



AB 435 (MULLIN) FACT SHEET

SUMMARY

The Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) is pleased to sponsor AB 435 (Mullin) which will require hearing aid dispensers and dispensing audiologists to provide the purchaser with a written notice prior to the sale of a hearing aid if the hearing aid being purchased uses proprietary or locked programming software.

BACKGROUND

Current hearing aids are digital and require programming via specific software platforms to optimize the acoustical fit for each individual patient. The problem is that some hearing aid brands such as Audibel, Miracle-Ear, Beltone, NuEar, Audigy/AGX, and Costco use proprietary or locked programming software that is only available to dispensing outlets and businesses that sell those brands.

PROBLEM

The average cost of one digital hearing aid can range from \$1,500 to \$6,000. The cheapest hearing aids cost between \$1,500 to \$3,000. Midrange hearing aids cost from \$3,000 to \$4,500. Premium hearing aids fall in the range of \$4,500 to \$6,000 per device.

With today's advanced technology, hearing aids are highly programmable to the consumers hearing needs, but the use of proprietary or locked programming software can result in a consumer's inability to obtain subsequent servicing or reprogramming of these hearing aids unless the consumer returns to the office that the hearing aids were purchased from, or another outlet of the same company.

Consumers can be harmed when they, often unknowingly, purchase hearing aids that cannot be serviced or reprogrammed in a wide geographic location, or the location closes, and as a result they end up having to purchase a new hearing aid or live without full function of their current hearing aid.

SOLUTION

AB 435 would ensure that consumers are notified in writing and prior to the purchase if a hearing aid being purchased uses proprietary or locked programming software and informed that they can only be adjusted or repaired at specific facilities or locations. The proposed legislation does not prohibit the use of proprietary or locked programming software, but better informs consumers about their limitations and allows them to make a more informed purchase.

For further information, please contact the Board's Legislation/Regulation Analyst at SpeechandHearingRegulations@dca.ca.gov.