of an examination conducted under ch. HAS 3.

## **WHAT ARE THE APPROPRIATE PROCEDURES FOR THE MEASUREMENT OF HUMAN HEARING?**

The procedures accepted by the board for the measurement of human hearing by licensees and trainees comprise:

(1) Pure tone audiometry, including air conduction testing and bone conduction testing.

(2) Speech audiometry by live voice, or recorded voice, including speech reception threshold, speech discrimination testing, and most comfortable loudness measurements and loudness discomfort levels.

(3) Appropriate masking when indicated.

(4) Recording and interpretation of audiograms and speech audiometry to determine proper selection and adaptation of hearing instruments.

**WHAT IS THE APPROPRIATE TIME FRAME FOR PERFORMING HEARING TESTS PRIOR TO FITTING HEARING INSTRUMENTS?**

The appropriate procedures for the measurement of human hearing as described in s. HAS 4.01, Wis. Adm. Code shall be performed and documented within 6 months prior to the selling and fitting of a hearing instrument.

**HEARING AIDS PURCHASED THROUGH MAIL ORDER OR ON THE INTERNET APPEAR TO BE LESS EXPENSIVE THAN THOSE AVAILABLE FROM LOCAL AUDIOLOGISTS OR HEARING INSTRUMENT SPECIALISTS. IS IT ADVISABLE TO PURCHASE HEARING AIDS THROUGH MAIL ORDER OR ON THE INTERNET?**

It is highly recommended that you purchase hearing aids in person rather than through mail order or on the internet. It is critical that you first have your hearing evaluated by a licensed hearing health care professional - either an audiologist or hearing instrument specialist – to determine your hearing health care needs. If it is determined that your hearing loss is due to an underlying medical condition, you will be referred to a physician for medical evaluation and treatment. If it is determined that your hearing loss can be treated with hearing aids, the hearing health care professional will select and fit you with the most appropriate hearing aids for your hearing loss, and then provide you with essential follow-up services. A professional relationship between you and a licensed hearing health care professional is important to insure successful use of, and satisfaction with, hearing aids. For more information about hearing aids, visit the consumer web sites of the American Academy of Audiology (<http://www.howsyourhearing.org/>) and the International Hearing Society ([http://ihsinfo.org/IhsV2/Hearing\\_Health\\_Info/Index.cfm](http://ihsinfo.org/IhsV2/Hearing_Health_Info/Index.cfm))