

**Reference Guide for State Academies: Opportunities for Action at the State Level
Regarding Direct-to-Consumer Hearing Aid Sales and Online Hearing Tests**

Opportunities for Involvement at the State Level:

- **Review Your State Licensure Law/Talk with Your Licensure Board:** Familiarize yourself with statute in your state licensure laws that may prohibit or further define regulations with regard to mail order or Internet hearing aid sales. If language is included which explicitly prohibits these direct-to-consumer sales, consider asking your licensure board to contact entities such as hiHealthInnovations/UnitedHealthcare (UHC) and express any potential violations associated with their model. Click [here](#) to view a letter sent by the Texas State Board of Examiners for Speech-Language Pathology and Audiology and the Texas State Committee of Examiners in the fitting and dispensing of hearing instruments asking UHC/hiHealthInnovations to "immediately CEASE and DESIST from continuing current business practices as they relate to the fitting and dispensing of hearing instruments."
- **Review State Consumer Protection Laws/Contact Your State Department of Consumer Protection or Consumer Affairs:** Become acquainted with consumer protection laws in your state to see what policies exist with regard to medical treatment and medical devices. Consider sending a letter from your state academy to the Department to express safety concerns associated with over/under amplification, inaccurate hearing tests, and the inability for online hearing tests to detect medical conditions.
- **Contact Your State Attorney General's Office:** Send a letter to your state attorney general's office outlining consumer safety concerns associated with the direct-to-consumer hearing aid sales model. Consider requesting an exemption to the FDA Medical Device Amendment preemption clause, requiring an evaluation be completed prior to the purchase of a hearing aid. Your state attorney general may be able to recommend recourse appropriate to your state. Click [here](#) for a list of attorneys generals by state and their contact information.
- **Contact Allies in the Legislature:** Reach out to members of the state legislature who are known supporters of audiology issues. Look for opportunities to work with them to draft and introduce legislation that would provide safeguards to protect consumers in the delivery of hearing aids and other hearing and balance services. Potential areas for regulation are a prohibition on sales or distribution of hearing aids through the mail to

consumers and/or requirement that the dispensing and fitting of the device be done only by a licensee of your state or by a practice with a physical presence in your state.

- **Alert the American Academy of Audiology:** Contact your [regional representative](#) from the State Network Subcommittee, [Academy Leadership](#), and [Academy staff](#) to let them know of any developments in your state with regard to direct-to-consumer hearing aid sales. This includes changes in licensure law, new legislation, to meetings with your attorney general or other state agency.