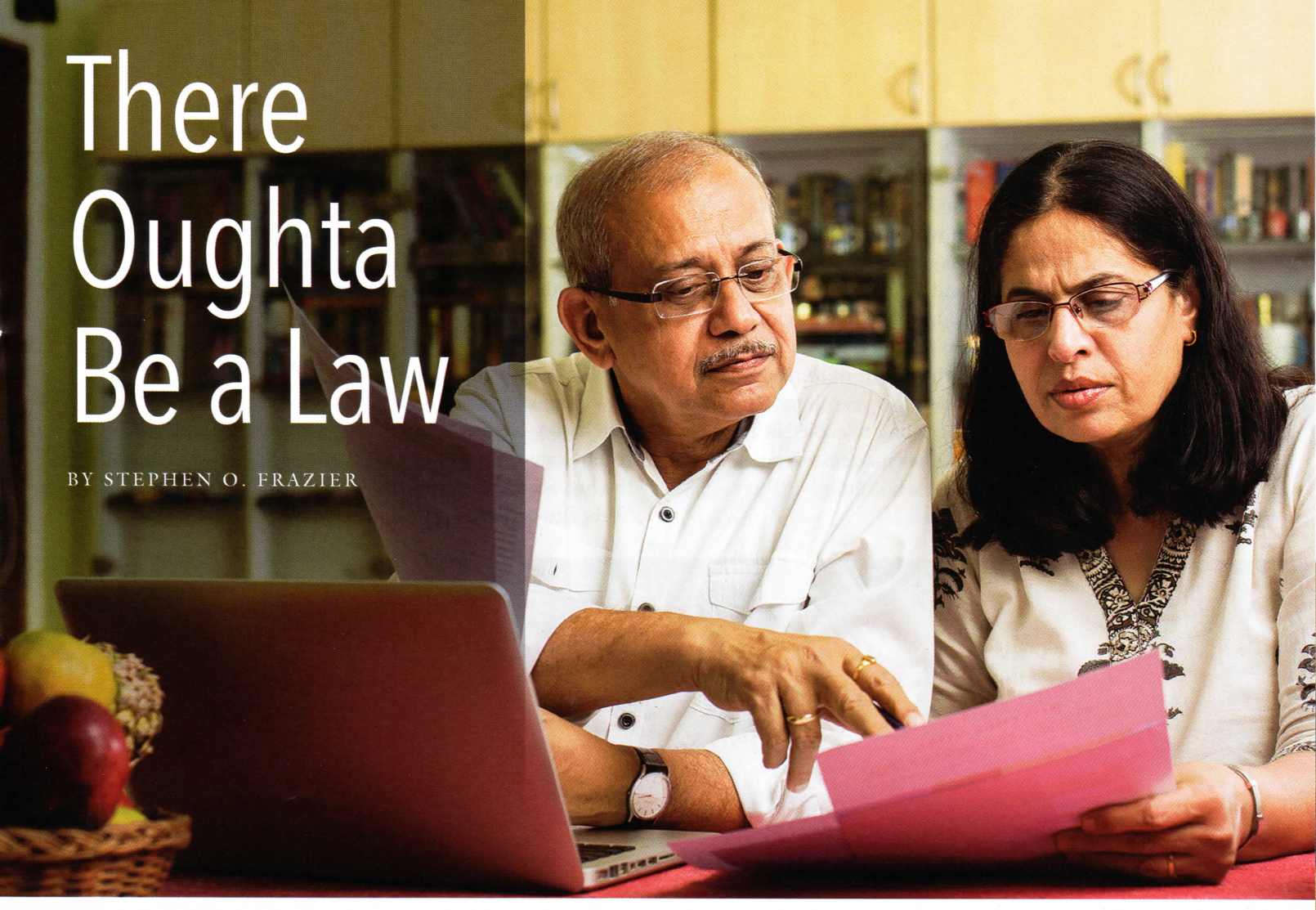


There Oughta Be a Law

BY STEPHEN O. FRAZIER



One thing is a given for people with hearing loss: Nothing is automatic. We must advocate for ourselves—which includes pushing for laws that address the needs of people with hearing loss.

“There oughta be a law requiring audiologists to tell people about them,” said the lady whose hearing aids didn’t have telecoils. She only learned about them when she attended her first HLAA Chapter meeting. She’d been fitted with hearing aids without telecoils and subsequently learned from her hearing care provider that her hearing aids couldn’t be retrofitted with them.

She wasn’t happy. And she was right. A law was needed.

Millions of people aren’t told about this no-cost option that can double the functionality of their hearing aids. Likewise, far too many people don’t know about the assistive listening systems that work in conjunction with the telecoils that they weren’t told about, which could help them hear better in public places. Ironically, the Americans with Disabilities Act (ADA), signed in

1990, mandates the availability of accommodations for people with hearing loss in public or educational facilities—which may include these assistive listening systems, which too many with hearing loss still don’t even know about.

The list goes on. People aren’t routinely finding out from their hearing care providers about either Pocketalkers® or FMs, which work with neckloops and telecoils. And the lack of awareness extends beyond technology related to telecoils to captioned telephones and other devices. At the same time, too few providers suggest joining a support group where people with hearing loss could learn about these things. So, yes, there oughta be a law.

The fact is, there oughta be a lot of laws. But they don’t just happen. And when they do get written, it’s usually at the state—not national—level.

It doesn't take a village, but it takes determination on the part of those who can benefit from such laws and regulations to get them written and put in place. It takes people with a selfless concern for the needs of those with hearing loss and a willingness to devote the time and effort required to make these kinds of laws happen. Often, those people are leaders or members of a local HLAA Chapter or of the national organization. That was the case this year in more than a dozen states where laws regarding telecoils, hearing loops, health insurance and other matters were successfully proposed by those who thought "there oughta be..."

such requirements previously existed. By and large, these laws never would've been drafted and enacted without advocacy from the public. In one case, in fact, it was a mother whose son had hearing loss who organized and led the movement—with support from her HLAA Chapter.

Educating Consumers on Telecoils

Laws requiring dispensers to inform consumers purchasing hearing aids about the availability of telecoil technology—prior to any purchase—are now high on the list. Six states—Arizona, Delaware, Florida, New York, Rhode Island and Utah—already had these types

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Health Insurance Coverage for Hearing Aids

Right now, advocates for people with hearing loss in a growing number of states have taken on the task of getting laws like these enacted. They've organized efforts, drafted regulations, and gone to licensing boards and legislatures to get them on the books. Laws addressing health insurance coverage for hearing aids lead the pack, with more than a dozen bills on this topic written in the last couple of years alone. Nearly half of the states now have such laws in place.

Arkansas, Connecticut, Illinois, New Hampshire and Rhode Island require coverage for both children and adults, while Colorado, Delaware, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New Mexico, North Carolina, Oklahoma, Oregon, Tennessee and Texas mandate coverage only for children. Wisconsin requires coverage not only for hearing aids but also for cochlear implants for children.

Recent efforts even have included bills to expand coverage in states where insurance coverage already was required. Still, most legislation was in states where no

of laws on the books. But this year, the list grew to nine, with Indiana, New Mexico and Washington putting regulations in place. Wisconsin is awaiting a bill, soon to be filed, and advocates say they'll make a second attempt in California, Colorado and Iowa, where first attempts never made it beyond committee hearings.

The approach to this particular problem varies from state to state. Some require that providers tell buyers about telecoils, while others mandate that both the provider and buyer sign a statement indicating that the specified counseling did, or didn't, take place. Some laws are enacted by the state legislature while, in many states, the licensing authority for audiologists and hearing aid dispensers can enact rules that achieve the desired results. In either case, it usually takes the initiative of one or more consumer advocates for people with hearing loss to make these kinds of regulations a reality.

Hearing Aid Return Policies and More

Another important regulation concerns return policies for hearing aids. In 28 states, there's still no mandatory return policy. And although many hearing care practices allow returns up to 30 days after purchase, that policy isn't

always in writing, nor is it always honored. In instances where there's a state-mandated return policy, 30 days is the standard. But some states and cities go a step further, offering 45 days, including Minnesota, New Mexico, New York and Vermont. When the New Mexico rule was adopted, advocates asked for—and got—a maximum of 30 days in which the refund had to be made.

In New York City and Minnesota, laws now dictate that in “places of assembly,” any new or significantly upgraded assistive listening systems be hearing loops, whenever feasible. This year, Indiana and Maryland passed and signed similar laws. And a law now exists in New York that requires that two hours of continuing

state legislature websites have a section with a step-by-step explanation of the process for getting a bill written, introduced and considered by that body.

For additional help, there's an updated version of the workshop presentation that I made at HLAA2017 in Salt Lake City. Not surprisingly, it was titled, “There Oughta Be a Law.” It's available on the Loop New Mexico website at loopnm.com/laws.html. It walks advocates through the process, identifying exactly what needs to be done.

Success is usually achieved by people not afraid of failing. So don't let fear stop you. Persevere. Go out. Make it happen.



education credits in telecoils and assistive listening systems be earned periodically before hearing care providers can renew their license.

For Positive Change, We Must Act

The ancient Italian poet, Dante Alighieri, said, “The secret of getting things done is to act!”

HLAA Founder Rocky Stone knew that. In fact, he, members of our organization, and other early advocates for people with hearing loss provided important input when the ADA—the mother of all such laws—was written.

People who want hearing loss-related laws in place should do just that—act. And they needn't be intimidated by a lack of experience. State representatives and senators often jump at the chance to help people with hearing loss draft bills that address their needs. And then they'll “carry” the bill.

In addition, most state licensing authorities have members who are knowledgeable and can help get a rule written and enacted—so advocates don't need to take the matter to the legislature themselves. Even if the advocate does need to do all the preliminary work, most

And remember, you don't have to reinvent the wheel. Sample laws and regulations pertaining to a number of hearing loss issues are posted at the Loop New Mexico website (loopnm.com). They can help you get started on drafting a rule or bill specifically for your city or state. So stop saying, “There oughta be a law.” Change it to, “There's gonna be a law...” **HL**



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