

ESB 5210 - H COMM AMD

By Committee on Health Care & Wellness

ADOPTED 04/10/2019

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that approximately
4 twenty percent of the population have hearing loss, including more
5 than six hundred fifty thousand Washington state residents who have
6 been diagnosed with hearing loss. The number is rising; the aging
7 baby boomer generation is increasing age-related hearing loss
8 exponentially, and hearing loss has increased among children and
9 youth in the last decade. As these trends continue, telecoil
10 technology has the potential to benefit more people, but only if
11 consumers are made aware of the technology and its benefits.

12 The legislature finds that the federal Americans with
13 disabilities act of 1990 was amended in 2010 to require assistive
14 listening systems in places of public assembly, served by a public
15 address system, to be hearing aid compatible. Currently, the telecoil
16 is the only component within a consumer hearing instrument that
17 enables this mandated compatibility. Without a telecoil-enabled
18 hearing instrument a person cannot effectively access mandated
19 assistive listening systems.

20 The legislature finds that bluetooth technology is evolving, but
21 it is still generally not suited for long range transmission in a
22 large venue like an auditorium. To date, hearing aid bluetooth
23 technology does not meet compliance standards for assistive listening
24 system requirements.

25 Therefore, the legislature intends to increase consumer awareness
26 of benefits and uses of the different types of hearing instruments
27 and technologies.

28 NEW SECTION. **Sec. 2.** A new section is added to chapter 18.35
29 RCW to read as follows:

30 (1) Any person who engages in fitting and dispensing of hearing
31 instruments shall:

1 (a) Prior to initial fitting and purchase, notify a person
2 seeking to purchase a hearing instrument, both orally and in writing,
3 about the uses, benefits, and limitations of current hearing
4 assistive technologies, as defined by the department of health in
5 rule.

6 (b) Provide to each person who enters into an agreement to
7 purchase a hearing instrument a receipt, which must be signed by the
8 purchaser at the time of the purchase, containing language that
9 verifies that prior to initial fitting and purchase the consumer was
10 informed, both orally and in writing, about the uses, benefits, and
11 limitations of current hearing assistive technologies, as defined by
12 the department of health in rule.

13 (2) The department may adopt rules to create a standard receipt
14 form that persons required to provide notice under this section may
15 provide to purchasers, as required in subsection (1)(a) of this
16 section.

17 (3) A person required to provide written notice in subsection (1)
18 of this section may produce written materials, use materials produced
19 by hearing instrument manufacturers or others, or use the materials
20 created by the office of the deaf and hard of hearing, as required in
21 section 3 of this act.

22 (4) This section may not be construed to create a private right
23 of action or claim against any person engaging in the fitting and
24 dispensing of hearing instruments.

25 (5) The department must adopt rules necessary to implement this
26 section. The department may consider a number of factors in defining
27 current hearing assistive technologies, but must consider whether
28 hearing assistive technologies are compatible with assistive
29 listening systems that are compliant with the Americans with
30 disabilities act.

31 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20A
32 RCW to read as follows:

33 The office of the deaf and hard of hearing shall develop
34 educational materials to be distributed by hearing aid dispensers,
35 including audiologists, to persons with hearing loss that explains
36 the uses, benefits, and limitations of current hearing assistive
37 technologies as defined by the department of health in rule."

38 Correct the title.

EFFECT: Removes references to specific types of hearing assistive technologies, 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 references to the Office of the Deaf and Hard of Hearing.

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