

AMERICAN ACADEMY OF AUDIOLOGY

Resolution: \_\_\_\_2008-01\_\_\_\_

**Subject: Use of “Audioprosthologist” and Similar Titles and Descriptors of Service by Non-audiologists**

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1 Whereas, individuals who are not licensed audiologists are misrepresenting their qualifications to  
2 consumers when they use titles such as “audioprosthologist” or similar terms that imply the  
3 practice of audiology, and  
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5 Whereas, the term “audioprosthology” has been determined, in several states, to be a term that  
6 was made up with a specific goal of confusing the consumer with its similarity to the word  
7 “audiology” and has been prohibited in several states including Oregon and Ohio, and  
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9 Whereas, audiologists are professionals with Master’s Degrees or Doctoral Degrees in  
10 audiology, and appropriate state licensure that reflects the scope of practice that includes  
11 diagnostic and treatment services for persons with hearing and balance disorders, and  
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13 Whereas, consumers are confused by the term “audioprosthologists” when the credentials,  
14 education, expertise and licensure requirements are very different from audiologist, and  
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16 Whereas, “audioprosthologists” are individuals who are licensed as hearing aid dispensers;  
17 necessary credentials vary by state but typically require a high-school degree and some evidence  
18 of competency to fit hearing aids based on simple, non-diagnostic hearing tests, and  
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20 Whereas, a 2006 ruling by the Oregon Attorney General, ordered two commercial hearing aid  
21 dealers to stop using the term “audioprosthologist.” In the ruling, the Attorney General stated  
22 that Oregon consumers need to be able to trust the credentials used by professionals in their  
23 advertising and to use a title that is similar to another carries the potential for confusion, and  
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25 Whereas, Deceptive Acts and Practices (UDAP) laws throughout the country typically state that  
26 a person engages in a deceptive trade practice when, in the course of his or her business, he or  
27 she causes the likelihood of confusion or of misunderstanding as to the source, sponsorship,  
28 approval, or certification of goods or services, and  
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30 Whereas, licensing and registration laws or administrative rules governing the practice of  
31 audiology throughout the U.S. and the District of Columbia prohibit the use of any term which  
32 might be construed by consumers as equal to or meaning the same as “audiologist.” Written as  
33 consumer safeguards, these laws stand to protect consumers from those who would misrepresent  
34 their qualifications or who would engage in the practice of audiology when not appropriately  
35 registered or licensed as audiologists, and

1 Whereas, the Supreme Court of Ohio upheld the right of the state licensing board to limit the use  
2 of titles that might be construed to represent those appropriately licensed as audiologists, and  
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4 Whereas, in *Gandee v. Glaser*, the Federal Court upheld the position of the Ohio Attorney  
5 General and the state licensing board to dismiss a case brought forth by the hearing aid dealers  
6 industry, and the Court found the following critical elements:

- 7 • Use of the term “audiologist” is commercial speech, entitled to only limited protection  
8 under the First Amendment.
- 9 • A state may prohibit commercial speech that is false or misleading and may require that  
10 potentially misleading speech be accompanied by a disclaimer to prevent consumer  
11 deception.
- 12 • The scope of practice of audiology is significantly more extensive than services offered  
13 by hearing aid dealers.
- 14 • Despite minimal overlap, it is inherently misleading for a hearing aid dealer to use the  
15 title “certified hearing aid audiologist.”
- 16 • There is significant disparity in educational levels between licensed audiologists and  
17 hearing aid dealers.
- 18 • The Court believes that the use of the term “audiologist” by a hearing aid dealer is likely  
19 to materially deceive or mislead consumers...this deception alone justifies the State of  
20 Ohio’s restriction of the use of the term “audiologist,” and  
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22 Whereas, the federal court decision established a legal differentiation between audiologists and  
23 commercial hearing aid dealers and supports limiting the use of “audiologist” and “similar  
24 terms” by those appropriately licensed as audiologists,  
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26 RESOLVED, That in order to protect consumers and to preserve the integrity of the profession  
27 of audiology, the American Academy of Audiology herein establishes that the use of the title  
28 “audioprosthologist” be prohibited, and  
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30 RESOLVED, The American Academy of Audiology urges all state licensing or registration  
31 boards to act on this important matter of consumer protection and prohibit the use of the term  
32 “audioprosthologist” or any similar title with any description of services incorporating the words  
33 “audiologist,” “audiological,” “diagnostic,” “hearing center,” “hearing clinic,” “hearing  
34 clinician,” “hearing therapist,” “hearing care professional,” or any similar titles or descriptions of  
35 service using the prefix “audio,” or implying the testing and management of hearing and balance  
36 disorders by those not licensed or registered as audiologists.  
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38 References: *Gandee v. Glaser*, 785 F. Supp. 684, 686 (S.D. Ohio 1992)  
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40 Relevant Policy: Use of “Audioprosthologist” and Similar Titles and Descriptors of Service by  
41 Non-audiologists