

SUBJECT: Regulating the fitting and dispensing of hearing aids

COMMITTEE: Public Health — committee substitute recommended

VOTE: 7 ayes — Berlanga, Hirschi, Delisi, Glaze, Maxey, McDonald, Rodriguez
0 nays
2 absent — Coleman, Janek

WITNESSES: For — Bill Gilliam, Houston Hearing Aid Dispensers; Jim Wilson, Licensed Hearing Aid Dispensers in Texas; Ray Jones, Wes McKinzey
Against — None
On — Bobby Schmidt, State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments

BACKGROUND: In 1993 the Legislature created the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments in the Texas Department of Health. The committee replaced a board of examiners that had regulated hearing instrument dispensers since 1970. The 1993 legislation (SB 953 by Wentworth) also made various changes in state regulatory authority and requirements for licensing, discipline and continuing education.

Audiologists make nonmedical evaluations of the ear and provide counseling, examinations and other services for persons suspected of having hearing disorders. They are regulated by the State Committee of Examiners for Speech Pathology and Audiology in the Department of Health.

The nine-member hearing instruments committee created in 1993 must include six licensed hearing instruments dispensers, one licensed physician and two members of the general public. No more than two appointees may be licensees of the speech pathology and audiology board.

DIGEST:

CSHB 1765 would revise requirements for temporary permit holders of the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments, change requirements for the composition of the committee and allow the committee to set fees. The bill would reduce from two to one the maximum number of speech pathologists allowed to serve on the committee. The bill would take effect September 1, 1995, and apply only to temporary permits issued on or after that date.

Supervisors of holders of temporary training permits to fit and dispense hearing aids would no longer have to be physically present, but would have to be on the premises and available for prompt consultation. Temporary permit holders would also have to meet certain requirements for indirect supervision, defined as the daily review by a supervisor of a temporary training permit holder's patient contact and daily work.

CSHB 1765 would amend training-time requirements. The term "hour" would be changed to "contact hour" (55 minutes) with regard to the amount of time spent in training. The bill would require that 15 out of the 25 contact hours of training in pure air conduction, bone conduction and speech audiometry be with actual clients. The bill would reduce from 15 to five the number of contact hours devoted to earmold impressions and otoscopic examinations and increase from 10 to 20 contact hours the amount of supplemental work in one or more of all areas of training.

A requirement that the training period must be at least 200 days would be replaced with a requirement for 150 hours of directly supervised training, which would be recorded in a log kept by the training supervisor.

A temporary training permit holder would be able to provide routine fitting and dispensing ordered by a supervisor, who would be accountable for the permit holder's actions. The supervisor would be the sole judge of whether the temporary training permit holder had the qualifications necessary for the performance of routine fitting and dispensing.

CSHB 1765 would require the payment of fees to obtain a temporary training permit and to apply for and take the examination to qualify as a hearing aid dispenser and fitter. Upon passing the exam, the permit holder would be required to pay fees for an apprentice permit.

A fee schedule in current law would be replaced by an authorization for the State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments to adopt reasonable fees. The bill would create the hearing instrument dispensers licensing account in the general revenue fund to which all fees collected would be credited.

In regard to surety bonding, all references to license holder would be changed to sole proprietor, partnership, corporation or other legal entity engaged in the fitting and dispensing of hearing instruments. CSHB 1765 would require that each partner in a partnership that dispenses and fits hearing aids be a licensed hearing instrument fitter and dispenser. The bill would impose the same requirement on the chief executive officer of a corporation or other legal entity that dispenses and fits hearing aids.

**SUPPORTERS
SAY:**

CSHB 1765 would clarify and improve the law regarding hearing aid dispensers to further assure competency of practitioners and better protect hearing-impaired consumers. A decline in the number of hearing aid dispensing trainees threatens the state's supply of dispensers. This bill would make the amount and manner of training of hearing aid dispensers less burdensome so that more people would be encouraged to enter the hearing aid dispensing field. However, the bill is also carefully crafted to assure that trainees get adequate training.

The bill would reconfigure the committee regulating hearing aid dispensers to more fairly reflect the group of professionals it regulates.

The changes in authority over fees would better comply with the health department's general policy regarding fees and expenses, and would probably result in a decrease in fees to more accurately reflect the cost of regulation.

Eliminating a requirement for each license holder to be bonded and requiring instead that each owner of a practice dispensing hearing aids hold a surety bond is necessary since it is the owner — not the licensed employee — who is responsible for refunding or not refunding the consumer's money during the 30-day trial period of using the hearing instruments.

Current law only requires owners of fitting and dispensing practices to be licensed. The bill would provide additional protection to hearing aid consumers by requiring the licensing of partners in partnerships and chief executive officers of corporations that dispense and fit hearing aids.

OPPONENTS
SAY:

The training time for hearing aid dispensers provided in this bill is too short. The testing of hearing requires a high level of expertise. The current requirement of 200 training days should be retained because it provides trainees with exposure to a wide range of different types of hearing problems.

OTHER
OPPONENTS
SAY:

While this bill proposes reasonable changes, it would be more cost-efficient if hearing aid fitters and dispensers were certified by the State Board of Examiners for Speech-Language Pathology and Audiology, which certifies audiologists who are hearing aid fitters and dispensers.

NOTES:

The substitute amended the definition of direct supervision and added the definition of contact hour. It also deleted sections in the original concerning ambient noise levels and establishing regulation of direct-mail and catalog sales.

SB 629 by Wentworth, the companion bill, was referred to the Senate Health and Human Services Committee.