

## Sciacca, Lori, RLD

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**From:** Stephen O. Frazier <cscanm@juno.com>  
**Sent:** Tuesday, September 10, 2019 1:00 PM  
**To:** rkcrum@yahoo.com; lisa.pulsipher.aud@gmail.com; iltquilt@gmail.com; wes3sm@gmail.com; meyerdick@yahoo.com; dthurn27@gmail.com  
**Cc:** Sciacca, Lori, RLD  
**Subject:** [EXT] Thank you and a request...  
**Attachments:** Chumley Ltr20190628\_16065051.pdf; Clifford CCAnm Letter.pdf; Romero Letter.pdf; Livingston Support.pdf

Dear Board Members,

The members of the Committee for Communication Access want to thank you for the rule you are proposing that implements the requirements of HB 48. New Mexico is now one of 9 states with a rule addressing ADA compliant assistive listening technology. We believe the required counseling will double the functionality of and satisfaction with hearing aids for many who are fitted with them as a result of this new rule.

In a report in *Gerontology and Geriatric Medicine* a paper by experts concurred in that assessment, saying, "Hearing loops and t-coil technology can make a dramatic difference in an individual's ability to hear clearly and understand speech. A versatile, functional, and relatively inexpensive fix in these situations is the use of t-coils and hearing loops by people who use HAs. The use of t-coils should be recommended for most HAs users ...(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5119799/>).

That being said, we are disappointed that you were not receptive to our request that you revise the language for another rule change you propose that regards all future hearing aid sales contracts/receipts. Our proposal, while still protecting hearing care providers against unfounded complaints from clients, added equal protection to the consumer that was missing in your draft rule.

The committee is aware of and thankful for the many audiologists and dispensers in New Mexico who are conscientious, caring and consummate professionals. We know they follow the rules and for them, the customer comes first and they will provide the counseling now required on ADA compliant assistive listening technology. BUT- we also realize that people sometimes break rules.

Some audiologists and dispensers may think a particular client doesn't need telecoils or may, at that particular moment, simply not feel time is available to talk to a client about them. That provider may unfortunately, then choose to skip the counseling. When this happens and a client later learns about the growing number of loops available in theaters, places of worship and other venues that would help to hear there, that client could be disappointed and concerned at not knowing of the technology at the time hearing aids were purchased. That client has a right to complain to the provider and, if not satisfied with the result, to file a complaint with your board asking that the hearing aids with no telecoils be retrofitted or replaced with telecoil equipped hearing aids.

Under your proposed rule buyers will be required to sign the sales contract or receipt so, when that complaint is filed, the provider could simply say, "Look at the contract. I did counsel the client and this signed contract proves it." Now we have a "he said-she said" situation. The buyer has no proof that the counseling did not take place. The seller has a signed contract that "proves" that it

did even though, in fact, it did not. Who will your complaint committee believe? Who will you or a judge believe? Who will the Better Business Bureau believe? Who has "proof"?

To address this problem our Committee proposes that the language to be required on the contract be revised to include a requirement that the buyer and the seller initial that statement and that it also indicates if the hearing aids being dispensed do or do not have telecoils. With such wording there should then be no question as to whether or not telecoils were discussed and the buyer is aware of their presence or absence.

We are respectfully renewing our request that at your October 25 meeting you revise your proposed language so that it reads as follows:

(a)...examination and recommendation was made as a hearing aid dispenser or fitter and not as a medical diagnosis or prescription; the receipt must also contain the following language: The buyer was informed at the time of the initial examination for possible sale and fitting of a hearing aid 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 United States department of justice in accordance with the federal Americans with Disabilities Act of 1990, as amended.

The hearing instrument(s) referenced above DO(es) - DO(es) NOT contain such technology.

(circle one of the above)

initials

Seller's initials

Buyer's

(b) the information regarding .....

We also request that you grant all those who support our position the courtesy of allowing all who wish to to speak to you on this issue prior to your voting on a motion pertinent to this matter at your upcoming meeting.

Attached are several letters of support for the CCAnm position on requiring initials from some of your peers here in New Mexico for your consideration.

Cordially,



Stephen Frazier - Hearing Loss Support Specialist, Co-Chair  
Nathan Gomme - Executive Director, Commission for Deaf and Hard of Hearing, Co-Chair  
Dr. Norm Dawson - Albuquerque Chapter, Hearing Loss Association of America  
Howard Hirsch - Advocate for those with hearing loss  
John Hooper - Santa Fe Chapter, Hearing Loss Association of America  
Michael Lieberman - Las Cruces Chapter, Hearing Loss Association of America  
Dick Meyer - Past Chair, National Board of Trustees, Hearing Loss Association of America  
Roy Miller - Past President, Telecommunications for the Deaf and Hard of Hearing  
Pam Parfitt - Loop Santa Fe  
Romy Pierce - The Hearing & Vision Center  
Carol Sliney - Past Member, national boards of Hearing Loss Association of America and of

Telecommunications for the Deaf and Hard of Hearing

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