



**Division of
Licensing Services**

A Division of the 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

Rossana Rosado
Secretary of State

New York State Agencies

The New York State Department of State, Division of Licensing Services, registers and regulates audiologists, hearing aid dispensers and other businesses and individuals who dispense hearing aids. Questions or complaints regarding any aspect of hearing aid dispensing may be directed to the Division of Licensing Services.

The New York State Department of State, 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 Division of Consumer Protection for assistance.

The New York State Education Department, Office of Professions, licenses and regulates audiologists. Questions or complaints regarding the practice of audiology should be directed to the Office of Professions.

The New York State Department of Health, Office of Professional Medical Conduct, licenses and regulates physicians and strives to protect and promote the health of New Yorkers through prevention, science and the assurance of quality health care delivery. Questions or complaints regarding the practice of medicine should be directed to the Office of Professional Medical Conduct.

Contact Information

Department of State - Division of Licensing Services

Hearing Aid Dispenser Information (518) 474-4429
Complaints (877) 545-5864
Website www.dos.ny.gov
Hearing Aid Dispensing Webpage:
<http://www.dos.ny.gov/licensing/hearingaid/hearingaid.html>

Department of State - Division of Consumer Protection

General Information (518) 474-8583 or (800) 697-1220
Website www.dos.ny.gov

Education Department – Office of the Professions

Audiologist Information (518) 474-3817 ext. 100
Complaints (800) 442-8106
Website www.op.nysed.gov

Department of Health – Office of Professional Medical Conduct

Public Health Duty Officer Helpline (866) 881-2809
Complaints/Inquiries (518) 402-0836 or (800) 663-6114
Website www.health.ny.gov

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. Physicians, such as ENTs, otolaryngologists and otologists, are trained to diagnose the causes of hearing loss and whether the loss is temporary (and can or be treated medically or surgically) or permanent. Most people with hearing loss can be treated with hearing aids.

Who Can Help?

In New York, audiologists and hearing aid dispensers specializing in the fitting and sale of hearing aids must be registered with the Department of State. It is the Department of State's responsibility to verify the training, experience and credentials of these hearing care professionals. Both audiologists and hearing aid dispensers in New York State are professionals who have taken one of several different training or educational paths to help people with hearing loss.

You may choose to obtain help for your hearing loss from an audiologist or a professional hearing aid dispenser. Both are authorized by law to test hearing for the purpose of fitting hearing aids. To qualify for registration to test hearing and sell hearing aids, audiologists must successfully complete a master's or doctoral program in audiology. Dispensers must complete a full year of instruction and practical training and have passed Department of State -administered written and practical examinations.

When you first seek help for your hearing loss from a registered provider, you will be advised to 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 (see the 8 FDA Red Flags below). Only a physician can make a 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. Though the FDA has issued recent guidance on medical evaluations, currently federal and state law still prohibit a hearing aid sale unless the purchaser has received a medical evaluation. (Note that if you are over 18 years of age, you may waive this medical consultation requirement upon informed consent by signing a statement of waiver.)

You also may seek help for a hearing-related condition from an *otolaryngologist* or *otologist*. These medical specialists, who have training specific to the diagnosis and treatment of diseases of the ear, may also hold a New York State registration as a hearing aid dispenser (without additional required training or examination in hearing aid dispensing). They must comply with regulations pertaining to hearing aid dispensing as required by the New York Department of State.

When it is Necessary to See a Physician (FDA Red Flags)

If any of the following conditions are observed by your hearing care provider during evaluation, you should be advised to promptly consult with a licensed physician, preferably one that specializes in diseases of the ear (otolaryngologist or otologist):

1. Visible or congenital or traumatic deformity of the ear.
2. History of active drainage from the ear in the previous 90 days.
3. History of sudden or rapid progressive hearing loss within the previous 90 days.
4. Acute or chronic dizziness.
5. Unilateral hearing loss of sudden or recent onset within the previous 90 days.
6. Audiometric air-bone gap equal to or greater than 15 decibels at 500 Hz, 10,000 Hz, and 2,000 Hz.
7. Visible evidence of significant cerumen accumulation or a foreign body in the ear canal.
8. Pain or discomfort in the ear.

Choosing a Hearing Aid Provider—*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 have become indispensable components of the hearing aid fitting process.

Registered hearing aid dispensers are required to provide consumers with information about the role and use of telecoils (also known as T-coils), hearing loops (also known as induction loops) and other types of assistive technology. Follow-up procedures for consumers also may include counseling on how best to hear in various situations, aural rehabilitation or other coping strategies and recommendations.

The highest order of skills and training are necessary for hearing care professionals to engage in the practice of selecting and fitting hearing aids. Only qualified, registered audiologists and registered hearing aid dispensers may legally fit and sell hearing aids. Before you let any hearing care professional examine you or fit you for a hearing aid, make sure that you have verified that the individual and the business he or she is associated with is registered. The Department of State issues paper licenses that must be displayed in the providers' offices. Also, you may check for registration status at any time by accessing the Department of State's website at www.dos.ny.gov.

What Does a Hearing Aid Provider Do?

Taking the Case History. The hearing care professional begins the evaluation by taking a case history. He or she 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 provider will perform a battery of tests to determine whether hearing aids can help you and, if so, which hearing aids may 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 provider records the test results on an audiogram. The audiogram provides a basic picture of the patient's ability to detect tones. **The provider should explain the audiogram and its meaning to you. Also, you must be given 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 care professional may suggest that you familiarize yourself with assistive listening systems that may enable you to hear better. A one-on-one communication device (with a microphone and earphones) may help you hear in noisy situations where there is a lot of background noise.

There are a growing number of technologies (e.g., smartphone amplification apps, Bluetooth or direct wireless audio systems) that may be helpful if hearing in noisy situations, such as in restaurants or on the telephone, is a problem. If you have trouble understanding what is said on television, you may wish to turn on the captioning or consider obtaining a product that can wirelessly transmit the sound from your TV to your ears via Bluetooth, infrared, FM or a hearing loop kit.

When Hearing Aids Are Recommended—*Get the Facts*

If a hearing aid is recommended, you should ask the provider to explain the differences among various brands and styles: whether they contain telecoils and program options such as directional (versus broad or omni-directional) microphones, how they differ in function and in price, how they will help, what their limitations are, and how to buy them.

Your provider is required to explain how telecoils may help improve listening in large venues, on the telephone or when watching television. Telecoils are included in most, but not all, hearing aids sold today. Assuming the hearing aids you choose have telecoils, the provider should program them for you so that you can benefit from this assistive listening technology.

There are many manufacturers and new models of hearing aids come 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.

When you are fitted with a new hearing aid, the provider should give 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.

Hearing aids today come in various sizes and shapes, chiefly: behind-the-ear, receiver-in-the-canal, in-the-ear and in-the-canal.

Hearing aids also differ in design, circuitry (analog and digital), power, ease of handling, and availability of special features. They are sophisticated devices offering a growing range of features based on advances in computer, communication, and electronic technology. Your provider 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, possibly including improved listening in noisy environments and determining from which direction a sound is coming.

New York State law entitles you to a full refund (less a small service charge) within a 45-day trial period if you are uncomfortable or not completely satisfied with newly-purchased hearing 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.

Telecoil. A telecoil (T-coil) is a circuit that can be activated by the provider to eliminate feedback and enhance hearing when using the telephone or various assistive listening systems and products. It is an option that can be included in all but the tiniest hearing aids.

Many hearing aids have a switch that allows you to select “microphone” (M) for acoustic hearing or “telecoil” (T) for receiving audio from hearing loops, infrared and FM systems. Some aids also have a combination M-T-program, which activates the telecoil and microphone features simultaneously.

Direct audio input. Many models of behind-the-ear hearing aids are designed to accept direct audio input. Some models now receive sound wirelessly; others require an adapter shoe or boot to connect the hearing aid receiver to an assistive listening device, TV, stereo, smartphone or to an external microphone either wirelessly or via a cord. This connection bypasses the hearing aid’s microphone and can dramatically improve the signal-noise ratio (or your ability to hear 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 to aid speech recognition.

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 providers 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 provider 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, ear molds, tubing, or batteries. Some offer one-year loss and damage policy. Read over the warranty and inquire whether it is honored by the provider, 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 provider 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 insurance plan, Medicare, or Medicaid may cover all or some of the costs of an initial medical examination, hearing test and hearing aid evaluation. It is best when seeing a physician for an initial hearing examination to obtain a referral from a primary care physician.

Very few health insurance policies cover the cost of hearing aids, although some will provide partial coverage. Medicare currently has no provisions for hearing aids and provides coverage for audiograms only when deemed necessary for diagnostic purposes by your physician. Check with your insurance provider about the terms of your plan.

Helpful Hints for Your Hearing Aid Purchase

1. Hearing aids are expensive. It is suggested that you visit several hearing aid providers and obtain at least three quotes on similar models. After your initial consultation, you can give your audiogram to other providers to help them make a hearing aid purchase recommendation.
2. Choose a provider 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. Ask the provider about the rationale behind his or her specific recommendation.
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, signed by the purchaser, the registrant, and if applicable, the trainee, 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 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 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.”**

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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>

Hearing Loss Association of America (HLAA)
7910 Woodmont Avenue
Bethesda, MD 20814
301-657-2248 (V)
301-657-2249 (TTY)
<http://www.hearingloss.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>

SayWhatClub (SWC)
(A Worldwide Forum for People with Hearing Loss)
<http://www.saywhatclub.com>

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