Hearing Aid Dispensers Examining Committee (HADEC) Letter of Guidance and Clarification for Licensees and License Candidates

In an effort to provide guidance and clarification of the laws, regulations, and policies regarding hearing aid dispensing (NJSA 45:9A-1 et seq., NJAC 13:35-8.1 et seq.), HADEC offers the following information to the public in issues that commonly arise before the committee:

BTE Earmolds (Standard of Care):

For the safety and comfort of the wearer, tubing should not protrude from the canal portion of the earmold. While the Committee acknowledges that there are occasional instances where extended tubing is considered a fitting strategy, stray protrusions pose a risk of scratching the ear canal. In general, tubing should be cut absolutely flush with the canal tip, or optimally, withdrawn into the earmold tip by a millimeter.

Applying glue to the canal end of the earmold tubing is considered a risk to patient safety unless the glue is allowed to dry for at least an hour. Tubing glue can contain acetone and other chemicals that can cause burning and irritation of the skin, therefore glue should be applied to the outer portion of the tubing and pulled into the mold from the concha side. Glues containing cyanoacrylate (e.g., Superglue, Crazy Glue) pose an acute risk of bonding to skin and are not generally considered to be appropriate for earmold tubing.

Appropriate testing prior to hearing aid fitting:

HADEC recognizes the importance of a thorough and accurate hearing test prior to hearing aid fitting (NJAC 13:35-8.13). Pure tone air and bone conduction thresholds is considered a minimal test which generally is not sufficient to provide optimal fitting. Also essential and considered part of a basic hearing test battery: Pure tone testing *with masking when appropriate*, speech threshold and speech discrimination, and measures of discomfort. HADEC expects licensees to include such measures a part of their routine test protocol. When such testing is impossible due to a patient's physical or mental limitations, this should be documented. The lack of equipment to perform such tests is not considered an acceptable reason to omit these procedures.

Medical Waivers:

The Committee discourages the apparent over-use of waivers as an alternative to obtaining medical clearance prior to hearing aid dispensing, as not being in the best interest of the consumer. FDA regulations (Sec. 801.421) state that the dispenser shall inform the prospective

user that the waiver is *not* in the user's best health interest, and the dispenser must not actively encourage the prospective user to waive a medical evaluation. HADEC urges compliance with the spirit as well as the letter of the regulations, and recognizes the importance of medical clearance instead of a signed waiver. In accordance with NJ Regulations (NJAC 13.35-8.169c), it may considered professional misconduct to encourage patients to sign a waiver, or to have a patient sign a waiver without fully informing them of the intent of the document.

Failure to Comply with Request for Records:

Licensees are reminded it is considered professional misconduct to fail to comply and cooperate with requests from HADEC (NJAC 13:45C-1.1 et seq.). Most commonly, licensees fail to respond to requests in a timely manner, or they do not provide complete documentation upon request. When the Committee requests copies of all documents regarding a particular case, there shall be no exceptions. This includes all notes, tests, printouts of digital records, waivers, clearances, invoices, receipts, and any other record involving the case under consideration. HIPAA/privacy rules do not apply when complying with requests from the Committee.

Continuing Education:

Licensees are reminded that they must obtain 20 hours of continuing education credit every two years (NJAC 13:35-8.20(b).