

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1/13/2016

SPONSOR Padilla LAST UPDATED _____ HB _____

SHORT TITLE Hearing Aid Consumer Information SB 70/aSPAC

ANALYST Chilton

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
	\$50.0	Non-recurring	General fund

(Parenthesis () Indicate Expenditure Decrease)

SOURCES OF INFORMATION

Responses Received From

Commission on the Deaf and Hard of Hearing (CDHH)

Responses Not Received From

Regulation and Licensing Department

SUMMARY

Synopsis of Senate Public Affairs Committee (SPAC) Amendment

The amendment approved by SPAC had two purposes:

- 1) To allow the policy to update itself as changes to the federal Americans with Disabilities Act is updated, rather than tying this policy to the 2010 version indefinitely, and
- 2) To remove redundant language in the second part of the bill.

Synopsis of Original Bill

This bill would require that all persons authorized to dispense a hearing aid in New Mexico inform potential customers of the availability of audio switch technology (also called telecoils), a part of many but not all hearing aids, which enable the hearing aid to serve as a personal loudspeaker in settings where loop technology is used. These settings include some churches, performing arts venues, and lecture halls. Many telephones are also equipped with technology that interacts with hearing aids with telecoils. A majority of hearing aid users have embraced this technology, but some smaller and/or less expensive hearing aids do not include it.

The bill also requires that the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board develop written material that would be provided to each purchaser of hearing aids.

Loop technology is explained by the American with Disabilities Act National Network (ADAa.org) as consisting of “an amplifier and a wire antenna embedded in the floor or walls or taped to the surface around a designated seating area. It sets up a magnetic field that can be picked up by some users with hearing aids or others wearing a telecoil equipped receiver and an ear piece.”

According to the Hearing Loss Association of America, five states already have adopted this requirement (FL, AZ, NY, RI, UT). The Arizona statute, for example, contains the statement, “A bill of sale shall contain language that verifies that the client has been informed about audio switch technology, including benefits such as increased access to telephones and assistive listening devices. If the hearing device purchased by the client has audio switch technology, the client shall be informed of the proper use of the technology. The client shall be informed that an audio switch is also referred to as a telecoil, Tcoil, or T-switch.”

The Hearing Aid Consumer Information Bill appropriates \$50,000 from the General Fund to the Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices Board of the Regulation and Licensing Department for the purpose of developing and dispersing written materials to its licensees.

FISCAL IMPLICATIONS

A one-time expenditure of \$50,000 is anticipated to develop written materials, after which time the monitoring of licensees for their compliance with the requirement would be assumed to be of minimal added expense.

RELATIONSHIP

HB 70 makes a very similar requirement, but does not ask for funding; it specifies that the new material in its text be inserted into Section 61-14B-6 NMSA 1978.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Lack of a requirement that information be provided about telecoil or audio switch technology would continue the current situation where many purchasers of these expensive devices (hearing aids) would not know of their availability. Adapting hearing aids without telecoils is sometimes possible, but is much more expensive than buying aids equipped with the telecoil before purchase. The Hearing Loss Association of Albuquerque, Las Cruces, and Santa Fe estimates that “less than 30 percent of hard of hearing customers are making informed decisions when buying hearing aids.”

LAC/al/jle