



June 17, 2014

Assemblyman David Buchwald
New York Assembly
Legislative Office Building, Room 326
Albany, NY 12248

Re: Support A. 10106, A bill expanding patients' access to hearing aids

Dear Assemblyman Buchwald:

On behalf of the American Academy of Otolaryngology-Head and Neck Surgery (AAO-HNS), I am writing to convey our **strong support for your bill, A. 10106, to expand patients' access to hearing aids in the State of New York while ensuring important consumer protections are in place.** The AAO-HNS applauds your leadership in introducing A. 10106, as passage of this critical legislation would amend New York General Business Law §802 that currently prohibits licensed audiologists and hearing aid dispensers employed by an otolaryngologist who has conducted a medical evaluation for hearing loss from providing hearing aids in a financially-viable manner. The proposed two-year trial period for implementation of this change, followed by a Division of Consumer Protection report on its impact on consumers, is an acceptable compromise after years of negotiations on this matter.

As background, the AAO-HNS represents approximately 12,000 physicians in the United States, including nearly 900 members who live and practice in New York and the millions of patients under their care. Otolaryngologist-head and neck surgeons, commonly referred to as ear, nose, and throat specialists (ENTs), diagnose and treat medical disorders that afflict many Americans, including hearing and vestibular disorders.

As you are aware, **New York patients currently do not have necessary access to hearing aid services provided by audiologists or hearing aid dispensers in an otolaryngologist's office,** even though an otolaryngologist's office is the ideal point of service for hearing aids. According to *Consumer Reports*, "[o]ur suggested choice [of providers] is a medical office headed by an otolaryngologist (an ear, nose, and throat physician) who employs an audiologist to fit and dispense hearing aids."¹

There are several additional advantages to patients being able to attain hearing aids in an otolaryngologist's office, including **continuity of medical care and convenience for the consumer.** The ability to treat both a patient's medical and audiological needs at the same office location often results in better and more efficient patient care. Patients can receive a medical determination on the cause of their hearing loss and have their treatment overseen by a medical doctor. This reduces the need for multiple visits to different providers, which can cost a patient in both time and resources, and would allow patients to receive the full spectrum of treatment in one location.

The passage of A. 10106 would also allow patients the **freedom to choose their provider.** Currently, in order to keep their practices financially viable, New York otolaryngologists must refer their patients in need of a hearing aid to an independent audiologist or hearing aid dispenser, thereby eliminating a patient's freedom to choose the best provider for their

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¹ *Hear Well in a Noisy World: Hearing Aids, Hearing Protection & More*, Consumer Reports, July 2009, at 32.



needs. Many patients prefer to have their hearing aids fitted by their otolaryngologist or a hearing health professional employed by their otolaryngologist. This is especially true for patients with complicated or severe otological needs. Also, due to basic market principles of supply and demand, the **improved choice for consumers and increased competition among providers would help lower the cost of hearing aids for patients.**

Furthermore, the State of New York would benefit from the passage of A. 10106. It would help **create jobs in New York** to staff and support new hearing aid services in otolaryngology offices, rather than having trained professionals lured to surrounding states offering such employment. As a result, New York could recoup lost taxes and other revenues lost to neighboring states.

For these reasons, the AAO-HNS respectfully urges your colleagues in the New York State Assembly to support the passage of A. 10106 to help enhance the delivery and continuity of hearing healthcare services for New York's patients. Thank you again for your leadership, and we look forward to working with you to advance this critical legislation. With questions, please contact the AAO-HNS Government Affairs team at 1-703-535-3795 or govtaffairs@entnet.org.

Sincerely,

David R. Nielsen, MD
Executive Vice President and CEO