

**56 N.J.R. 620(b)**

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**PUBLIC NOTICES**

**Reporter**

56 N.J.R. 620(b)

*NJ - New Jersey Register > 2024 > APRIL > APRIL 15, 2024 > PUBLIC NOTICES > LAW AND PUBLIC SAFETY -- DIVISION OF CONSUMER AFFAIRS*

**Agency**

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LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS

**Administrative Code Citation**

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**N.J.A.C. 13:35-8.2 and 8.8**

**Text**

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**Notice of Receipt of Petition for Rulemaking**

**Board of Medical Examiners**

**Hearing Aid Dispensers Examining Committee**

Authority: N.J.S.A. 45:9A-7.

Petitioner: Christine Seitz, Manager of Government Affairs, International Hearing Society.

**Take notice** that on December 15, 2023, the Hearing Aid Dispensers Examining Committee (Committee) received a petition for rulemaking from Christine Seitz, Manager of Government Affairs, International Hearing Society (IHS), on behalf of IHS, requesting that the Committee amend N.J.A.C. 13:35-8.2 and 8.8. Specifically, the petitioner asks the Committee to explicitly authorize licensees to "order the use of" non-over-the-counter hearing aids to ensure that the Committee's regulations align with rules adopted by the Food and Drug Administration (FDA) on August 17, 2022.

The petitioner notes that in August 2022, the FDA published final rules concerning over-the-counter hearing aids, a newly created

category of hearing aids, and reclassified non-over-the-counter hearing aids as prescription hearing aids requiring a "prescription or other order from a state-licensed practitioner." Currently, amongst other things, N.J.A.C. 13:35-8.2 and 8.8 authorize licensees to fit, dispense, and sell hearing aids. The petitioner maintains that the phrase "order the use of" can be interpreted differently from the words "dispense" or "sale" and requests that the Committee amend N.J.A.C. 13:35-8.2 and 8.8 to include "order the use of" in the definition of "licensee" and in the provisions governing the scope of practice of licensees to ensure continued access to hearing health care services.

In accordance with the provisions at N.J.A.C. 1:30-4.2, a copy of this notice has been mailed to the petitioner, and the Executive Director of the Committee will subsequently mail to the petitioner and file with the Office of Administrative Law, a notice of action on the petition.

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