



Chapter Development Workshop

HLAA Updates on Over-the-Counter Hearing Aids and More



Barbara Kelley
HLAA Executive Director



Lise Hamlin
HLAA Director of Public Policy



Our Mission

The mission of HLAA is to open the world of communication to people with hearing loss by providing information, education, support and advocacy.



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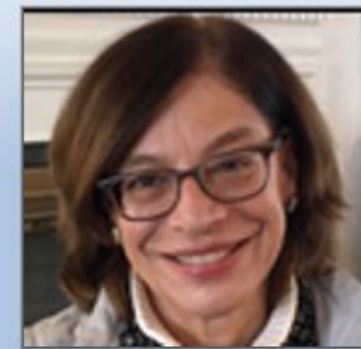
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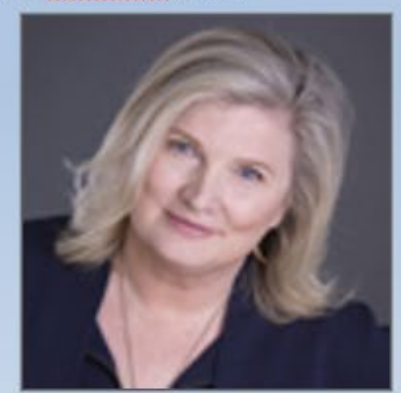
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In Memory and Gratitude to Joan Kleinrock

1935-2021



HLAA State Associations and Chapters–You!

- **Members**
- **Donors**
- **Corporate Partners**
- **Walk4Hearing Participants**



HLAA Chapters Find a New Way to Keep the Community Together

1/2

Unmute Stop Video Participants 49 Chat Share Screen Record Closed Caption Reactions

Debbe Hagner Neal Steiger Eloise Schwarz Edward Ogiba Judy Chesley

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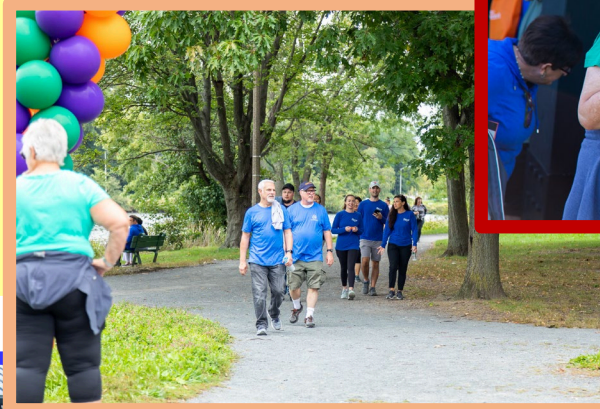
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WALK4 HEARING

Hearing Loss Association of America



Thank you for joining us today!



Save the Date!
HLAA 2022 Convention (In Person!)
June 23-25, 2022
JW Marriott Tampa Water Street

Registration opens Monday, November 29.

Be sure to register by March 4, 2022 to receive early-bird rates!

For more information:

<https://www.hearingloss.org/programs-events/convention/>

2023 Convention: New Orleans
June 27-July 2 | New Orleans Marriott

HLAA is Rated Among America's Top Charities



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**Chapter and Membership
Coordinator**

HLAA Has a Seat at the Table for You



Since 1979, HLAA has been advocating for all people with hearing loss in the United States – currently 48 million.

HLAA Updates on Over-the-Counter Hearing Aids and More

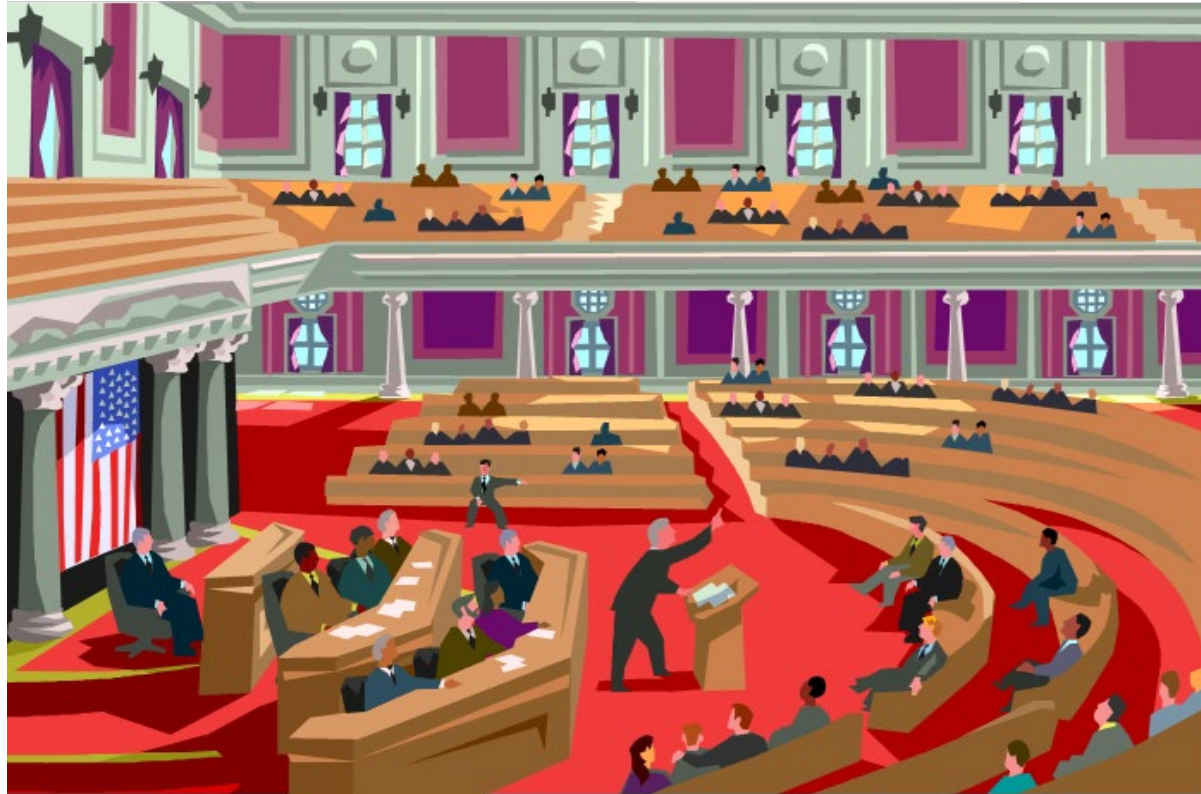
November 11, 2021
Chapter Development Workshop

Lise Hamlin
Director of Public Policy

Advocacy Update

- Update on OTC hearing aids
- HLAA & recent federal legislation: Medicare expansion
- Other pressing issues

Legislation



Medicare

HLAA supports expansion of Medicare to cover hearing health care services and hearing aids

- HLAA supports Medicare coverage for people who have a moderately-severe hearing loss as well as those with a severe to profound loss.
- HLAA supports having both audiologists and hearing aid specialists dispense hearing aids and get reimbursed under Medicare.

Medicare Expansion

- Congress is poised to vote on the Build Back Better Act, HR 5376.
- We have had over 50 meetings with staff of members of Congress, supporting Medicare coverage for hearing health care services and hearing aids.
- Write your members of Congress to say: you support Medicare coverage hearing health services and hearing aids.

Action Alert

Let Congress Hear from You!

- HLAA has been meeting with members of Congress, encouraging them to vote YES! to expand Medicare to include hearing aids and services.
- New legislation is coming up soon that we hope will include a provision for hearing health care under Medicare. That would mean for the first time, people who rely on Medicare to pay their medical bills would also be able to turn to Medicare to cover the cost of hearing aids and related services.
- Write to your Congressional Representatives!
<https://www.hearingloss.org/medicare-coverage-hearing-aids-contact-congress>

OTC Hearing Aids

This bipartisan/bicameral legislation makes certain types of hearing aids available over-the-counter (OTC)

- Removes some requirements that currently create barriers to purchase for consumers who could benefit from hearing aids, such as online sales
- Targets adults with mild to moderate hearing loss
- Signed into law August 18, 2017
- The Notice of Proposed Rule Making (NPRM) was published October 29, 2021
- The deadline for comments to be filed with the FDA is January 18, 2022.

HLAA's Recommendations to the FDA

HLAA sent a letter to the FDA outlining our support for OTC hearing aids that are:

- **affordable, safe, and effective;**
- **properly and adequately labeled and described;** and
- **ensure recourse** should the products fail to deliver as promised

We support a strong consumer education program. Opening the marketplace to innovation and competition brings with it the responsibility of ensuring consumers are educated about these new devices.

OTC NPRM on OTC Hearing Aids

The FDA's Proposed Rule Includes:

- The device is intended only for adults 18 and older with a perceived mild to moderate hearing loss
- How consumers can report adverse events
- Contraindications, conditions or symptoms of medically treatable causes of hearing loss and advisements to consult with a licensed health care practitioner
- That OTC devices may be sold without the intervention of an audiologist, on the internet or in stores
- “Prescription Hearing Aids” will be sold by audiologists and hearing aid specialists under current state rules

Medicare, OTC, Hearing Aids and You

- <https://www.hearingloss.org/>
- [Medicare, OTC, Hearing Aids and You - Hearing Loss Association of America](#)

Regulations



Hearing Aid Compatible Phones

FCC adopted a Report & Order in August 2016

- Consensus proposal: industry and consumers ensuring greater access to HAC mobile phones
- Increase the number of HAC handsets available:
 - Beginning October 3, 2018, 66% must be HAC
 - **Beginning October 4, 2021, 85% must be HAC**
 - Renewed commitment to pursuing 100% HAC by 2024
- HAC Task Force to issue report 2022

HAC Wireless Phones

HAC Rules: Carrier Web Sites

- A list of all hearing aid-compatible models currently offered, their ratings, and an explanation of the rating system
- Functionality of the handset
- A list of all non-hearing aid-compatible handset models currently offered

HAC Wireless Phones

- Labeling: Manufacturers, service providers must clearly display HAC ratings:
 - M/T or Pass/Fail
- **In store testing:** Each service provider must make available for consumers to test, in each retail store owned or operated by the provider, all of its HAC handset models

Volume Control for Phones

FCC Rules

- Applies to both landline and mobile phones
- Incorporates a revised technical standard for volume control for wireline telephones
- Adds a volume control requirement for wireless handsets
 - on or after March 1, 2021
 - requires labeling with volume amplification information

IP CTS Services

FCC's Report and Order, 5/17/2018

- Adopts rules to limit IP CTS use
 1. Rules to separate captions from amplification controls
 2. Requirement that IP CTS providers include notifications about IP CTS and how it works
 3. General prohibition against providing IP CTS to ineligible users

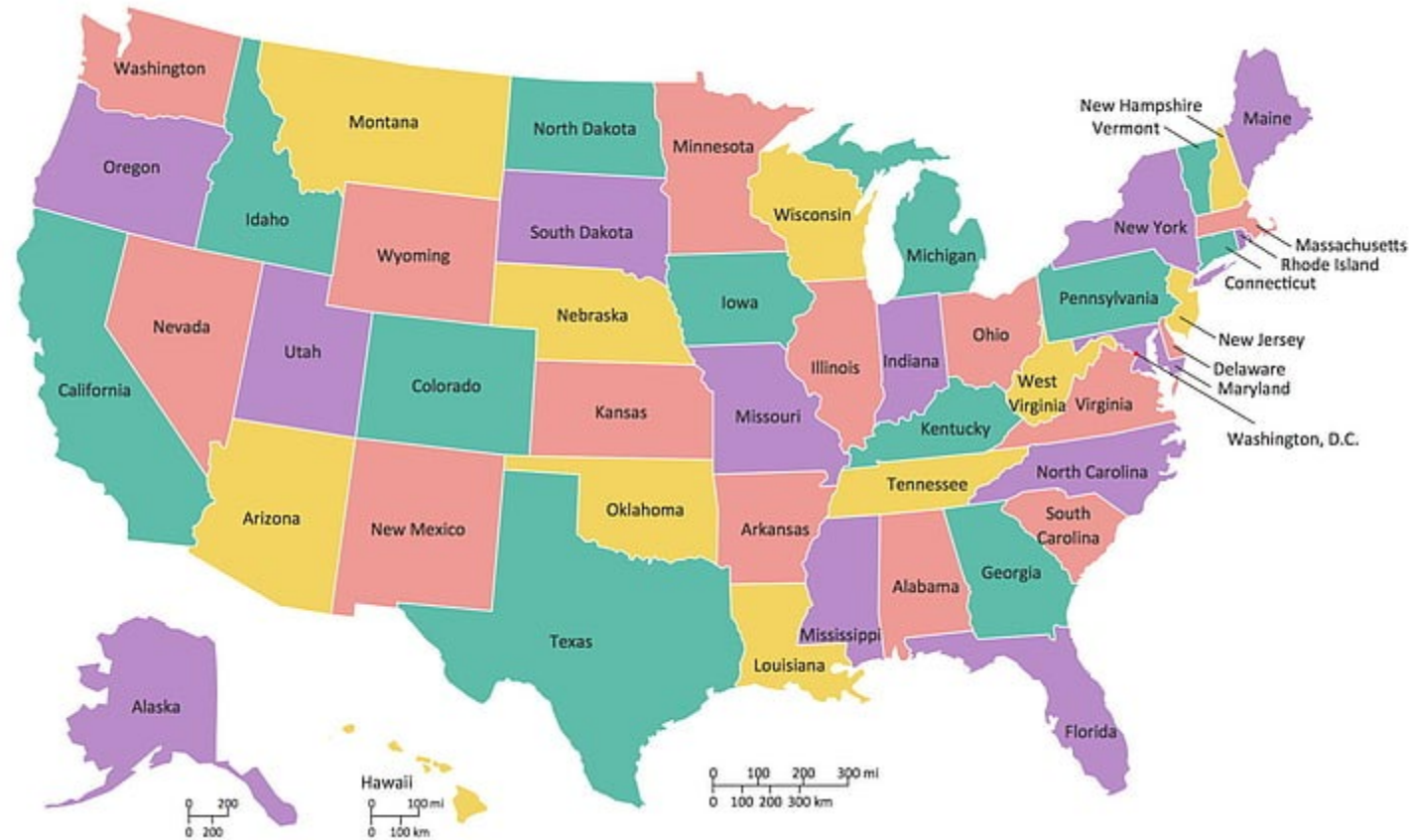
Do you know where to complain? [FCC.gov/complaints](https://www.fcc.gov/complaints)

IP CTS Services

FCC Declaratory Ruling, 5/17/2018

- Allows IP CTS providers to use fully automated speech recognition (no CAs) to generate captions
- Three pending ASR applications
- IP CTS providers
 - Offer ASR captions only; or
 - Mix of CA augmented ASR captions or fully ASR; or
 - CART captions and fully ASR captions

HLAA in the States



State Laws

- **Telecoil Counseling Law**

- AZ, NM, UT

- **Telecoil Training Laws**

- NY

- **Hearing Loop Required Laws**

- MD, MN, IN

- **Hearing Aid Trial Period/Refund Rules**

- NM

loopnm.com

State Laws

Hearing Aid Insurance Coverage

- 23 states: CO, CT, DE, GA, IL, KY, LA, ME, MD, MA, MN, MO, NE, NH, NJ, NM, NC, OK, OR, RI, TN, TX, WI

Open Captioned Movie Requirements

- Colorado is working on it; other states are considering

Public Television Captions-On Requirements

- Seattle, WA; Rochester, New York; San Francisco, California; Portland, Oregon; Ann Arbor, Michigan; and Pawtucket, Rhode Island, Santa Fe, New Mexico;
- The States of Washington and New York* require captions on when the television is on;
- Maryland requires captioning turned on when requested.

Masks

As people adjust to the Pandemic, masking becomes the accepted new normal, but that does not make it any easier to accommodate

- HLAA has not received nearly as many complaints as we did at the beginning of the pandemic
- Does that mean all is well? Probably not
- CVS and masking

Zoom and Other Video Platforms

- Zoom now provides free ASR captions to all paid account, free accounts on request; also, allow integrated CART
- Google Meet and Microsoft Teams provide free ASR captions, controlled by the user; not CART
- GoTo Meeting – does not allow integration of either CART or ASR captions

More (developed May, 2020): [https://www.hearingloss.org/wp-content/uploads/Video Conferencing Platforms Feature Matrix.pdf](https://www.hearingloss.org/wp-content/uploads/Video_Conferencing_Platforms_Feature_Matrix.pdf)

Access to Telemedicine

- Hospitals and doctor's offices are places of public accommodation under the ADA
- Telemedicine has taken off during the pandemic; rarely captioned
- There are some HIPPA-compliant video platforms that do provide captions (e.g. Zoom)
- Captions are rarely provided
- FCC's DAC is looking into provision of Relay for video conferencing platforms

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