

Missouri Commission for the Deaf and Hard of Hearing
Position Paper Relating to Over-the-Counter Hearing Aids Act 2017
Prepared July 5, 2017

ISSUE: Over-the-Counter Hearing Aid Act of 2017 (Senate Bill S. 670; House Bill H.R. 1652)

POSITION: The Missouri Commission for the Deaf and Hard of Hearing voted to abstain from taking a position on the Over-the-Counter Hearing Aid Act of 2017; however, the Commission does support policy and legislative initiatives that will reduce the high cost of hearing aids and increase accessibility of high-quality hearing aids for individuals living with a hearing loss.

ISSUE IN BRIEF: The Over-the-Counter Hearing Aid Act of 2017 seeks to increase accessibility of hearing aids for adults with mild to moderate hearing loss by allowing certain types of hearing aids to be sold without the involvement of a licensed person (such as an audiologist). The goal is that appropriate labeling of products in conjunction with self-directed hearing healthcare will ultimately lower the cost of obtaining hearing aids and give more individuals access to this technology. While the intention of lowering the cost of hearing aids is both noble and necessary, the Commission does not have enough evidence that this model will, in fact, achieve these results. Without knowing exactly what regulations will be involved, the Commission is not certain that the labeling and warnings associated with over-the-counter hearing aids will adequately inform and protect consumers.

ISSUE DEFINED: The Missouri Commission for the Deaf and Hard of Hearing held an Open Meeting on June 29, 2017, at which the Commissioners discussed at length the issue of Over-the-Counter Hearing Aids. This bill has been tagged a “Must Pass Legislation.” If passed, the bill will require the Food and Drug Administration (FDA) to create a new category of hearing aids that can be sold over-the-counter.

About two to three out of every one thousand children in the United States are born Deaf or Hard of Hearing. Nine out of every ten children who are born Deaf are born to parents who can hear. There is a strong relationship between age and reported hearing loss: 18 percent of American adults 45-64 years old, 30 percent of adults 65-74 years old, and 47 percent of adults 75 years old or older have a hearing loss. There are approximately 600,000 Deaf and Hard of Hearing individuals in Missouri. Approximately 90% of these people could utilize hearing aids to enable them to live, work, and raise a family. It is commonly recognized throughout Missouri and the United States that the high cost of hearing aids is a significant barrier to those who wish to obtain them. While the goal of making hearing aids available over the counter is to decrease prices, the Commission does not have enough evidence to determine if the Over-the-Counter Hearing Aid Act of 2017 would both lower costs and ensure high quality for consumers.

However, the Commission has identified other avenues for achieving this same goal. First, the Commission recommends that the legislature should initiate a separate bill that will provide funds to state governments to provide high-quality hearing aids for low-income Americans. This would ease the financial burden for those most impacted by it.

Second, the Commission recommends that the FDA reclassify hearing aids as “durable medical equipment.” Such classification is reserved for equipment that meets these criteria: durable, used for a medical reason, not usually useful for someone that is not sick or injured, used in your home,

and has an expected lifetime of at least three years. Devices such as blood sugar test strips, crutches, and wheelchairs are already considered durable medical equipment. Reclassifying hearing aids into this category would allow for coverage through Medicare Part B; hearing aids are not covered based on current classification.

Last, the Commission recommends that the legislature should create a new bill that would compel mandatory insurance coverage of hearing aids. Hearing aids are often an essential piece of an individual's hearing health and should be reflected in insurance plans as such. Most health insurance plans do not currently cover any coverage for these devices.

SUMMARY:

- The Missouri Commission for the Deaf and Hard of Hearing supports policy and legislative initiatives that will reduce the high cost of hearing aids and increase accessibility of high-quality hearing aids for individuals living with a hearing loss.
- The Commission does not have enough evidence to determine if the Over-the-Counter Hearing Aid Act of 2017 would both lower costs of hearing aids and ensure high quality for consumers.
- The Commission recommends legislation that would provide state funds for hearing aids for low-income individuals.
- The Commission recommends that the FDA reclassify hearing aids as durable medical equipment.
- The Commission recommends legislation that would compel mandatory insurance coverage of hearing aids.

ABOUT MCDHH:

Missouri Commission for the Deaf and Hard of Hearing works with individuals, service providers, businesses, organizations, and state agencies to improve the lives and opportunities of all Missourians with hearing loss. It functions as an agency of the state to advocate for public policies, regulations, and programs to improve the quality and coordination of existing services for individuals with hearing loss, and to promote new services whenever necessary. More information about MCDHH and the services it offers are available at <http://mcdhh.mo.gov>.