



Nebraska Speech • Language • Hearing Association
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October 16, 2023

Daniel Rosenthal, PE (Chair) Hearing Care Professionals Technical Review Committee
Nebraska Department of Health & Human Services
Attn: Ron Briel, Credentialing Review
PO Box 94986
Lincoln, NE 68509-4986

Sent via e-mail

Position: STRONG OPPOSITION to Credentialing Proposal for Nebraska Hearing Society/International Hearing Society

Dear Mr. Rosenthal,

I am writing to you on behalf of the Nebraska Speech Language and Hearing Association (NSLHA) in strong opposition to the proposed changes to the hearing instrument specialists (HIS) scope of practice currently in review. NSLHA is the leading organization in Nebraska for audiologists and speech-language pathologists. NSLHA works in Nebraska to achieve the following goals:

1. To promote services for speech, language, hearing, swallowing, and related disorders in Nebraska.
2. To encourage education, service, and research activities within the speech, language, and hearing professions.
3. To serve as an effective liaison between speech pathology, audiology, and other disciplines.
4. To advocate for the rights and interests of persons with communication disorders and to promote the individual and collective professional interests of the members of the NSLHA.
5. To promote the investigation of disorders of human communication.
6. To promote appropriate academic and clinical preparation of individuals entering the discipline of human communication sciences and disorders.
7. To promote the maintenance of current knowledge and skills of those within the discipline.

NSLHA has a strong interest in safe-guarding Nebraskans when it comes to the diagnosis and treatment of speech, language, and hearing disorders. As such, the proposed HIS scope of practice expansion has raised serious concerns for the NSLHA members. The proposed expansion seeks to give HIS professionals the new abilities to complete hearing diagnostic

testing, middle ear diagnostic testing, tinnitus diagnosis and management, aural rehabilitation, cerumen management, and cochlear implantation candidacy screening, all without adequate training. These are all clinical and diagnostic skills within the audiology scope of practice and are currently provided with competency and efficiency by audiologists across Nebraska daily.

There is a current disparity in training between audiologists and HIS in Nebraska that is further widened with a relaxation of training requirement for HIS by this proposal. Currently audiologists in Nebraska are clinical and research professionals who have completed a minimum of four years of post-graduate, doctoral training in audiology AND have obtained a minimum of 36 weeks of supervised practicum experience before being eligible for Nebraska licensure. In contrast, HIS are only required to be 21 years of age or older, have a high diploma or equivalent, and pass a written and practical exam. This proposal seeks to lessen the current minimum HIS requirements to practice within the state of Nebraska by including amending language that essentially grandfathered in those who hold licensure in other jurisdictions, those who are certified by the National Board for Certification in Hearing Instrument Sciences, or those who have an advanced credential offered by the International Hearing Society (IHS) to practice. Restated, if this proposal passes as currently worded, there is nothing that prevents an individual who holds any of the above certificates from obtaining Nebraska HIS licensure, even if they do not meet our current minimum HIS licensure requirements. This is a serious loophole that needs to be addressed.

This expansion of audiology services by HIS with a relaxation in HIS licensure requirements is unprecedented in our country. Currently no state allows HIS to diagnose hearing disorders, no state allows HIS to diagnose and treat tinnitus, and 47 states limit HIS to testing for hearing aid purposes only. Furthermore, only Nevada allows HIS to perform middle ear testing, only North Carolina allows HIS to recommend a tinnitus device, only North Carolina and Tennessee allow HIS to complete cerumen removal within their statutes related to hearing instrument selection and fitting, and it should also be known that Delaware repealed their statute allowing HIS to complete cerumen removal earlier this year.

This attempt to expand the HIS scope of practice is additionally gaining national attention, with focused attention from neighboring states. At the writing of this letter, audiology professionals from Colorado, South Dakota, Florida, and Maryland had all submitted opposition letters. While the committee may be surprised to see so many out of state providers contacting Nebraska in opposition, NSLHA is not surprised. Neighboring states have a vested interest in what happens with our licensing laws due to the Audiology & Speech-Language Pathology Interstate Compact (ASLP-IC). The ASLP-IC is an occupational licensure compact which allows professionals to practice in multiple states without having to obtain additional state licenses. The compact addresses increased demand to provide/receive audiology and speech-language pathology services. The compact also authorizes in-person and telepractice across state lines. Nebraska became the 10th state to adopt the ASLP-IC in 2021. As of October 2023, ASLP-IC legislation has been passed in 29 states. Thus, any scope of practice changes to audiology or speech pathology services and licensure in any of those 29 states can impact the minimum requirement of who

can practice within and across the borders of those 29 states. In short, what is happening now in Nebraska has many across the country concerned.

NSLHA has a strong focus on both promoting appropriate academic and clinical preparation of individuals entering the discipline of human communication sciences and advocating for the rights and interests of persons with communication disorders. NSLHA members want Nebraskans to have appropriate access to our services. However, this HIS scope of practice expansion request does not improve access or services to Nebraskans. Audiologists undergo years of formal education and clinical training before they are allowed to perform these procedures independently on patients. This proposal allows HIS to do many of the same complex tasks with only short courses that offer certificates of completion where the true coursework has not yet been clearly defined. This proposal seeks to expand the HIS scope to allow for invasive procedures, such as cerumen management, without proper medical guidance, oversight, and training. Additionally, this scope of practice expansion request proposes to do all of the above under the guise of expanded access in regions where there is poor specialty physician access. This proposal does not clearly define what are the measures HIS should take if they cause a traumatic injury to a patient's ear and the closest otolaryngology surgeon is hours away, which puts the health and safety of Nebraskans at risk. This should be a focus of great concern during this review process.

In summary, there are numerous concerns with expanding the HIS scope of practice as proposed. These concerns are not fully addressed in the current language of the proposed changes. Supporting these proposed changes, as they are currently written, poses a significant health and safety concern for Nebraskans. NSLHA urges you consider these points carefully as this review process continues.

Respectfully,



Dr. Nikki Kopetzky

VP NSLHA Legislative Affairs