



Dear New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board,

I write as a recent representative of Americans with hearing loss on the National Institute on Deafness and Other Communication Disorders (NIDCD) Advisory Council to thank you for your support of telecoil counseling for New Mexico citizens with hearing loss. The new mandate for telecoil counseling, combined the proposed confirmation of that counseling on the contract as a procedure for assuring its implementation, will make New Mexico a leader and exemplar of a hearing-friendly state.

That being said, I suggest you reconsider the clause you are considering adding to the sales contracts for hearing aids concerning that counseling. It is understandably intended to justifiably protect providers from frivolous and unfounded complaints from the occasional disgruntled client, but it appears to offer an opportunity for abuse. Should a provider violate the new rule and fail for whatever reason to provide the mandated counseling, that clause on the contract could be used by that provider (should the client file a complaint) as “proof” that the counseling took place even though, in fact, it did not. In the event of such a complaint, the seller will have a signed contract with your proposed statement on it testifying to the fact that such counseling took place. The buyer will have only his/her word that it did not. Whose claim will be accepted by your complaint committee?

The solution, as suggested by the Committee for Communication Access, is simple: Requiring both the hearing aid buyer and the seller to initial that clause and to indicate whether the devices being dispensed contain telecoils would provide added protection against abuse by all parties involved. It would protect buyers from providers who break the counseling rule while still protecting those providers who do afford the client the necessary counseling.

Your board is a proven leader in recognizing and honoring the rights of consumers--for your enactment of rules establishing a mandatory 45 day trial period for hearing aids, for your setting a 30 day limit for refunding money for those devices returned, and now for your adoption of mandatory counseling on assistive listening technology, We salute New Mexico for its good will and leadership!

With my gratitude and good wishes,

David Myers

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