

June 20, 2019

To whom it may concern:

I have become aware of an issue currently before the NM Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board for which I would like to respond. They have been tasked with drafting rules (subsequent to HB48 being signed into law) mandating that "at the time of initial examination for possible sale and fitting of a hearing aid, if a hearing loss is determined, to inform each prospective purchaser about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems." The board apparently voted to approve a draft revision of the rules addressing that mandate on June 14, 2019.

As part of that draft, an addition to the rules was approved stipulating that wording be required on the sales receipt or the hearing aid contract "stating that the prospective purchaser was informed at the time of the initial examination for possible sale and fitting of a hearing aid about hearing aid options that can provide a direct connection between the hearing aid and assistive listening systems in accordance with the latest standards for accessible design adopted by the U.S. department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended."

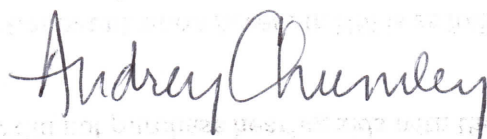
Members of the Committee for Communication Access in New Mexico are concerned that simply adding this statement to the sales receipt or contract would not be in the best interest of the hearing aid consumer. I would agree that it would be easy for a consumer to sign something that included the above wording without fully understanding what that meant, especially if the dispenser failed to discuss assistive listening systems during the initial examination and subsequent counseling. Once the sales receipt or contract is signed, the consumer would then have no recourse if they realized later on that they did not purchase hearing aids with the ability to access assistive listening systems.

The wording proposed by the Committee for Communication Access in NM is as follows:

"I have been informed of hearing aid options that can provide a direct connection between hearing aids and assistive listening systems that comply with the latest standards for accessible design adopted by the U. S. department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended. I am aware that the hearing instrument(s) referenced above include(s)/exclude(s) (circle one) such technology _____ (Buyer's initials).

I believe that this alternative wording would be much more effective in assuring that the hearing aid consumer has been appraised of the availability of hearing aid options that can provide a direct connection to assistive listening systems. This is the intention of HB 48 . . . to address this consumer protection issue. It is our responsibility now to assure that this is indeed the goal in the development of these rules.

Sincerely,



Audrey Chumley, M.S. CCC-A
Retired Audiologist
Licensed Hearing Aid Dispenser in NM for 37 years