2025

STATE OF NEBRASKA

STATUTES RELATING TO HEARING INSTRUMENT SPECIALISTS PRACTICE ACT

NEBRASKA
Good Life. Great Mission.
DEPT. OF HEALTH AND HUMAN SERVICES

Department of Health and Human Services
Division of Public Health
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INDEX

HEARING INSTRUMENT SPECIALISTS PRACTICE ACT

STATUTES PERTAINING TO HEARING INSTRUMENT SPECIALISTS PRACTICE ACT

38-1501. Act, how cited.
Sections 38-1501 to 38-1528 shall be known and may be cited as the Hearing Instrument Specialists Practice Act.
Source: Laws 2007, LB463, § 565; Laws 2009, LB195, § 19; Laws 2025, LB332, § 11.
Operative Date: September 3, 2025

38-1502. Definitions, where found.
For purposes of the Hearing Instrument Specialists Practice Act and elsewhere in the Uniform Credentialing Act, unless the context otherwise requires, the definitions found in sections 38-1503 to 38-1507 apply.
Source: Laws 1969, c. 767, § 1, p. 2903; Laws 1986, LB 701, § 1; Laws 1987, LB 473, § 50; Laws 1988, LB 1100, § 148; Laws 1996, LB 1044, § 681; R.S.1943, (2003), § 71-4701; Laws 2007, LB296, § 589; Laws 2007, LB463, § 566; Laws 2009, LB195, § 20; Laws 2025, LB332, § 12.
Operative Date: September 3, 2025

38-1503. Board, defined.
Board means the Board of Hearing Instrument Specialists.
Source: Laws 2007, LB463, § 567; Laws 2009, LB195, § 21.

38-1504. Hearing instrument, defined.
Hearing instrument means any wearable instrument or device designed for, offered for the purpose of, or represented as aiding persons with or compensating for impaired hearing. Hearing instrument does not include a wearable instrument or device with an implantable component such as a wearable processor for a cochlear implant or bone-anchored implant.
Source: Laws 2007, LB463, § 568; Laws 2009, LB195, § 22; Laws 2025, LB332, § 13.
Operative Date: September 3, 2025

38-1504.01. Hearing instrument specialist, defined.
Hearing instrument specialist means a person who engages in the practice of ordering the use and fitting of hearing instruments.
Source: Laws 2025, LB332, § 14.
Operative Date: September 3, 2025

38-1505. Practice of ordering the use and fitting of hearing instruments, defined.
(1) Practice of ordering the use and fitting of hearing instruments includes the following activities:
(a) Eliciting patient case histories, including medical history, otological history, pharmacological history, amplification history, and patient attitudes and expectations;
(b) Administering otoscopy and, if required, cerumen removal for the purpose of identifying possible otological conditions, including, but not limited to, any of the conditions related to warnings found in the regulations of the federal Food and Drug Administration, 21 C.F.R. 801.422, as such regulations existed on January 1, 2025, which may indicate the need for a medical referral or which may have a bearing on outcomes or recommendations;
(c) Administering and interpreting tests of human hearing performed with an audiometer, including other appropriate objective and subjective methodology and measures, for purposes of ordering and fitting hearing aids;
(d) Determining candidacy for hearing instruments, and discussing the results of a human hearing test with the individual to inform the individual about potential options for addressing the individual's hearing loss, including hearing instruments, hearing-assistive devices, or other medical interventions, and facilitating appropriate referrals, if needed;
(e) Ordering, selecting, or fitting appropriate hearing instruments and assistive devices, including appropriate technology, programming parameters, and special custom earpiece applications, as indicated;
(f) Assessing hearing instrument efficacy utilizing appropriate fitting verification methodology and equipment, which may include real-ear measures or speech mapping, and electroacoustic analysis equipment;
(g) Assessing hearing instrument benefits through appropriate validation measures, which may include communication assessment questionnaires or speech audiometry;
(h)(i) Taking ear impressions or electronic scans by any method used for the purpose of creating earmolds and (ii) preparing earmolds for hearing instruments, assistive devices, telecommunications applications, ear protection, and other related applications;
(i) Ordering and modifying earmolds and auditory equipment, excluding FM transmitters, to meet a patient's needs;
(j) Providing services in the use and care of hearing instruments and assistive devices, including listening strategies and other approaches to foster optimal patient results;

(k) Providing supervision and inservice training of those entering the dispensing profession;
(l) Providing post-fitting care and services and hearing instrument care and repair services; or
(m) Any other act of hearing assessment pertaining to hearing testing, ordering the use of hearing instruments, or the selling, renting, leasing, and delivery of hearing instruments.
(2) Practice of ordering the use and fitting of hearing instruments does not include:
(a) Evaluation, diagnosis, management, or treatment of auditory or vestibular conditions;
(b) Provision of tinnitus evaluation, treatment, or management;
(c) Interpretation of tests of human hearing for any purpose beyond the selection and fitting of hearing aids;
(d) Removal of foreign bodies from the ear; and
(e) Testing and treatment of auditory processing disorders, including the provision of aural rehabilitation or auditory training.
Source: Laws 2007, LB463, § 569; Laws 2009, LB195, § 23; Laws 2025, LB332, § 15.
Operative Date: September 3, 2025

38-1506. Repealed. Laws 2025, LB332, § 41.
Source:
Operative Date: September 3, 2025

38-1507. Temporary training license, defined.
Temporary training license means a hearing instrument specialist license issued while the applicant is in training to become a licensed hearing instrument specialist.
Source: Laws 2007, LB463, § 571; Laws 2009, LB195, § 25; Laws 2017, LB88, § 52.

38-1508. Board membership; qualifications.
The board shall consist of five professional members and one public member appointed pursuant to section 38-158. Members shall meet the requirements of sections 38-164 and 38-165. The professional members shall consist of three licensed hearing instrument specialists, at least one of whom does not hold a license as an audiologist, one otolaryngologist, and one audiologist. At the expiration of the four-year terms of the members serving on December 1, 2008, successors shall be appointed for five-year terms.
Source: Laws 1969, c. 767, § 15, p. 2914; Laws 1981, LB 204, § 130; Laws 1986, LB 701, § 12; Laws 1988, LB 1100, § 160; Laws 1992, LB 1019, § 81; Laws 1993, LB 375, § 6; Laws 1994, LB 1223, § 52; Laws 1999, LB 828, § 173; R.S.1943, (2003), § 71-4715; Laws 2007, LB463, § 572; Laws 2009, LB195, § 26; Laws 2025, LB332, § 16.
Operative Date: September 3, 2025

38-1509. Practice of ordering the use and fitting of hearing instruments; license required; exceptions; organization; filing required.
(1)(a) Except as otherwise provided in this section, it shall be unlawful for any person to engage in the practice of ordering the use and fitting of hearing instruments or display a sign or in any other way advertise or represent that the person is engaged in the practice of ordering the use and fitting of hearing instruments unless such person holds a current, unsuspended, and unrevoked hearing instrument specialist license issued by the department as provided in the Hearing Instrument Specialists Practice Act.
(b) A hearing instrument specialist license shall confer upon the holder the right to select, fit, and sell hearing instruments.
(2) A licensed audiologist shall be exempt from the requirement to be licensed as a hearing instrument specialist.
(3) A hearing instrument specialist or audiologist may order the use of devices pursuant to 21 C.F.R. 801.109, as such regulation existed on January 1, 2025.
(4)(a) Nothing in the Hearing Instrument Specialists Practice Act shall prohibit a corporation, partnership, limited liability company, trust, association, or other like organization maintaining an established business address from engaging in the business of selling or offering for sale hearing instruments at retail without a license if it employs only properly licensed natural persons in the direct sale and fitting of such products.
(b) Each such organization shall file annually with the department, on a form provided by the department, a list of the licensed hearing instrument specialists employed by the organization. The department may adopt and promulgate rules and regulations as necessary to carry out this section.
Source: Laws 1969, c. 767, § 2, p. 2904; Laws 1986, LB 701, § 2; Laws 1988, LB 1100, § 149; Laws 1992, LB 1019, § 79; Laws 1993, LB 121, § 438; R.S.1943, (2003), § 71-4702; Laws 2007, LB247, § 52; Laws 2007, LB247, § 70; Laws 2007, LB463, § 573; Laws 2009, LB195, § 27; Laws 2017, LB88, § 53; Laws 2021, LB14, § 5; Laws 2025, LB332, § 17.

Operative Date: September 3, 2025
Cross References

- **Audiology and Speech-Language Pathology Interstate Compact,** see section 38-4101..

38-1510. Licensed hearing instrument specialist; services; restriction; applicability of act.
(1) A licensed hearing instrument specialist shall only provide services to an individual who is eighteen years of age or older unless prohibited by federal law.
(2) The Hearing Instrument Specialists Practice Act does not change the scope of practice of a licensed audiologist.
(3) The Hearing Instrument Specialists Practice Act is not intended to prevent any person from engaging in the practice of measuring human hearing for the purpose of selection of hearing instruments if such person or organization employing such person does not sell hearing instruments or the accessories thereto.
(4) The Hearing Instrument Specialists Practice Act does not apply to a person who is a physician or audiologist licensed to practice in this state, except that such physician or audiologist shall not delegate the authority to fit and dispense hearing instruments unless the person to whom the authority is delegated is licensed as a hearing instrument specialist under the act.
Source: Laws 1969, c. 767, § 4, p. 2905; Laws 1986, LB 701, § 4; Laws 1988, LB 1100, § 150; R.S.1943, (2003), § 71-4704; Laws 2007, LB463, § 574; Laws 2009, LB195, § 28; Laws 2025, LB332, § 18.
Operative Date: September 3, 2025

38-1511. Sale; written contract; required; conditions.
(1) A licensed hearing instrument specialist shall enter into a written contract for each sale of a hearing instrument which states the terms of the sale.
(2)(a) A licensed hearing instrument specialist shall, at the time of delivery of the hearing instrument, provide the patient with a receipt containing (i) the signature, regular business address, and license number of the licensee, (ii) the brand, model, manufacturer or manufacturer identification code, and serial number of the hearing instrument, and (iii) the amount charged for the hearing instrument.
(b) The receipt shall indicate that the hearing device is classified as programmed with one of the following:
(i) Locked software - this device utilizes locked software that is available to limited providers. The purchase of this device will require the user to have the device programmed by a provider or chain store that has been granted proprietary access to the software. In addition, the availability of any part or service for this device is limited to the provider or chain store that has such proprietary access; or
(ii) Unlocked software - this device utilizes unlocked software that is readily available to any provider or location licensed to provide hearing health care.
(c) The receipt shall also specify (i) whether the hearing instrument is new, used, or rebuilt, as provided in 21 C.F.R. 801.422, as such regulation existed on January 1, 2025, (ii) the length of time and other terms of the guarantee, and (iii) by whom the hearing instrument is guaranteed.
(3) No hearing instrument may be sold to any person unless both the packaging containing the hearing instrument and the itemized receipt are in compliance with all applicable state and federal laws and regulations.
(4) Upon delivery of the hearing instrument to any person, the licensed hearing instrument specialist shall confirm the physical and operational performance of the hearing instrument. If a patient purchases a hearing instrument from a licensed hearing instrument specialist outside of the licensee's regular place of business and the regular place of business is not within a reasonable distance, as determined by the board, the licensed hearing instrument specialist shall provide the patient with the address of an affiliate location with which the licensee is associated that is within a reasonable distance, at which a licensed hearing instrument specialist or audiologist is available for fitting services.
(5) Any seller offering for sale or selling a hearing instrument in this state or to a resident of this state shall make available in this state an in-person fitting of the hearing instrument by a licensed hearing instrument specialist in this state prior to the sale.
(6) A receipt provided pursuant to this section shall bear in no smaller type than the largest used in the body copy portion the following: The purchaser has been advised at the outset of the relationship with the hearing instrument specialist that any examination or representation made by a licensed hearing instrument specialist in connection with the fitting and selling of this hearing instrument is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefor must not be regarded as medical opinion or advice.
Source: Laws 1969, c. 767, § 3, p. 2905; Laws 1986, LB 701, § 3; R.S.1943, (2003), § 71-4703; Laws 2007, LB463, § 575; Laws 2009, LB195, § 29; Laws 2025, LB332, § 19.
Operative Date: September 3, 2025

38-1512. License; examination; conditions; waiver.
(1) Any person may obtain a hearing instrument specialist license under the Hearing Instrument Specialists Practice Act by successfully passing a qualifying examination pursuant to section 38-1514 if the applicant provides verification to the department, on a form provided by the department, that such person:
(a) Is at least twenty-one years of age;
(b) Has an education equivalent to a four-year course in an accredited high school; and
(c)(i) Has completed the minimum number of practicum hours prescribed by the board;
(ii) Has a two-year degree in hearing instrument sciences or an equivalent as determined by the board;
(iii) Has held a current, unsuspended, and unrevoked license to dispense hearing instruments from another jurisdiction for at least twelve of the last eighteen months prior to taking the examination;
(iv) Is certified by the National Board for Certification in Hearing Instrument Sciences at the time of taking the examination; or
(v) Holds an advanced credential offered by the International Hearing Society at the time of taking the examination.
(2) The department, with the recommendation of the board, may determine whether a person who has completed a licensure program outside of the United States may take the examination.
(3) The department, upon recommendation of the board, may waive components of the examination pursuant to section 38-1514 for licensure as a hearing instrument specialist if the person has passed the same examination as provided in section 38-1514 or a substantially equivalent examination as determined by the board.
(4) The department, with the recommendation of the board, shall determine whether a person has met the requirements to be eligible to take the examination pursuant to the Hearing Instrument Specialists Practice Act.
Source: Laws 1969, c. 767, § 7, p. 2907; Laws 1986, LB 701, § 6; Laws 1987, LB 473, § 53; Laws 1988, LB 1100, § 153; R.S.1943, (2003), § 71-4707; Laws 2007, LB247, § 53; Laws 2007, LB247, § 71; Laws 2007, LB463, § 576; Laws 2009, LB195, § 30; Laws 2017, LB88, § 54; Laws 2025, LB332, § 20.
Operative Date: September 3, 2025
Cross References

- **Credentialing,** general requirements and issuance procedures, see section 38-121 et seq.

38-1513. Temporary training license; issuance; supervision; renewal.
(1) The department, with the recommendation of the board, shall issue a temporary training license to any person who has met the requirements for licensure as a hearing instrument specialist pursuant to subdivisions (1)(a) and (b) of section 38-1512. Previous experience or a waiting period shall not be required to obtain a temporary training license.
(2) Any person who desires a temporary training license shall make application to the department. The temporary training license shall be issued for a period of one year. A person holding a valid license as a hearing instrument specialist or an audiologist shall be responsible for the supervision and training of such applicant and shall maintain adequate personal contact with him or her.
(3) If a person who holds a temporary training license under this section has not successfully passed the licensing examination within twelve months of the date of issuance of the temporary training license, the temporary training license may be renewed or reissued for a twelve-month period. In no case may a temporary training license be renewed or reissued more than once. A renewal or reissuance may take place any time after the expiration of the first twelve-month period.
Source: Laws 1969, c. 767, § 8, p. 2907; Laws 1973, LB 515, § 22; Laws 1986, LB 701, § 7; Laws 1987, LB 473, § 55; Laws 1988, LB 1100, § 154; Laws 1991, LB 456, § 36; Laws 1997, LB 752, § 185; Laws 2003, LB 242, § 125; R.S.1943, (2003), § 71-4708; Laws 2007, LB463, § 577; Laws 2009, LB195, § 31; Laws 2017, LB88, § 55; Laws 2025, LB332, § 21.
Operative Date: September 3, 2025

38-1514. Examination for licensure; contents; purpose.
(1) The examination required by section 38-1512 for licensure as a hearing instrument specialist shall be comprised of:
(a) A written or computer-based, psychometrically valid, competency examination approved by the board that tests the examinee for knowledge fundamental to the practice of ordering the use and fitting of hearing instruments;
(b) A practical examination approved by the board that requires the examinee to demonstrate competence in the practice of ordering the use and fitting of hearing instruments; and
(c) A jurisprudence examination approved by the board.
(2)(a) If an examinee fails more than one portion of the practical examination, the examinee shall retake the entire practical examination upon payment of the examination fee.
(b) If an examinee fails only one portion of the practical examination, the examinee may retake that portion of the examination without payment of a fee.

(c) If an examinee fails the jurisprudence examination or competency examination, the examinee shall retake the entire examination upon payment of the examination fee.
(d) If an examinee fails either the practical or competency component of the examination and fails two subsequent reexaminations, the examinee shall be disqualified from retaking the examination a fourth time until the examinee meets with the board, presents an acceptable written training plan to the board for passing the components of the examination, and successfully completes that plan.
(3) The qualifying examination provided in section 38-1512 shall be designed to demonstrate the applicant's adequate technical qualifications by:
(a) Tests of knowledge in the following areas as they pertain to the practice of ordering the use and fitting of hearing instruments:
(i) Basic physics of sound;
(ii) The anatomy and physiology of the ear; and
(iii) The function of hearing instruments; and
(b) Practical tests of proficiency in the following techniques as they pertain to the fitting of hearing instruments:
(i) Pure tone audiometry, including air conduction testing and bone conduction testing;
(ii) Live voice or recorded voice speech audiometry;
(iii) Masking when indicated;
(iv) Recording and evaluation of audiograms and speech audiometry to determine proper selection and adaptation of a hearing instrument; and
(v) Taking earmold impressions.
Source: Laws 1969, c. 767, § 9, p. 2908; Laws 1986, LB 701, § 8; R.S.1943, (2003), § 71-4709; Laws 2007, LB463, § 578; Laws 2009, LB195, § 32; Laws 2025, LB332, § 22.
Operative Date: September 3, 2025

38-1515. Applicant for licensure; continuing competency requirements.
An applicant for licensure as a hearing instrument specialist who has met the education and examination requirements in section 38-1512, who passed the examination more than three years prior to the time of application for licensure, and who is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.
Source: Laws 2007, LB463, § 579; Laws 2009, LB195, § 33.

38-1516. Applicant for licensure; reciprocity; continuing competency requirements; military spouse; temporary license.
(1) An applicant for licensure as a hearing instrument specialist who has met the standards set by the board pursuant to section 38-126 for a license based on licensure in another jurisdiction but is not practicing at the time of application for licensure shall present proof satisfactory to the department that he or she has within the three years immediately preceding the application for licensure completed continuing competency requirements approved by the board pursuant to section 38-145.
(2) An applicant who is a military spouse may apply for a temporary license as provided in section 38-129.01.
Source: Laws 2007, LB463, § 580; Laws 2009, LB195, § 34; Laws 2017, LB88, § 56.

38-1517. Licensee; disciplinary action; additional grounds.
In addition to the grounds for disciplinary action found in sections 38-178 and 38-179, a credential issued under the Hearing Instrument Specialists Practice Act may be denied, refused renewal, limited, revoked, or suspended or have other disciplinary measures taken against it in accordance with section 38-196 when the applicant or credential holder is found guilty of any of the following acts or offenses:
(1) Fitting and selling a hearing instrument to a child under the age of sixteen who has not been examined and cleared for hearing instrument use within a six-month period by an otolaryngologist without a signed waiver by the legal guardian. This subdivision shall not apply to the replacement with an identical model of any hearing instrument within one year of its purchase;
(2) Any other condition or acts which violate the Trade Practice Rules for the Hearing Aid Industry of the Federal Trade Commission or the Food and Drug Administration; or
(3) Violation of any provision of the Hearing Instrument Specialists Practice Act.
Source: Laws 1969, c. 767, § 12, p. 2909; Laws 1986, LB 701, § 10; Laws 1988, LB 1100, § 157; Laws 1991, LB 456, § 37; Laws 1994, LB 1223, § 51; R.S.1943, (2003), § 71-4712; Laws 2007, LB463, § 581; Laws 2009, LB195, § 35.

38-1518. Fees.
The department shall establish and collect fees for credentialing activities under the Hearing Instrument Specialists Practice Act as provided in sections 38-151 to 38-157.
Source: Laws 1988, LB 1100, § 159; Laws 1992, LB 1019, § 80; Laws 2003, LB 242, § 127; R.S.1943, (2003), § 71-4714.01; Laws 2007, LB463, § 582; Laws 2009, LB195, § 36.

38-1519. Hearing assessment; required; procedures; hearing instrument; components.
(1) A licensed hearing instrument specialist shall not engage in the practice of ordering the use and fitting of hearing instruments with respect to a patient without having conducted a face-to-face hearing assessment for the patient or having conducted or reviewed a valid and current hearing assessment for the patient that is dated within six months and signed by a licensed hearing instrument specialist or audiologist. Such hearing assessment shall include the following procedures, or modified procedures as required by the patient's cognitive function or health and appropriate to technological developments as determined by the board:
(a) Completion of a patient history questionnaire;
(b) Otoscopic examination;
(c) Testing to determine the type and degree of hearing loss that includes (i) pure-tone air conduction testing at two hundred fifty hertz, five hundred hertz, one thousand hertz, two thousand hertz, four thousand hertz, and eight thousand hertz, (ii) bone conduction testing at five hundred hertz, one thousand hertz, two thousand hertz, and four thousand hertz, and (iii) appropriate inter-octave testing when needed if the octave to adjacent octave threshold difference is greater than fifteen decibels;
(d) Effective masking when indicated;
(e) Appropriate testing to determine speech reception thresholds, word recognition scores, most comfortable listening levels, uncomfortable loudness levels, frequency-specific loudness discomfort levels, ability to understand speech in noise, and the selection of the best fitting arrangement for maximum hearing instrument benefit when indicated; and
(f) Other speech tests commonly used to assess human hearing acuity for ordering the use and fitting of hearing instruments.
(2) Each component of a hearing instrument shall be adapted to the needs of the patient. A licensed hearing instrument specialist shall conduct a final fitting to ensure physical fit and operational comfort of the hearing instrument.
Source: Laws 2025, LB332, § 23.
Operative Date: September 3, 2025

38-1520. Objective measures; required.
A licensed hearing instrument specialist shall demonstrate the benefit of a hearing instrument fitting by using objective measures.
Source: Laws 2025, LB332, § 24.
Operative Date: September 3, 2025

38-1521. Validation measures; required.
A licensed hearing instrument specialist shall determine a patient's benefit with the hearing instrument fitting using validation measures, such as speech audiometry and validated communication assessment questionnaires, or any other method approved by the board for ordering the use and fitting of hearing instruments.
Source: Laws 2025, LB332, § 25.
Operative Date: September 3, 2025

38-1522. Hearing testing; equipment; calibration; care.
(1) A licensed hearing instrument specialist shall use the following equipment as part of any hearing testing conducted for the purpose of dispensing of hearing instruments:
(a) An audiometer that has been calibrated within the twelve months preceding the test and that meets the specifications set forth under this section; and
(b) A speech audiometer that has been calibrated within the twelve months preceding the test and that meets the specifications set forth under this section.
(2) A licensed hearing instrument specialist shall provide for the calibration of the equipment utilized for hearing assessments required under section 38-1519 and in the dispensing of hearing instruments at least annually in conformance with current standards of the American National Standards Institute for ordering the use and fitting of hearing instruments. A licensed hearing instrument specialist shall annually ensure that audiometric equipment has been evaluated electrically and acoustically, that the equipment has been adjusted or repaired if necessary, and that conformity with such standards was determined at that time. A licensed hearing instrument specialist

shall maintain calibration records for ten years and shall make the records available for inspection by the department at any time. A licensed hearing instrument specialist shall also use routine procedures for the daily inspection of audiometric equipment, or prior to use if used less often than daily, to generally determine that the equipment is in normal working order.
(3) A licensed hearing instrument specialist shall provide the following care of the equipment used in the licensee's practice of ordering the use and fitting of hearing instruments:
(a) Hearing instruments, assistive-listening devices, and electronic equipment shall be maintained according to the manufacturer's specifications;
(b) Instrumental technology shall be maintained in proper working order and be properly calibrated according to accepted standards; and
(c) Proper infection control and sanitation procedures shall be utilized.
Source: Laws 2025, LB332, § 26.
Operative Date: September 3, 2025

38-1523. Cerumen removal; requirements.
(1) Prior to engaging in cerumen removal, a licensed hearing instrument specialist shall have held a valid, undisciplined license as a licensed hearing instrument specialist for a minimum of two consecutive years and provide the board with evidence of (a) successful completion of a cerumen removal course pursuant to subsection (3) of this section and (b) professional liability insurance pursuant to subsection (5) of this section. If the licensed hearing instrument specialist continues to engage in cerumen removal, the licensee shall annually provide evidence to the board of professional liability insurance.
(2) If the patient exhibits contraindications to cerumen removal requiring medical consultation or medical intervention, a licensed hearing instrument specialist shall refer the patient to an otolaryngologist or another physician licensed to practice medicine and surgery under the Uniform Credentialing Act. If a licensed hearing instrument specialist 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 practicable, seek immediate medical attention for the patient.
(3)(a) Prior to engaging in cerumen removal, a licensed hearing instrument specialist shall complete a cerumen removal course recommended by a national medical or audiology organization and approved by the board and provide the board with evidence of such successful completion and attestation of competence. In order to be approved by the board as a cerumen removal course, the course shall be approved by a national medical or audiology organization and shall:
(i) Be overseen by a physician or an audiologist, preferably an otolaryngologist;
(ii) Consist of at least six hours of practice of cerumen removal from an ear canal model using a variety of safe techniques;
(iii) Include in-person practice of cerumen removal techniques;
(iv) Include an infectious control component; and
(v) Result in a certificate of successful completion and attestation of competence signed by such physician or audiologist.
(b) The board may, only after consultation with the Board of Medicine and Surgery and the Board of Audiology and Speech-Language Pathology, adopt rules and regulations as provided in section 38-126 to provide requirements for the initial cerumen removal course.
(4) The licensed hearing instrument specialist shall maintain documentation evidencing the satisfactory completion of the training.
(5) A licensed hearing instrument specialist shall carry appropriate professional liability insurance before engaging in cerumen removal.
(6) A licensed hearing instrument specialist shall perform cerumen removal using the customary removal techniques that are commensurate with the licensee's training and experience. Performance of cerumen removal is limited to the patient's cartilaginous outer one-third portion of the external auditory canal.
(7) A licensed hearing instrument specialist engaged in cerumen removal shall comply with the following requirements:
(a) The indications for cerumen removal for a licensed hearing instrument specialist shall include:
(i) Enabling audiometric testing;
(ii) Making ear impressions;
(iii) Fitting ear protection or prosthetic devices; and
(iv) Monitoring continuous use of hearing aids;
(b) The licensed hearing instrument specialist shall refer a patient to an otolaryngologist or another physician licensed under the Uniform Credentialing Act for medical consultation or medical intervention if the patient exhibits

any of the following contraindications to cerumen removal:
(i) The patient is younger than eighteen years of age;
(ii) The patient has a perforated tympanic membrane;
(iii) The patient has a history of pain or active drainage or bleeding from the ear;
(iv) There is evidence of congenital or traumatic deformity of the ear;
(v) The patient has had previous ear surgery;
(vi) The patient has tympanostomy tubes, such that irrigation should not be used;
(vii) The patient has a bleeding disorder;
(viii) The patient has an actual or suspected foreign body in the ear;
(ix) The patient has a stenosis or bony exostosis of the ear canal;
(x) The patient has a tympanic membrane that the licensed hearing instrument specialist is unable to see; or
(xi) There is any other contraindication to cerumen removal that requires medical consultation or medical intervention; and
(c) If the patient, while undergoing cerumen removal that did not present contraindications, complains of significant pain, exhibits uncontrolled bleeding or a laceration of the external auditory canal, or experiences the acute onset of dizziness or vertigo or sudden hearing loss, the licensed hearing instrument specialist shall immediately stop the procedure and refer the patient to an otolaryngologist or another physician licensed under the Uniform Credentialing Act.
(8) The licensed hearing instrument specialist shall maintain the following proper infection control practices:
(a) Universal health precautions;
(b) Decontamination;
(c) Cleaning, disinfection, and sterilization of multiple-use equipment; and
(d) Universal precautions for prevention of the transmission of human immunodeficiency virus, hepatitis B virus, and other bloodborne pathogens, as defined by occupational safety and health standards promulgated pursuant to 29 C.F.R. 1910, as such regulations existed on January 1, 2025.
(9) The licensed hearing instrument specialist who performs cerumen removal shall maintain a case history for every patient and informed consent signed by the patient as part of the patient's records. A licensed hearing instrument specialist shall include in the patient's record video-otoscopy pictures of the patient's ear canal showing cerumen that must be removed and video-otoscopy pictures after the removal of the cerumen.
(10) The licensed hearing instrument specialist shall carry appropriate professional liability insurance before performing cerumen removal.
(11) The licensed hearing instrument specialist is prohibited from requiring patients to sign any form that eliminates liability if the patient is harmed.
(12) A licensed hearing instrument specialist who passes the initial training in cerumen removal shall take one additional hour of continuing education specific to cerumen removal annually, by any approved means, in addition to the required continuing education requirements for the license as a licensed hearing instrument specialist.
Source: Laws 2025, LB332, § 27.
Operative Date: September 3, 2025
Cross References

- **Uniform Credentialing Act, s**ee section 38-101.

38-1524. Consultation with otolaryngologist or physician; when advised.
A licensed hearing instrument specialist shall advise a prospective hearing instrument user to consult promptly with an otolaryngologist, or a licensed physician if no otolaryngologist is available, before dispensing a hearing instrument if the licensee determines, through inquiry, actual observation, or review of any other available information concerning the prospective user, that the prospective user has any of the conditions related to warnings found in the regulations of the federal Food and Drug Administration, 21 C.F.R. 801.422, as such regulations existed on January 1, 2025.
Source: Laws 2025, LB332, § 28.
Operative Date: September 3, 2025

38-1525. Rules of federal Food and Drug Administration; compliance required.
It is a condition of licensure under the Hearing Instrument Specialists Practice Act that a licensed hearing instrument specialist comply with the rules of the federal Food and Drug Administration governing the ordering of the use, fitting, and sales of hearing instruments as prescribed by 21 C.F.R. 801.422, as such regulations existed

on January 1, 2025.
Source: Laws 2025, LB332, § 29.
Operative Date: September 3, 2025

38-1526. Hearing instrument; repurchase; medical evaluation, when required.
A purchaser of a hearing instrument shall not be required to obtain a medical evaluation for the repurchase of a hearing instrument after a medical evaluation has been obtained for certain otologic conditions that are permanent and would be reidentified at each hearing assessment. Such conditions shall include, but not be limited to:
(1) Visible congenital or traumatic deformity of the ear;
(2) Unilateral or asymmetric hearing loss, assuming no change in thresholds; and
(3) Audiometric air-bone gap equal to or greater than fifteen decibels at five hundred hertz, one thousand hertz, and two thousand hertz.
Source: Laws 2025, LB332, § 30.
Operative Date: September 3, 2025

38-1527. Records.
(1) A licensed hearing instrument specialist shall keep and maintain in the licensee's office or place of business the following records:
(a) Results of tests and other records as they pertain to hearing assessments conducted by the licensed hearing instrument specialist and the dispensing of hearing instruments by the licensed hearing instrument specialist;
(b) A copy of the written contract and, if executed, signed medical evaluation waiver; and
(c) Copies of such other records as the department, with the recommendation of the board, reasonably requires.
(2) Any such record shall be kept and maintained by the licensed hearing instrument specialist for a period of seven years after the date the record was produced.
Source: Laws 2025, LB332, § 31.
Operative Date: September 3, 2025

38-1528. Trainer; employment authorized, when.
A licensed hearing instrument specialist who is certified by the National Board for Certification in Hearing Instrument Sciences or has an advanced credential recognized by the board may work for a company or organization as a trainer and provide specialized training in the practical application of hearing instrument sciences.
Source: Laws 2025, LB332, § 32.
Operative Date: September 3, 2025

71-4701. Transferred to section 38-1502.
71-4702. Transferred to section 38-1509.
71-4702.01. Repealed. Laws 2007, LB 463, § 1319.
71-4703. Transferred to section 38-1511.
71-4704. Transferred to section 38-1510.
71-4705. Repealed. Laws 1986, LB 701, §13.
71-4706. Repealed. Laws 2007, LB 463, § 1319.
71-4707. Transferred to section 38-1512.
71-4708. Transferred to section 38-1513.
71-4709. Transferred to section 38-1514.
71-4709.01. Repealed. Laws 2007, LB 463, § 1319.
71-4710. Repealed. Laws 2007, LB 463, § 1319.
71-4711. Repealed. Laws 2007, LB 463, § 1319.
71-4712. Transferred to section 38-1517.
71-4713. Repealed. Laws 1988, LB 1100, §185.
71-4714. Repealed. Laws 2007, LB 463, § 1319.
71-4714.01. Transferred to section 38-1518.
71-4715. Transferred to section 38-1508.
71-4715.01. Repealed. Laws 2007, LB 463, § 1319.
71-4716. Repealed. Laws 2007, LB 463, § 1319.
71-4717. Repealed. Laws 2007, LB 463, § 1319.
71-4718. Repealed. Laws 2003, LB 242, s. 154.
71-4719. Repealed. Laws 2007, LB 463, § 1319.