



June 30, 2019

To Whom It May Concern:

The Hearing Loss Association of America (HLAA), located in Bethesda, Maryland, is the nation's leading consumer based organization serving the estimated 48 million Americans with hearing loss. HLAA has a strong interest in rules and regulations at the state level that protect the needs and concerns of hard of hearing consumers.

I am writing to you in regard to an ethics rule change being proposed for audiologists and hearing aid dispensers in New Mexico that could, in our opinion, have a negative impact on the ability of hearing aid buyers to register a complaint if such a provider should fail to comply with the new requirement in your state that hearing aid buyers be counseled on ADA compliant assistive listening technology prior to the dispensing of hearing aids. This requirement allows the client to make an informed decision as to whether or not that technology would be of benefit when the hearing aids are in use in auditoriums, theaters, places of worship and elsewhere.

The proposed ethics rule is in regard to the sales receipt makes. As drafted it makes a blanket statement that the client has been provided the required counseling. That could easily be glossed over and not called to the attention of the buyer by a provider of questionable ethics. Once the client signs that receipt, though, it could be used as proof in support of a claim by the provider that the client was counseled even though he or she was, in reality, not counseled. The Committee for Communication Access in New Mexico (CCAnm) has proposed an alternative statement for inclusion on the contract form that, in our opinion, has the potential to rectify this shortcoming. While still protecting the provider against spurious charges of a rule violation it would more adequately also protect the consumer should a rule violation occur and the client feel compelled to file a complaint. In addition to protecting both the consumer and the provider regarding the required counseling it would also indicate whether or not the hearing aids being dispensed contain the ADA compliant technology in question to protect against a dispute on that matter.

HLAA supports the rule language proposed by the CCAnm and we respectfully request that you consider supporting their alternative language. I would be happy to answer any questions you might have for me on this matter.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Kelley".

Barbara Kelley
Executive Director