



State of Wisconsin
2019 - 2020 LEGISLATURE

LRB-0406/P3
MED:ahe

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to renumber* 459.035; *to renumber and amend* 459.24 (3m) (a); *to*
2 *amend* 459.03 (2) (a); *to repeal and recreate* 459.035 (title); and *to create*
3 459.03 (2) (c), 459.035 (2), 459.24 (3m) (a) 1. and 2., 459.24 (3m) (c) and 459.24
4 (3m) (d) of the statutes; **relating to:** information and demonstration
5 requirements for hearing instrument specialists and audiologists.

Analysis by the Legislative Reference Bureau

This is a preliminary draft. An analysis will be provided in a subsequent version of this draft.

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:

6 **SECTION 1.** 459.03 (2) (a) of the statutes is amended to read:
7 459.03 **(2)** (a) The terms of the guarantee, if there is any given; and
8 **SECTION 2.** 459.03 (2) (c) of the statutes is created to read:

1 459.03 (2) (c) Language that requires the client or or other purchaser to verify
2 all of the following:

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

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

8 **SECTION 3.** 459.035 (title) of the statutes is repealed and recreated to read:

9 **459.035 (title) Practice requirements and limitations.**

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

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

12 459.035 (2) (a) 1. Except as provided in subd. 2., a licensee or permit holder
13 under this subchapter shall, at the time of an initial examination for the fitting and
14 sale of a hearing aid, inform the prospective client or other purchaser about the
15 operation and benefits of hearing aid options that can provide a direct connection
16 between the hearing aid and an assistive listening system, such as telecoils. The
17 licensee or permit holder shall provide the information required under this
18 subdivision with cognizance of the most recent standards for accessible design
19 adopted by the U.S department of justice in accordance with the federal Americans
20 with Disabilities Act of 1990.

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

1 an appropriate candidate for a hearing aid described in subd. 1., the licensee or
2 permit holder is not required to comply with subd. 1.

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

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

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

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

17 459.24 (3m) (a) 1. The terms of the guarantee, if there is any given.

18 2. Language that requires the client or other purchaser to verify all of the
19 following:

20 a. That the client or purchaser has received any information required under
21 par. (c).

22 b. If the client or purchaser has purchased a hearing aid described in par. (c)
23 1., that the client or purchaser has been provided the demonstration required under
24 par. (d).

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

