



## Patricia Roybal Caballero

### STATE REPRESENTATIVE

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October 8, 2019

To Whom it May Concern,

I am among the majority of hearing aid buyers who were not counseled on telecoils at the time we purchased hearing aids. Having since learned how this technology would have helped me in many situations where I find myself, I was happy to do so when I was approached by the Committee for Communication Access in New Mexico (CCAnm) to carry a bill that would make such counseling a requirement for hearing care providers. That bill (HB 48) was signed into law by Governor Lujan Grisham in March and it's my understanding that the New Mexico Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board has now drafted a rule that will implement the mandate called for in the bill.

In addition to the language called for in HB 48 I have been shown another proposed rule that refers to that mandate that I find troubling - a requirement that all future hearing aid sales contracts carry a claim that presumes that the mandated counseling has actually taken place. The clause proposed offers no proof of that fact and offers the opportunity for abuse that could be easily corrected by the addition of a requirement that both the buyer and the seller of the applicable hearing aids initial the clause and that the clause indicates whether or not the hearing aids in question contain telecoils.

New Mexico is fortunate to have many very competent, conscientious audiologists and hearing aid dispensers but, in every barrel there is an occasional bad apple. The need to protect consumers from any occasional violation of the requirements of B 48 is uppermost in my mind. As currently written, the rule regarding hearing aid sales contracts creates an opportunity to violate the counseling rule and then, if a complaint is later filed with the claim that the counseling did not take place, use that unsubstantiated clause on the contract to dispute the complaint.

The CCAnm has proposed a good solution to this problem and, as was the case last winter when I had a bill drafted and took it to the legislature to address the telecoil counseling problem, the CCAnm has my full support. I endorse their efforts to protect consumers through the language they have offered as an alternative to that drafted by the Speech/Hearing Board.

Cordially,

Digitally signed as instructed by

*Patricia Roybal Caballero*

Representative Patricia Roybal Caballero