

# Proposed Amended Telecoil Legislation

## Issue:

How do we ensure that hearing aid dispensers inform their patients about the benefits of having a telecoil (also known as T-coil or T-switch) technology in their hearing aids?

## Background:

Hearing aids with a telecoil receive sound directly via magnetic induction when conversing on a hearing aid compatible phone. These include all landline phones and select cell phones, using an induction loop system or when there is an inductive coupler within the device such as in phones, audio guides or sound enhancement devices. The telecoil setting maximizes the customized output of the person's own hearing aid. The benefit is that telecoil users do not need additional equipment such as a receiver. Additional information can be found at [www.hearingloop.org](http://www.hearingloop.org).

New York State already has legislation that requires hearing aid dispensers to "instruct new users of hearing aids on basic information about how to use the aid. This training should include, at a minimum, the following: (viii) use of the telecoil-switch."<sup>1</sup> Two other states have similar legislation, Arizona<sup>2</sup> and Florida,<sup>3</sup> but

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<sup>1</sup> Section 192.18\* Consumers.

(a) Complaints. A consumer may register a complaint with any office of the department in person, in writing or by telephone.

(b) Printed educational information. Printed educational materials should include:

(1) Procedures by which a consumer may file a complaint.

(2) General information about the general use of hearing aids and the advantages and disadvantages of monaural and binaural hearing aid use, including: information of the value of hearing aid use for a prospective purchaser; consumer protection piece - what to be aware of in sales pitches and "hard sell" techniques, such as "giveaways" and sales pitches that minimize the need for medical and audiological exams; basic "how to" use a hearing aid for a new consumer; and information about the advantages of purchasing and using the telecoil switch (t- switch).

(3) General information on assistive listening devices (ALDs), including a basic overview of the types of ALDs currently available and how ALDs may be used with hearing aids.

(4) A statement regarding the availability of support groups for people who are deaf and hard of hearing.

(c) Training of consumers.

(1) The dispenser shall instruct new users of hearing aids on basic information about how to use the aid. This training should include, at a minimum, the following:

(i) basic care and use of the hearing aid;

(ii) communication strategies to adjust to a new hearing aid;

(iii) information on support groups;

(iv) storage of the hearing aid when not being used;

(v) protection of the hearing aid from perspiration and moisture;

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- (vi) Installation of a battery;
  - (vii) frequency of necessity to purchase batteries;
  - (viii) use of the telecoil-switch;
  - (ix) telephone usage;
  - (x) reasonable longevity of the hearing aid;
  - (xi) information about purchasing insurance to cover loss or damage;
  - (xii) review of 45-day return policy; and
  - (xiii) review of complaint policy.

(2) Such training may be offered in a group setting provided provisions are made to allow all participants to hear the presentation (e.g., provide ALDs compatible with their hearing aids) and/or to provide written materials, and shall be offered to all new purchasers of hearing aids and those who need to review the hearing aid orientation materials.

<sup>2</sup> \*SENATE BILL 1348\*

AN ACT

AMENDING SECTION 36-1909, ARIZONA REVISED STATUTES; RELATING TO HEARING AID DISPENSERS.

Section 1. Section 36-1909, Arizona Revised Statutes, is amended to read:

36-1909. Bill of sale; requirements

A. A hearing aid dispenser or dispensing audiologist shall deliver a bill of sale to each person supplied with a hearing aid by the hearing aid dispenser or the dispensing audiologist or at that person's order or direction.

B. A bill of sale shall contain the hearing aid dispenser's or the dispensing audiologist's signature and shall show the address of that person's regular place of practice and the number of that person's license, a description of the make and model of the hearing aid and the amount charged. The bill of sale shall also state the serial number and the condition of the hearing aid as to whether it is new, used or rebuilt.

C. A BILL OF SALE SHALL CONTAIN LANGUAGE THAT VERIFIES THAT THE CLIENT HAS BEEN INFORMED ABOUT AUDIO SWITCH TECHNOLOGY, INCLUDING BENEFITS SUCH AS INCREASED ACCESS TO TELEPHONES AND ASSISTIVE LISTENING DEVICES. IF THE HEARING DEVICE PURCHASED BY THE CLIENT HAS AUDIO SWITCH TECHNOLOGY, THE CLIENT SHALL BE INFORMED OF THE PROPER USE OF THE TECHNOLOGY. THE CLIENT SHALL BE INFORMED THAT AN AUDIO SWITCH IS ALSO REFERRED TO AS A TELECOIL, T-COIL OR T-SWITCH.

only Arizona requires the “bill of sale shall contain language that verifies that the client has been informed about the telecoil, including benefits such as increased access to telephones, assistive listening devices, its proper use and that the switch is also referred to as a telecoil, T-coil or T-switch.”

Arizona’s requirement that the bill of sale have language indicating that the purchaser was told about the telecoil and the phone program ensures that the consumer was advised and provides “teeth” for enforcement. The current New York State law provides no “safety net” to ensure compliance.

On a personal level, our family was never advised of the telecoil by any hearing aid dispenser who sold her a hearing aid in 14 years. Some reasons given by hearing aid dispensers for not advising adult clients about the telecoil are that the clients will think they are being charged extra for unnecessary options, they tend not to use the features, and their fingers may not be sufficiently, nimble to maneuver the tiny switch. (Interestingly, they are able to manage the tiny batteries.) Another issue dispensers have mentioned is that purchasers may find the array of options too confusing and leave without completing the sale. The hearing aid dispenser has a conflict of interest in not wanting to provide information that he/she thinks might jeopardize a sale.

For children, hearing aid dispensers have expressed concern that the child may inadvertently switch the aid to the T-setting and not hear. Today’s children, however, are very technologically savvy, so this does not seem like a realistic issue. Children who receive benefit from their hearing aids will want to hear as well as possible and will quickly adjust to the settings.

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D. A BILL OF SALE SHALL CONTAIN LANGUAGE THAT INFORMS THE CLIENT ABOUT THE ARIZONA TELECOMMUNICATIONS EQUIPMENT DISTRIBUTION PROGRAM ESTABLISHED BY SECTION 36-1947 THAT PROVIDES ASSISTIVE TELECOMMUNICATIONS DEVICES TO RESIDENTS OF THIS STATE WHO HAVE HEARING LOSS.

APPROVED BY THE GOVERNOR APRIL 16, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 16, 2007.

<sup>3</sup> FSS 484.0501 (5) (b)

At the time of the initial examination for fitting and sale of a hearing aid, the attending hearing aid specialist must notify the prospective purchaser or client of the benefits of telecoil, "t" coil, or "t" switch technology, including increased access to telephones and noninvasive access to assistive listening systems required under the Americans with Disabilities Act of 1990.

Enacted October 1, 1994

Legislation should require that the telecoil be demonstrated so consumers understand what they are purchasing or decline knowledgeably if they choose not to have telecoils in their hearing aids. It is interesting to note that all new cochlear implant devices now have a telecoil. An induction loop should be installed in every hearing aid dispenser's office to demonstrate the potential benefits of the telecoil for that purpose, in addition to having the client test it with a phone.

In Arizona, the Department of Health Services and the Office of Special Licensing that oversees and licenses dispensing audiologists and hearing aid dispensers also surveys dispensers, investigates complaints, and will work with the Attorney General's office for enforcement and penalties when a violation is found. See <http://www.azdhs.gov/als/slp/index.htm>.

Arizona supported hearing aid dispensers by developing a telecoil brochure (attached) and providing it free to healthcare professionals who can place their own branding on it and hand it out to consumers. The brochure was created by a task force of hard of hearing consumers from around the state, and the New York State Interagency Council for People who are Deaf, Deaf-Blind or Hard of Hearing could produce a similar document.

**Summary:**

New York State legislation should be amended to follow Arizona's model, which requires that hearing aid bills of sale include language indicating that purchasers were advised of the telecoil option and tested it. Hearing aid dispensers should also be required to demonstrate the T-coil switch by installing an induction loop in their office/store. The Interagency Council for People who are Deaf, Deaf-Blind or Hard of Hearing should develop brochures that provide information on the benefits of the T-coil. Hearing aid dispensers should distribute the brochures.

Written by Janice Schacter, chair Hearing Access Program. Copyright protected 11/10/10.