

# HHP



Hearing  
HealthCare  
Providers

To: Members of the Assembly  
From: HHP/CA  
May 26, 2009  
Re: AB 1535 (Jones) - OPPOSE

Hearing Healthcare Providers of California (HHP/CA) has taken an "Oppose" position on AB 1535(Jones). The bill would authorize audiologists to engage in the practice of fitting or selling hearing aids, without passing an examination and obtaining a license from the Hearing Aid Dispensers Bureau (HADB). The bill would also lead to a large shortfall in license-fee revenue to HADB, since approximately half of their current licensees (audiologists who wish to sell hearing aids) will no longer need to obtain a license from HADB to do so.

AB 1535 makes changes to the Audiology Practice Act that benefit a small number of Californian's – those audiologists who no longer would have to demonstrate proficiency in fitting a hearing aid – but would remove consumer protection for everyone else.

### ***1. Exemption from state licensing examination***

California law recognizes the potential harm to consumers that could result from the improper fitting of a hearing aid, and thus requires passage of a practical examination prior to issuing a license to any hearing aid dispenser, whether a physician, audiologist, or hearing aid dispenser. **AB 1535 removes this protection.**

Fitting a hearing aid involves invasive procedures such as injecting material deep into the ear canal for ear mold impressions. If done improperly, irreversible damage could be sustained to the tympanic membrane (ear drum). Over amplification of a hearing aid can further damage the hearing of the consumer by affecting the sensory nerves associated with the hearing function. Fitting a hearing aid may require modification to the aid to ensure a proper and comfortable fit. If performed improperly, hematomas (blood in the tissues) and bleeding can occur. Proper venting and filters relieves pressure in the ear canal and helps to ensure satisfactory comfort. **All of the above and numerous other client safety issues are addressed in the licensing examination.**

It should be noted that in the "Candidate Information Bulletin" sent to applicants for the HADB Written and Practical Examination, the following warnings appear:

**"Please be aware: Consumer protection and subject safety are high priorities at all times" ; and later:**

**"Please be aware, you will be allowed to take only ONE ear impression at the exam. If at any time during the procedure, an examiner believes that it is unsafe for you to proceed, he/she may ask you to stop."**

The audiologist scope of practice does not include the practice of "fitting or selling of hearing aids". That activity is regulated by the Hearing Aid Dispensers Bureau (HADB) and includes a written and practical examination. A little more than half of California's audiologists have taken the HADB examinations and have obtained a license to dispense. Passing the practical examination assures the consumer that the individual is proficient with the skills needed to properly fit the hearing aid to the consumer's satisfaction. In order to obtain an audiologist license, it is not *required* that the applicant has taken any courses in fitting or dispensing hearing aids, or acquired "hands on" experience in doing such. **In the last two years of examinations administered by HADB, one-third of the 101 audiologists taking the practical examination failed it. Five percent did not pass until they had taken the examination three times. One individual failed after 5 attempts.**

## ***2. HADB will be underfunded***

Currently, HADB licenses nearly 1700 hearing aid dispensers. Audiologists comprise a little more than 50% of the licensees. The license fee is \$280, which is used for regulation and enforcement purposes. Should AB 1535 be enacted, HADB will lose all of the licensing revenue it receives from audiologists who currently sell hearing aids. This will severely jeopardize the Bureau's ability to regulate the remaining non-audiologist dispensers.

## ***3. Diminished regulation of audiologists who sell hearing aids***

Finally, exempting audiologists from the laws regulating the fitting or selling of hearing aids will mean that a body of laws and regulations designed for consumer protection would not apply to audiologists. AB 1535 as amended offers only partial replacement of the many laws and regulations which currently apply to **all** hearing aid dispensers regulated by HADB., including those pertaining to advertising, continuing education, business address. For those new statutes that the Speech-Language Pathology and Audiology Board will be called upon to enforce, AB 1535 does not provide for an increase in audiologist license fees to cover those costs.

For all of these reasons, HHP/CA is opposed to AB 1535, which will remove an important screening device that ensures that only qualified practitioners may fit and sell hearing aids, will result in the loss of hundreds of thousands of dollars in licensing fees to HADB, and which will exempt audiologists from many of the laws and regulations that have been added over the years to govern hearing aid dispensers.