

## 56 N.J.R. 1263(b)

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### PUBLIC NOTICES

#### Reporter

56 N.J.R. 1263(b)

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#### Agency

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LAW AND PUBLIC SAFETY > DIVISION OF CONSUMER AFFAIRS > BOARD OF MEDICAL EXAMINERS

#### 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 Action on Petition for Rulemaking**

##### **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, among 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.

A notice acknowledging receipt of the petition was filed with the Office of Administrative Law on March 8, 2024, and was published in the New Jersey Register on April 15, 2024, at 56 N.J.R. 620(b).

**Take further notice** that, at its May 10, 2024 meeting, the Committee referred this matter to a Sub-Committee for further deliberation in order to develop a better understanding of the implications this request would have for licensees and the public.

A copy of this notice has been mailed to the petitioner pursuant to N.J.A.C. 1:30-4.2.

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