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FISCAL IMPACT REPORT

ORIGINAL DATE 1/18/19

SPONSOR Roybal Caballero LAST UPDATED _____ HB 48

SHORT TITLE Audiologist & Hearing Aid Seller Ethics Rules SB _____

ANALYST Chilton

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications	See Fiscal Implications	See Fiscal Implications		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Not Yet Received From

Department of Health (DOH)

Commission for Deaf and Hard-of-Hearing Persons (CDHH)

Regulation and Licensing Department (RLD)

SUMMARY

Synopsis of Bill

House Bill 48 makes a single change to the law (Section 61-14B NMSA 1978) that regulates Speech-Language Pathology, Audiology and Hearing Aid Dispensing Practices, specifying new required content for the code of ethics to be adopted by the speech-language pathology, audiology and hearing aid dispensing practices board.

The new provision requires that the code of ethics include rules requiring audiologists and hearing aid dispensers to inform prospective purchasers of hearing aids of the availability of devices that provide direct connections between the hearing aid and assistive listening systems, as are available in many public places, including concert halls and theaters.

FISCAL IMPLICATIONS

Time would be required to add the required language to the code of ethics that the board already has, but would not be expected to substantially add cost.

SIGNIFICANT ISSUES

DOH, in responding to 2016 House Bill 70, which had similar intent, noted the importance of hearing in children. Approximately one in 1,000 children are born with severe or profound

hearing loss, and others acquire hearing loss in early childhood. Prompt provision of hearing technology minimizes the impact of the hearing deficit on speech and on learning.

A recent commentary in The Journal of the American Medical Association (January 21, 2016) indicates the importance of adequate treatment of hearing deficits in the elderly, indicating that 40 percent of those older than 60, 60 percent of those over 70, and 80 percent of those over 80 years of age have mild to severe hearing deficits. Hearing deficits in the elderly, the article continues, is associated with depression, inability to function in a work environment, and even falls – those with mild hearing impairment have a fall risk of three times and those with moderate hearing loss of five times, the risk of the normally-hearing elderly. It notes that only 20 percent of the elderly with hearing loss are presently using hearing aid technology.



Loop technology, as exemplified by the logo to the left, is explained by the American with Disabilities Act National Network (ADaTA.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, at least 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.”

More information about the importance and usefulness of these devices is available through the Hearing Loss Association of America at <https://www.hearingloss.org/programs-events/get-hearing-loop/>.

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.” CDHH, in its analysis of 2016 House Bill 70, noted that such a requirement is especially important, given that hearing aids are expensive, usually \$1,600 to \$8,000 for a pair, and are not often covered by health insurance, including Medicaid.