

February 27, 2023

On behalf of the Hearing Society of Maryland, Washington, D.C. & Delaware (Chapter) and the International Hearing Society (IHS), I would like to thank the Chair, Vice Chair, and the Committee members for the opportunity to testify and submit comments on Senate Bill 449, "Altering the definition of "practice audiology."

Passage of this bill in its current form would be extremely problematic for licensed hearing aid dispensers in Maryland and the hearing-impaired public they serve. While we understand one intention is to add services related to osseointegrated devices to licensed audiologists' scope of practice, the bill also authorizes audiologists to be able to "prescribe" and "order" hearing aids while failing to also include the same authorization to licensed hearing aid dispensers. IHS and the Maryland Society respectfully request an amendment to SB 449 to add to hearing aid specialists' scope of practice the acts of prescribing and ordering hearing aids.

Despite their historical role as hearing aid providers, without amendment, passage of SB 449 could have the unintended consequence of restricting licensed hearing aid dispensers from being able to prescribe and/or order the use of non-over the counter hearing aids that were newly classified by the Food and Drug Administration as prescription medical devices in October 2022. If hearing aid dispensers, who presently dispense about half of all hearing aids to the public, are not granted the authorization to also prescribe and order hearing aids, and this bill goes into effect, they could be accused of practicing audiology without a license. Further, excluding licensed hearing aid dispensers would drive up consumer costs due to the need for multiple healthcare appointments, potentially put many of these providers out of business, and it **would create a barrier to hearing healthcare services by limiting your hearing-impaired constituents to 50% of the points of access.**

According to the Centers for Disease Control ([CDC](#)) 4 percent of Maryland residents have a hearing disability. Hearing loss can affect a person in three main ways:

- Fewer educational and job opportunities due to impaired communication.
- Social withdrawal due to reduced access to services and difficulties communicating with others.
- Emotional problems caused by a drop in self-esteem and confidence.

The FDA notified states in October, related to its updating federal rules governing hearing aids, that its intention is for licensed hearing professionals to continue to dispense hearing aids as they have historically done, and that despite their reclassifying (non-over the counter) hearing aids as prescription devices, a licensed provider who is authorized by the state to prescribe or order hearing aids shall continue to be able to do so. The FDA concluded the October letter by stating that "the final rule defining non-OTC hearing aids as prescription devices does not, and is not intended to, create barriers to accessing hearing aids, including prescription devices. It does not require the involvement of different or additional health care providers or examinations upon the effective date." While we take no issue with the practice of audiology newly incorporating the services of prescribing and ordering hearing aids this cannot be done without its reciprocal inclusion in the definition of hearing aid dispensing, the practice of which hearing aid dispenser have been authorized to perform for decades prior to these devices being reclassified.

We respectfully request SB 449 be amended to authorize hearing aid dispensers to order and sell prescription hearing aids.

The Chapter and IHS thank Senator Gile for championing this important piece of legislation.

Thank you Chair, Vice Chair and the Committee members for hearing us out and considering an amendment to SB 449 that adds the acts of prescribing and ordering hearing aids to a licensed hearing aid dispenser's scope of practice. I welcome any questions.