

New York  
Department of State

# **A Consumer's Guide to Hearing Aids**

In Consultation with the:

Hearing Aid Dispensing Advisory Board  
Education Department  
Division of Consumer Protection  
Department of Health

Andrew M. Cuomo  
*Governor*

Cesar A. Perales  
*Secretary of State*

## State Agencies

The Department of State registers and regulates hearing aid dispensing businesses and individuals. Questions regarding any aspect of hearing aid dispensing may be directed to 518-474-4429. The Department's website at to <http://www.dos.ny.gov/licensing/hearingaid/hearingaid.html> contains the law and regulations pertinent to hearing aid dispensing, as well as frequently asked questions. The Department maintains a TTY complaint hotline at 1-877-545-5864.

The Division of Consumer Protection is charged with advocating on behalf of all New York consumers. Consumers with questions about hearing aid sales, contract negotiations, warranty specifics or any consumer-related issue may contact the "Consumer Action Hotline" by calling 1-800-697-1220 or via the Internet at to <http://www.dos.ny.gov/licensing/hearingaid/hearingaid.html>.

The State Education Department licenses and regulates physicians and audiologists. Questions regarding audiologists should be directed to 518-474-3817 x100. Questions about physicians should be directed to 518-474-3817 x560.

The New York State Department of Health strives to protect and promote the health of New Yorkers through prevention, science and the assurance of quality health care delivery. The Department can be contacted concerning any health related issues at [www.health.state.ny.us](http://www.health.state.ny.us).

## Contact Information

### Department of State Division of Licensing Services

Hearing Aid Dispenser Information	(518) 474-4429
Complaint	(877) 545-5864
Website	<a href="http://www.dos.ny.gov">www.dos.ny.gov</a>

### Department of State Division of Consumer Protection

General Information	(800) 697-1220
Website	<a href="http://www.nysconsumer.gov">www.nysconsumer.gov</a>

### Education Department

Audiologist Information	(518) 474-3817 ext. 100
Physician Information	(518) 474-3817 ext. 560
Website	<a href="http://www.op.nysed.gov">www.op.nysed.gov</a>

### Department of Health

General Information	<a href="http://www.health.state.ny.us">www.health.state.ny.us</a>
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# A Consumer's Guide to Hearing Aids

## The Importance of Treating Hearing Loss

Untreated hearing loss can severely affect the quality of life of the person experiencing it. Fortunately, some hearing loss can be treated medically and/or surgically and most hearing loss can be helped through the use of hearing aids. New York State registered hearing aid dispensers select, fit and dispense hearing aids to help you to hear better.

## Who can help?

If you are experiencing hearing problems, there are several professionals who can help you find solutions. In New York State, any individual who fits or sells hearing aids must hold an individual registration as a New York State registered hearing aid dispenser. It is the Department of State's responsibility to verify the training, experience and credentials of hearing aid dispensers in New York. In addition, any business that fits or sells hearing aids must be registered by the Department of State.

New York State registered hearing aid dispensers are professionals who have taken one of several different training or educational paths.

You may choose to obtain help for your hearing loss from a professional *hearing aid dispenser*. These are individuals with training specific to fitting, dispensing and servicing of hearing aids and who are registered with the Department of State. They are authorized by law to test hearing solely for the purpose of fitting hearing aids. To qualify for registration as a hearing aid dispenser, an individual must have completed a full year of instruction and practical training and have passed Department of State administered written and practical examinations.

You may choose to obtain help for your hearing loss from a professional who is an *audiologist*. An audiologist is an individual with education and training specific to the study of hearing, specializing in identification, evaluation via diagnostic testing, and rehabilitation of hearing loss. An audiologist is a health care professional with a graduate degree in audiology, licensed by the New York State Education Department. Any audiologist who dispenses hearing aids must first pass the practical exam required by the New York State Department of State and register with the Department of State as a hearing aid dispenser.

While you may choose to obtain help for your hearing loss from either a professional hearing aid dispenser or from a dispensing audiologist, both will recommend that you be examined by a physician, preferably one who specializes in the diseases of the ear (otolaryngologist or otologist). Why? Hearing loss may be a symptom of another medical problem that can only be addressed by a medical doctor. Only a physician can make a *bona fide* medical diagnosis. After medically evaluating your hearing condition, your physician may recommend that you be fitted with a hearing aid or suggest other possible courses of action. Both federal and state laws prohibit a hearing aid sale unless the purchaser has received a medical evaluation. If you are more than 18 years of age, you may waive this medical consultation requirement upon informed consent by signing a statement of waiver.

You may choose help for your hearing loss from an *otolaryngologist* or *otologist*. Either of these physicians, who have training specific to the diagnosis and treatment of diseases of the ear, may choose to also hold a New York State registration as a hearing aid dispenser (without additional required training or examination in hearing aid dispensing). These physicians must comply with regulations pertaining to hearing aid dispensing as required by the New York Department of State.

## Choosing a Hearing Aid Dispenser—*Look for a Registration*

The knowledge and skills required to administer pre-hearing aid and post-hearing aid fitting evaluations have been increasing at a rapid rate. Interview and counseling techniques are now seen as indispensable components of the hearing aid fitting process. Follow-up procedures for many consumers often require communication training, selection of specific assistive devices, coping and conversational strategies.

The highest order of skills and training is necessary for hearing aid dispensers to engage in the practice of selecting and fitting hearing aids. Only qualified, registered hearing aid dispensers may legally dispense hearing aids. Before you let any hearing aid dispenser examine you or fit you for a hearing aid, make sure that you have verified that the individual and the business he is associated with is registered. The Department of State issues paper licenses which must be displayed at the office of the hearing aid dispenser. Also, you may check for registration status at any time by accessing the Department of State's website at [www.dos.ny.gov](http://www.dos.ny.gov).

## What Does a Hearing Aid Dispenser Do?

*Taking the Case History.* The dispenser begins the evaluation by taking a case history. The dispenser asks about your hearing loss, situations in which it is difficult to hear (understand), and what you are not hearing at all.

*Understanding the Audiogram.* The dispenser will perform a battery of tests to determine whether hearing aids can help you and, if so, which hearing aids will best suit your needs. The tests, known as audiometric tests, should be performed in a soundproof booth. Only in rare cases, such as when patients are bedridden, should they be performed in homes or elsewhere.

The dispenser records the test results on an audiogram. The audiogram provides a basic picture of the patient's ability to detect tones. **The dispenser should explain the audiogram and its meaning to you. Also, you must be provided with a copy of the audiogram.** Whether or not you are an appropriate hearing aid candidate is determined by the combination of hearing test results and current communication needs.

## Hearing Aids Are Not Always the Answer

Medical evaluation and audiological testing provide essential information that is used in determining the extent of a hearing loss. If the tests determine that a hearing aid is not required, your hearing health professional may suggest hearing assistance technologies that may enable you to hear better. An amplified handset or volume control might be helpful if hearing on the telephone is a problem. If you have trouble understanding what is said on television, perhaps an infrared receiver and earphones might help. A one-on-one communicator may help you hear in noisy situations where there is a lot of background noise.

## When Hearing Aids Are Recommended—*Get the Facts*

If a hearing aid is recommended, you should ask the dispenser to explain the differences among the various models: whether they contain options such as a telecoil and directional microphones, how they differ in function and in price, how they will help, what their limitations are, and how to buy them.

There are many manufacturers and models of hearing aids, with new models coming on the market every year. There is no "best" hearing aid. Each person has an individualized hearing loss; what is right for others may not be right for you. Hearing aid selection depends on many factors, including the degree of your hearing loss, your manual dexterity, the situations in which you communicate, and how much you can afford to spend.

Once you have selected the hearing aid, the dispenser should provide you with a copy of the manufacturer's user guide. You and the dispenser should then review it.

## Kinds of Hearing Aids: Which is Best for You?

All hearing aids work in a similar fashion and have similar parts. These include:

- a microphone to pick up sound
- an amplifier to make sound louder
- a receiver (miniature loudspeaker) to deliver louder sound to the ear
- batteries to power the electronic parts

Some hearing aids have earmolds to channel the flow of sound into the ear, enhance sound quality, and help hold the hearing aid in place. Other hearing aids are built right into the earmold casing.

Hearing aids also differ in design, circuitry (analog and digital), power, ease of handling, and availability of special features such as telecoils and directional microphones. Hearing aids are sophisticated devices, reflecting a blending of advances in computer, communication, and electronic technology. Hearing aids with added features now often include technological developments, which are occurring at a rapidly increasing pace. Your dispenser should explain the many styles and options so that you can make an informed decision as to which best meets your needs.

*Binaural Hearing Aids.* If you have a loss in both ears, the dispenser may recommend considering a binaural fitting (two hearing aids). There are many advantages to wearing two aids including improved listening in noisy environments and determining from which direction a sound is coming. As is always the case with the purchase of any hearing aid, it is important to find out if one or both can be returned at the end of the trial period if you are uncomfortable or unsuccessful wearing two aids.

*Hearing Aid Special Features.* Ask the hearing aid dispenser about options available in the hearing aid such as a telecoil and direct audio input. These cost less when included at the time of purchase as opposed to adding them later. Three options to consider when selecting a hearing aid are as follows.

*T-switch or telecoil.* A telecoil is a circuit that may eliminate feedback and enhance hearing when using the telephone or an assistive listening device. Some hearing aids have a switch that allows you to select microphone (M) or telecoil (T). Some aids also have a combination M-T-switch, which activates the telecoil and microphone simultaneously. A hearing aid incorporating a T-switch is often no more expensive if you request the switch at the time of testing or purchase. The T-switch is an option that can be included in all but the tiniest hearing aids.

*Direct audio input.* Many models of behind-the-ear hearing aids are designed to accept direct audio input. An adapter shoe or boot connects the hearing aid receiver to an assistive listening device, TV, stereo, Walkman or to an external microphone via wire cords. This connection bypasses the hearing aid's microphone and can dramatically improve the signal-noise ratio (hearing speech over noise).

*Directional microphones.* A feature that has been proven of value on hearing aids are directional microphones. They are especially beneficial in difficult listening situations, such as group settings. The directional microphone picks up critical speech signals delivered in front of the hearing aid user while reducing the amount of amplification from the rear and sides.

## The Purchase Agreement

When purchasing a hearing aid, you should be provided with an agreement or sales contract containing all the terms of the transaction in writing. **Read it carefully.** It should include the following items:

*Price.* Prices vary depending on the kind and model, where you purchase the aid, and what services are provided. Many hearing aid dispensers include testing, fitting, and follow-up visits in the price of the hearing aid, while others do not. When testing fees are separate, the hearing aid should cost less. Find out what services are included in the cost.

*Payment Agreement.* Your contract should explain the payment terms in detail, including such items as down payment, interest, other charges, and insurance coverage.

*Refund Provisions.* Under New York State law, if you return the hearing aid within 45 days of purchase you are entitled to a full refund of the total purchase price of the canceled hearing aid, including batteries, cords and accessories, and all fees related to the hearing aid, less 10 percent.

*Adjustment Services.* Most new users need training and help adjusting to hearing aids. You will need multiple visits after you get your new aid to ensure that you are maximizing your potential benefit. With the newer programmable and digital aids, you may need even more visits. If your hearing aid dispenser offers group rehabilitation sessions, be sure to enroll. Learning to be a successful hearing aid user requires practice. This service is an important part of your contract.

*Warranty.* Almost all hearing aids carry a one- or two-year warranty for defects in material or workmanship. Most warranties do not cover external receivers, cords, earmolds, tubing, or batteries. Some offer one year loss and damage policy. Read over the warranty and inquire whether it is honored by the dispenser, the manufacturer, or both. You may wish to mark your calendar on a date several weeks before the warranty expires as a reminder to have the aid tested to make sure it is in good working order prior to the warranty expiration. Inquire whether additional insurance coverage against damage or loss and extended warranties are available at the time of purchase.

## Maintenance Expenses and Repair

Some “after purchase” costs that you should consider include the following:

*Batteries.* Different aids use different sizes and types of batteries. Find out which batteries are used in your model, how long they last, and how much they cost. The length of time batteries last depends on how much you use the aid and at what power/volume setting.

*Repairs.* The life expectancy of a hearing aid varies depending on the style and the consumer’s care of the aid. Hearing aids sometimes need to be repaired. When a hearing aid malfunctions, it is best to take it to the dispenser for proper diagnosis and advice. Sometimes the dispenser may be able to fix the aid “in-house” at less cost. Major repairs may take longer because the aid has to be sent back to the manufacturer. The dispenser may offer a loaner. When the warranty and service plans expire, repairs require payment. The cost of the repair service (out of warranty) usually includes a 3 or 6 month repair warranty.

## Does My Insurance Plan Cover the Cost?

Your health care plan, Medicare, or Medicaid may cover costs for a hearing test and hearing aid evaluation, but very few health insurance policies cover the cost of hearing aids. Check with your insurance provider for coverage.

## Helpful Hints for Your Hearing Aid Purchase

1. Hearing aids are expensive. It is suggested that you visit several hearing aid dispensers and obtain at least three quotes on similar models.
2. Choose a dispenser whose primary goal is to satisfy your needs.
3. There are many manufacturers and many models of hearing aids and new models appear on the market every year.
4. Each person experiences individualized hearing loss; what is right for others may not be right for you.
5. Hearing aid selection depends on many factors, including the degree of hearing loss, your demands on hearing, your manual dexterity, and the situations in which you communicate and how much you can afford to spend.
6. When purchasing a hearing aid be sure to get a purchase agreement or sales contract which contains all the terms of the transaction. Be sure all agreements or contracts contain all terms in WRITING, and READ it carefully.

## A Guide to Contract Provisions

General Business Law §798(11) requires a written receipt or purchase agreement to be provided to the purchaser, which writing shall contain:

- the date of consummation of the sale;
- specifications as to the make, serial number, and model number of the hearing aid or aids sold;
- the address of the principal place of business of the registrant, and the office hours available for fitting or post-fitting adjustments and servicing of the hearing aid or aids sold;
- a statement to the effect that the hearing aid or aids delivered to the purchaser are used or reconditioned, as the case may be;
- the number of the registrant’s certificate and the name and registration number of any other hearing aid dispenser or trainee who provided any recommendation or consultation regarding the purchase of the hearing aid;
- the terms of any written warranty;
- a statement in no smaller than fourteen point type that reads: “The purchaser has been verbally advised at the outset of his or her relationship with the registered hearing aid dispenser that any examination or representation made by a hearing aid dispenser in connection with the business of dispensing this hearing aid, or hearing aids, is not an examination, diagnosis, or

prescription by a person licensed to practice medicine in this state, and therefore, must not be regarded as medical opinion.” and;

— a statement in proximity to the space for the signature of the buyer that reads in all capital letters of no less than twelve point bold-face type that reads: **“IN ADDITION TO OTHER RIGHTS, THE BUYER HAS THE RIGHT TO CANCEL THIS PURCHASE FOR ANY REASON AT ANY TIME PRIOR TO TWELVE MIDNIGHT OF THE 45TH CALENDAR DAY ( ) AFTER RECEIPT OF THE HEARING AID AND RETURN THE HEARING AID IN THE SAME CONDITION, ORDINARY WEAR AND TEAR EXCLUDED. BY LAW, THE SELLER IS ALLOWED TO RETAIN AN AMOUNT UP TO TEN PERCENT OF THE TOTAL PURCHASE PRICE OF THE CANCELED HEARING AID, INCLUDING BATTERIES AND CORDS OR ACCESSORIES THERETO, IN CLUSIVE OF ALL FEES RELATED TO THE HEARING AID.”**

— if the dispenser is a not-for-profit hospital, a statement in proximity to the space for the signature of the buyer that reads in all capital letters of no less than twelve point bold-face type that reads: **“IN ADDITION TO OTHER RIGHTS, THE BUYER HAS THE RIGHT TO CANCEL THIS PURCHASE FOR ANY REASON AT ANY TIME PRIOR TO TWELVE MIDNIGHT OF THE 45<sup>TH</sup> CALENDAR DAY ( ) AFTER RECEIPT OF THE HEARING AID AND RETURN THE HEARING AID IN THE SAME CONDITION, ORDINARY WEAR AND TEAR EXCLUDED. BY LAW, THE DISPENSER IS ALLOWED TO RETAIN AN AMOUNT UP TO FIVE PERCENT OF THE TOTAL PURCHASE PRICE OF THE CANCELED HEARING AID, INCLUDING BATTERIES AND CORDS OR ACCESSORIES THERETO, INCLUSIVE OF ALL FEES RELATED TO THE DISPENSING OF THE HEARING AID, PLUS A SERVICE FEE OF NOT MORE THAN TWO HUNDRED DOLLARS, UNLESS A SECOND HEARING AID WAS FITTED AND DISPENSED AT THE SAME TIME AS THE FIRST, THEN SUCH FEE SHALL NOT EXCEED THREE HUNDRED DOLLARS FOR BOTH HEARING AIDS.”**

## Consumer Support Groups

There are several national organizations whose mission is to provide people with hearing loss the support they need, whether it's understanding their new hearing aid or coping with hearing loss. The following organizations provide information, education, and support groups:

### Alexander Graham Bell Association for the Deaf and Hard of Hearing

3417 Volta Place, NW  
Washington, DC 20007-2778  
202-337-5220 (V)  
202-337-5221 (TTY)  
<http://www.nc.agbell.org>

### Association of Late Deafened Adults

1131 Lake Street, Suite 204  
Oak Park, IL 60301  
877-907-1738 (V/FAX)  
708-358-0135 (TTY)  
<http://www.alda.org>

### National Association of the Deaf

814 Thayer Avenue  
Silver Spring, MD 20910-7910  
301-587-1788 (V)  
301-587-1789 (TTY)  
<http://www.nad.org>

### Self Help for Hard of Hearing People, Inc. (SHHH)

7910 Woodmont Avenue  
Bethesda, MD 20814  
301-657-2248 (V)  
301-657-2249 (TTY)  
<http://www.shhh.org>