

SENATE BILL REPORT

ESB 5210

As Amended by House, April 10, 2019

Title: An act relating to notification to purchasers of hearing instruments about uses and benefits of telecoil and bluetooth technology.

Brief Description: Notifying purchasers of hearing instruments about uses and benefits of telecoil and bluetooth technology.

Sponsors: Senators Palumbo, Bailey, Rolfes, Wilson, C., Randall, Hunt, Das and Keiser.

Brief History:

Committee Activity: Health & Long Term Care: 1/28/19, 2/06/19 [DP].

Floor Activity:

Passed Senate: 3/11/19, 44-4.

Passed House: 4/10/19, 93-2.

Brief Summary of Engrossed Bill

- Requires persons who dispense hearing instruments to notify potential purchasers of the uses, benefits, and limitations of telecoil-enabled and bluetooth devices.
- Requires the Office of the Deaf and Hard of Hearing to develop educational materials on the uses, benefits, and limitations of hearing assistive technology.

SENATE COMMITTEE ON HEALTH & LONG TERM CARE

Majority Report: Do pass.

Signed by Senators Cleveland, Chair; Randall, Vice Chair; O'Ban, Ranking Member; Bailey, Becker, Conway, Dhingra, Frockt, Keiser and Van De Wege.

Staff: Evan Klein (786-7483)

Background: The regulation of health care professionals that engage in hearing and speech services falls under RCW 18.35, which requires the fitting and dispensing of hearing instruments be performed by a licensed hearing aid specialist or a licensed audiologist.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Telecoil devices, also known as T-coils, are devices built into hearing aids to expand the function of the system. When used with other hearing assistance systems, the telecoil devices can amplify sound coming from a sound system.

Under the Americans with Disabilities Act, assistive hearing devices must be available in assembly areas where audible communication is integral to the use of the space. Assembly areas include classrooms, lecture halls, courtrooms, public meeting and hearing rooms, legislative chambers, theaters, and other locations.

Summary of Engrossed Bill: Any person who fits or dispenses hearing instruments must:

- prior to an initial fitting, notify a person seeking to purchase a hearing instrument, both orally and in writing, about the uses, benefits, and limitations of telecoil-enabled listening systems compliant with standards for accessible design adopted in the Americans With Disabilities Act, as well as bluetooth technology; and
- provide any person purchasing a hearing instrument, a receipt that contains language verifying that the consumer was informed prior to fitting—the receipt must be signed by the purchaser.

The notification provisions may not be construed as creating a private right of action.

The Department of Health may adopt rules to create a standard receipt form.

The Office of the Deaf and Hard of Hearing must develop educational materials to be distributed by hearing aid dispensers, including audiologists, to persons with hearing loss explaining the uses, benefits, and limitations of hearing assistive technology, including telecoil and bluetooth.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Telecoil devices allow people to receive a signal to hear in assembly areas, but patients are not being notified about these devices. If people do not know of the existence of bluetooth in a hearing aid, they might not take advantage of technology. Audiologists do not regularly discuss telecoil or bluetooth technologies with patients. Most hearing aids are available with telecoils, and the telecoils do not add more than a few cents to the price. Hearing aid specialists and audiologists should be telling patients about these devices. All of the laws put forward in the ADA to require assistive technology, require the telecoil to allow for hearing aid compatibility.

OTHER: Requiring in statute that patients be counseled about specific technologies is concerning. We do not know when the technology may change, so the statute should not be so specific. The providers should be able to determine what is best for the patient.

Persons Testifying: PRO: Cynthia Stewart, Hearing Loss Association—Washington; Warren Weissman, Hearing Loss Association—Washington; Diana Townsend, Hearing Loss Association—Washington; Cheri Perazzoli, Hearing Loss Association—Washington.

OTHER: Melissa Johnson, Washington Speech-Language-Hearing Association.

Persons Signed In To Testify But Not Testifying: No one.

EFFECT OF HOUSE AMENDMENT(S):

- Removes specific references to telecoil-enabled and Bluetooth technology assistive instruments and instead requires the Department of Health to define in rule the hearing assistive technologies about which a person purchasing a hearing instrument must be notified.
- Corrects a reference to the Office of the Deaf and Hard of Hearing.