

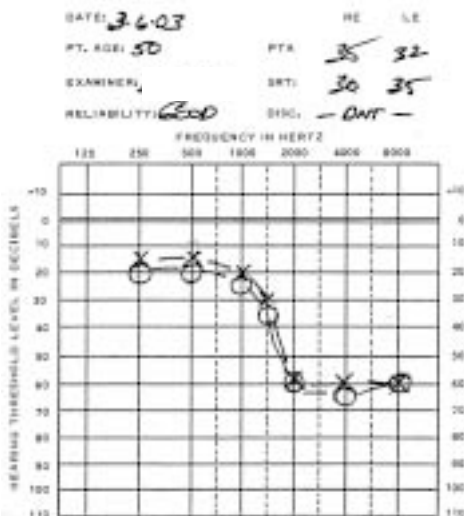
A report of the Southwest
Regional Office of
Consumers Union

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The chart above presents the findings of a hearing test (audiogram). Some dispensers do not want to provide a copy of the test results, will provide them only if the consumer buys an aid from them, or charge for the results.

Hear This!

Consumers Enjoy a Range of Hearing Aid Options, but Comparison Shopping Can Be Difficult

Every seven seconds a Baby Boomer turns 50¹, and gets just a little closer to hearing loss. While only 10 percent of 40-year-olds suffer hearing impairment, nearly 40 percent of people experience it by age 65.² Former Presidents Bill Clinton and Ronald Reagan have both suffered some sort of hearing loss and subsequently used hearing aids—and they're not the only ones. Texas has almost 2 million people 65 or older,³ and a hearing aid may be one of the most important—and most expensive—items needed to stay connected with loved ones.

But a hearing aid purchase requires time, research, and sometimes considerable fortitude before it's all done. While many dispensers (either an audiologist or a "fitter") provide valuable information about available products and technologies, some discourage competition by making it difficult to shop around. Dispensers can charge significant fees to consumers to get a copy of their audiogram (the hearing test results) or to return a less than satisfactory hearing aid. Texas law does not require dispensers to honor one another's hearing tests, so comparison shopping may involve multiple hearing exams and a considerable expenditure of time and money. But careful research up front will help consumers

avoid a hearing aid that doesn't improve hearing, doesn't fit properly (frequently causing significant pain), or creates whistles, squeaks, or uncomfortable feedback.

A new proposal before the Texas Legislature could help consumers shop around by limiting the fees charged to return a hearing aid, and extending the trial period long enough to determine if a hearing aid is right for you.

Survey Methods

Consumers Union conducted a telephone survey of hearing aid dispensers⁴ in five cities in November 2002: Austin, Dallas, Fort Worth, Houston and San Antonio. Posing as a non-insured consumer with mild hearing loss interested in purchasing hearing aids, we called the offices of forty-nine hearing aid dispensers and asked basic questions about the cost of a hearing test, an average hearing aid cost, and any extra fees. We asked each office to provide a general range of prices, products, and brands—as any consumer might do when shopping for hearing instruments.

We looked at complaints filed with the State Board of Examiners for Speech-Language Pathology and Audiology (Board) and the State Committee of Examiners in the Fitting and Dispensing of

The hearing aid dispenser conducts two basic tests to assess your ability to hear with and without a hearing aid.¹

Speech Reception Threshold Test

Purpose: to test the decibel at which you start to understand speech. You will listen for two-syllable words spoken at lower and lower volumes until you can no longer repeat correctly the words spoken.²

Speech Discrimination Test

Purpose: to tell how well you will hear with a hearing aid. You will be asked to repeat what is being said to determine at which volume you hear best and the highest you can tolerate.³

The results of these tests are transcribed onto a graph called an audiogram (example, above left)

¹ Code of Federal Regulations, Title 21 Food and Drugs, Part 801, Subpart H, Sections 801.420(c)(3)

² "Consumer Guide to Hearing Aids," AARP, March, 2002, p. 9.

³ Ibid.

Definitions

Hearing aid dispensers—both audiologists who dispense hearing aids and fitter and dispensers of hearing aids. Not all audiologists sell hearing aids. Distributors may only sell through fitter/dispensers, audiologists, or both.

Audiologist means a person who meets the state's qualifications to practice audiology--meaning the application of non-medical principles, methods and procedures for measurement, testing, appraisal, prediction, consultation, counseling, habilitation, rehabilitation, or instruction related to disorders of the auditory vestibular systems relating to hearing loss. Audiologists are regulated by the **State Board of Examiners for Speech-Language Pathology and Audiology** (in this report, the Board).

Fitter/Dispenser means a person who measures hearing by the use of an audiometer or other means and selects, adapts, and sells hearing instruments. Fitters make impressions for earmolds to be used as a part of the hearing instruments and conduct postfitting counseling. Fitters are regulated by the **State Committee of Examiners in the Fitting and Dispensing of Hearing Instruments** (in this report, the Committee).

Hearing test—A manually administered individual pure-tone air conduction screening with pass/fail results for the purpose of rapidly identifying those persons with possible hearing impairment, which has the potential of interfering with communication.

Basic analog—A hearing aid that amplifies speech and may block background noise to some extent. The dispenser tells the manufacturer what frequency and amplification settings to install; if there's a volume control, you can adjust it yourself. Properly cared for, the typical analog will last three to five years and costs \$400 to \$1,500, depending on features.

Programmable analog—These aids include advanced circuitry that permits a variety of settings for different noise levels. The dispenser programs the settings, but you may be able to change them yourself. These aids generally last as long as basic analog aids but cost a little more: \$900 to \$1,600 each. They can be reprogrammed if your hearing changes.

Digital aids—These devices contain advanced circuitry that converts sound into digital signals, analyzes the sound, and creates a signal that's more finely tuned to your hearing loss. This technology is the most expensive, costing from \$1,200 to \$3,000 per aid. The dispenser adjusts its volume if it's too loud or if your hearing changes over time.

30-day trial period—The period in which a person may cancel the purchase of a hearing instrument.

Holdback fees—the charges on a hearing aid that are retained if the consumer decides to return the hearing aid within the 30-day trial period.

Hearing Instruments (Committee) against hearing aid dispensers in Texas to see what kinds of issues concerned consumers the most. We reviewed in detail the documentation for complaints filed from January 1, 1999 to September 1, 1999. For the period September 1, 1999 through November 31, 2002 we reviewed only the "closing letter" written by the agency (the final letter outlining the disposition of the complaint but providing no information about the subject matter) because all other complaint information for this profession is now confidential under laws passed by the 76th Legislature.

Findings

- 67% of the initial hearing evaluations were free of charge.
- 16% of hearing aid dispensers would not give the consumer a copy of the hearing test results.
- A handful of dispensers are tied to one specific brand product. However, most dispensers surveyed sell multiple brands.
- 44% of hearing aid dispensers with initial free tests charged a fee or would not release the test if their customers wanted a copy of their hearing aid evaluation.
- 100% of the hearing aid dispensers that charged a fee for the initial test allowed patients to have a copy of their exam results.
- 14% of the hearing aid dispensers would not extend the trial period past the mandatory 30 days stipulated in state law if the customer needs more time.⁵ Another 19% of hearing aid dispensers would extend under special extenuating circumstances.
- 85% of hearing aid dispensers surveyed charge fees if the patient does not keep the hearing instrument, even if it is returned within the 30-day trial period.⁶ These fees, called "holdback" or "fitting" or "professional" fees, can range from \$75 to more than \$400 or 5%-25% on the total cost of the hearing aids.
- Consumers Union reviewed complete complaint information for the period January 1, 1999 to September 1, 1999. Three quarters of the complaints against hearing instrument fitters and dispensers related to problems with the 30-day trial period and refunds. Such as:
 1. Consumers tried to return the aid; the fitter convinced them to get adjustments while the trial period ran out.
 2. The fitter did not suspend the trial period while the hearing aid was being repaired and out of the consumer's possession.
 3. Consumers could not get a refund or could not get it in a timely way.
 4. Consumers did not realize that they would pay steep holdback fees to return the hearing aid.
- Consumers filed 264 complaints against hearing instrument fitters and dispensers from January 1, 1999 through October, 2002.⁷ All information about all complaints since September 1, 1999, is secret because the 76th Legislature passed sweeping confidentiality provisions.

Hearing Aid Evaluation Fee

Most (32 of 49) dispensers offered free hearing evaluations. For the dispensers that charged, prices ranged from \$40-\$250, which can vary based on income or insurance.⁸ Of the dispensers that charged for the initial tests, they all agreed to release the test results.

On the other hand, 50 % of the dispensers that offered free tests, set conditions on release of the test results. Some would give the “free” hearing evaluations, then charge to give the audiogram to the consumer. Others would not release the audiograms at all to the consumers or only to doctors, which makes it difficult for consumers to go for a second opinion. Two dispensers, both in Houston, would only give free tests if their potential customers bought hearing aids from them later in the visit.

Texas law is silent on the release of audiograms and does not require examiners to honor one another’s tests. In our survey we asked if we could use a dispenser’s test results to buy a hearing aid from someone else. While most said we could go to another dispenser, some offered that they would not use another dispenser’s screening test. So, shopping around will most likely involve multiple screening tests, even when the dispenser gives the consumer a copy. This could become expensive for consumers using dispensers who charge a fee for the test, and a hassle for those getting free tests. Consumers may feel pressured to go through the whole process with one dispenser, rather than seeking other opinions. Consumers not yet ready to buy a hearing aid might also want a copy for their records, so they can chart their hearing loss over the years.

Trial Period

Texas law gives consumers a 30-day trial period to decide if they want to keep their new hearing aid.⁹ A hearing aid that doesn’t fit can cause pain in the ear canal or jarring feedback similar to the aggravating sound emitted by a poorly adjusted microphone. New hearing aid wearers also have to get used to sounds the aid picks up, like the sound of eating or unusual background noises, and learn to insert the aid, turn it on, set the volume, and use it with the telephone or the television. Thirty days may not be enough time to determine whether problems consumers experience are actually malfunctions, or simply part of the adjustment process, especially if the consumer returns the aid for changes, refitting, or repair during the initial trial period.

Hearing aid “fitters” actually handle the trial period somewhat differently from audiologists. Fitters provide a 30-day period that is “tolled” during any time that the consumer has returned the instrument for repairs. Current rules for audiologists give consumers a trial period of 30 *consecutive* days. If the consumer must return the aid for repair during that period, the 30 days starts over. At the 60th day, the consumer may renew the contract and the trial period if he or she has still not had use of the instrument for 30 consecutive days.¹⁰

A number of the dispensers said that usually the patient will know within a few weeks if the recommended hearing aid improves their hearing, but for some people it may take longer to identify

problems. In our survey, 85% of dispensers said they would extend the trial period if need be, and some dispensers currently offer longer trial periods as a standard contract provision. Costco currently offers a standard 60-day trial period.¹¹ Other states already require a longer trial period, such as New York’s 45-day trial period.¹²

After consumers have decided that the original hearing aid recommended does not produce the intended results, they should be able to change to another product, even from another dispenser. A different size, type of technology, or brand might fit better than the original hearing aid selected by the dispenser—including a brand or type not available from the same dispenser.

Holdback Fees

After consumers have decided that the recommended hearing aid does not work for them, they are entitled to a refund, but not a 100% refund.¹³ 85% of hearing aid dispensers surveyed charge hold back fees (or restocking, professional, or fitting fees) if their customer returns the hearing aid within the 30-day trial period. These nonrefundable fees are either a set amount or a percentage of the hearing aid price, and the law requires disclosure to the consumer at the time of sale.

Myrtle K of New Braunfels returned her new hearing aids to the audiologist during the trial period, a week after she got them. The audiologist charged \$4600 for the aids plus \$270 in nonrefundable “mold” and “preparation” fees. Myrtle made a down payment of \$1200. When she returned the aids, the audiologist deducted the \$270 plus a “restocking” fee of \$690 (a 15% holdback fee). Myrtle got \$240 back from her \$1200 investment. “I am unable to account for your charge of \$690 for restocking,” she wrote to the Board, “what does this cover?” That is a good question.¹⁴

Currently there is no statutory cap on such fees. Although consumers have a right to return their hearing aid for a refund in the first 30 days, the amount of the refund can be remarkably small. In this case, Myrtle K paid a total of \$960 for her one week attempt to try hearings aids that she determined were inappropriate. Other consumers have reported similarly high holdback fees to the Committee. Such high holdback fees undermine

The image shows three overlapping advertisements for hearing aids. The top ad is a 'Hearing Aid Sale' sign with a list of products and prices. The middle ad is a 'HEARING AID SALE' banner with an American flag and a list of products with discounts. The bottom ad is a 'DIGITAL HEARING AID' sign with a '\$400 OFF' offer.

Product	Discount	Original Price	On Sale Price
Behind-the-Ear Fully Digital Instrument	50% OFF	\$1,999	\$999
Half Shell Starkey Instrument Fully Digital	30% OFF	\$329	\$230
Half Shell Starkey Instrument Fully Digital	30% OFF	\$1,475	\$1,033
In-The-Canal Starkey Instrument Fully Digital	30% OFF	\$1,475	\$1,033
Completely In-Canal Starkey Instrument Fully Digital	50% OFF	\$1,488	\$744

the intent of the trial period to encourage consumers to try out hearing aid options.

Some dispensers delay refunds even during the 30-day trial period

After reviewing 170 complaints filed against hearing instrument fitters and dispensers, we found that most of the complaints concerned the trial period, particularly consumer refunds. After the 30-day trial period, the hearing aid is still under guarantee, but the consumer no longer has a right to a *refund* if it doesn't fit, doesn't work well, or the adjustments fail. Out of the 28 complaints in 1999 filed before September 1 (the last year complaints were available for full review), 75 percent (21 complaints) focus on the trial period and the expiration of the trial period. Out of the complaints about the trial period, 86 percent involve problems with refunds. Some consumers return their hearing aid within the 30-day trial period and still do not get their money back in a timely fashion.

Mr. D sold two hearing aids to Mr. J. of Marshall. Mr. J. requested a refund on January 27, 1999 for \$2,900, the price of his hearing aids less a \$1000 "lab fee."

Nearly two months later, Mr. J received a letter from Mr. D. saying to wait another four to six weeks. Refunds must be refunded within thirty days after the refund request is made. So, Mr. J.

filed a complaint with the Committee and they requested that his money be refunded. The dispenser, Mr. D, had the consumer sign a form withdrawing his complaint on May 4, 1999, and then he refunded his money.¹⁵ Mr. J received his refund four months after he first requested it.

The dispenser in this case was allowed to continue this practice repeatedly. In at least three other separate cases, he would not release a consumer's refund until each consumer withdrew complaints against him.¹⁶ Without sanctions or fines by the committee, this dispenser continued to practice in the North-East Texas area.¹⁷

After September 1, 1999, only the final committee determinations about complaints remain public. Consumers Union reviewed Committee final determination letters from September 1, 1999, through November 31, 2002, and found that at least 22 out of the 142 letters provided to us related to refunds, where dispensers were required to refund money to consumers.¹⁸ The majority of these final letters contained virtually no information about the subject matter of the consumer's problem and indicated only that the Committee found no violation.

One dispenser in Temple received five letters from the Committee requiring refunds for consumers. Each one stated a refund check had been received and closed the

case.¹⁹ This dispenser also has not been disciplined by the Committee for this repeat behavior, according to the list of disciplinary actions published by the Department of Health.²⁰



Consumer Tips:

Read Your Contract Carefully And Ask Questions First

Some contracts do not provide all the information they should, and consumers should ask about the trial period, any allowable extensions of the trial period, the manufacturer warranty and more before signing on the bottom line.

Mrs. D of Sugarland, Texas was not satisfied with her \$3,000 hearing aids and returned them. She had not signed a required waiver of her right to get medical advice before purchasing the aids, nor did the contract describe her guarantee. After filing her complaint, the company agreed to refund her investment and the Committee closed her complaint. But there is no procedure for regular review by the Committee of contracts used by hearing examiners, and others filed with consumer complaints were also deficient.¹

Make sure you get the following information in writing:

- ❖ Date of sale;
- ❖ The names, address, and telephone number of the principle place of business of the licensee;
- ❖ Make and model of the hearing aid;
- ❖ Medical waiver (if you decide you do not want to consult a physician, you must specifically waive that right);

- ❖ A statement that the hearing instrument is new, used, or reconditioned;
- ❖ Length of the trial period (get the exact termination date written on your contract) and whether the fitter will voluntarily provide a trial period of at least 60 days;
- ❖ Follow-up appointment within 30 days after the hearing instrument fitting;
- ❖ Any nonrefundable fees (hold back fees, fitting fees, restocking fees, etc.) if you return it during the trial period;
- ❖ Length of guarantee;
- ❖ Guarantee terms by manufacturer or dispenser;

Also ask for the fitter's procedure if the aid malfunctions, including the time generally required for repairs, the effect of the repair time on the trial period, the typical cost for repairs, and any loaner aid policy during repair periods.

¹Fitting and Dispensing of Hearing Instruments complaints, #FD99-005, January 15, 1999, #FD99-007, March 9, 1999, #FD99-0015, April 23, 1999.

Rules recently adopted by the committee may create a system of progressive sanctions for repeat problems.²¹

Dispensers adjust or repair the aids until the 30-day trial has expired

Several of the pre-9/1/1999 complaints involved consumers who allowed the hearing examiner to continue to adjust or repair a hearing aid until the 30-day trial period was long past. Without an extension of the trial period, consumers lose the ability to get a refund even if the hearing aid never ultimately works as promised.

Mr. O. of Fort Worth purchased one hearing aid for his right ear. "I had on numerous occasions returned the instrument for refund," Mr. O. told the committee. "I was told to allow him to make this or that adjustment." He allowed the dispenser to try the recommended repairs, because he wanted to be able to hear his wife's voice so badly.

Unfortunately, none of those adjustments improved his hearing. His trial period lapsed, so he asked for an extension. Still, his hearing was not improved. Finally, he firmly requested a refund, but it was too late (past the 30-day trial period).²²

Had Mr. O's trial period automatically renewed when he left the aid for repairs, he might have been able to get a refund when he finally decided that all the adjustments and repairs were not going to make this hearing aid work for him.

Repairs and adjustments can continue for a significant period before a consumer is ready to give up on the device. Mr. G of Murchison purchased two hearing aids on August 18, 1999 and received them on September 4, 1998. The company offered him a 90-day trial period—which he ultimately needed due to a range of problems. In a week, he took the hearing aid back to adjust the volume and the fitter instructed him on insertion. Ten days later, the office sent the hearing aid for repair, and three weeks after he picked it up, it was sent for repairs again. About three weeks *after* his trial period was up, his hearing aid quit working, and he requested a refund.

Instead, the dispenser offered to get him a new one. The hearing aid, still warranted for two years by the manufacturer, was replaced. The new aid also had numerous problems and caused him pain. It needed to be buffed down so much that the repairs almost breached the casing. After that did not work, the fitter sent the hearing aid in to be remade. Mr. G wrote, "Quality did not improve with the second [hearing aid]. Again, instead of receiving a refund, I was given an extra year warranty which was quite commendable, but has not fixed the problem."²³

Although they try, consumers struggle to understand when their trial period is actually over,

Insurance and High Holdback Fees Limit Consumer Options

Henry Green, 73, of Austin, TX., noticed gradual hearing losses since the early nineties. Recently he determined "to do something about it" because his hearing loss was affecting his quality of life. "I had to turn the television up louder than my wife could stand and I could not hear well in church," he told Consumers Union.

So he started to look into hearing aids. He visited a number of dispensers in Austin and searched the web for sources and general information. "My experience with the audiologists turned out to be similar to visiting car (used?) dealers," he wrote to us last year.

Mr. Green's insurance provided a benefit of \$3,000 toward two "digital" hearing aids if he chose an in-network dispenser. The in-network dispenser recommended hearing aids costing \$6,800, significantly more than the insurance would pay. "I refused and left," he wrote. "I searched the web and found that I could buy the same aids delivered through another dispenser in Austin for \$4,000." His insurance would not allow out of network purchases, so he switched to two lower cost hearing aids from the same in-network dispenser. He ended up paying \$570 in addition to his insurance coverage payment for two "completely-in-the-canal" (CIC) aids.

Unfortunately, Mr. Green's saga was not over. "Within ten minutes of driving away, I knew something was wrong," he said. Both aids caused so much tenderness to his ears that they have been "sanded" multiple times on separate occasions. After the tenderness in the left hearing aid was unbearable, Green took it in to get refitted, requiring a new mold. The left hearing aid felt better, but then the right aid started hurting. "Once it hurt so bad," Henry noted, "that I had to take some sleeping medicine just to go to sleep." He is in the process of now getting a new mold for the right aid.

Moreover, the left hearing instrument continued to have feedback or "whistle." While doing normal things throughout the day, such as going into the kitchen or eating an apple, the aid created loud feedback. But Green was most upset with the feedback while using the telephone. Green observed, "The phone problem is frustrating because my dispenser said in our first or second session that all telephones manufactured since the 1980's were hearing-aid compatible-implying to me there was not a problem." There was a problem, and after trying the dispenser's suggestions to get the aid to work with the phone for about a week, Green went to get the aids adjusted again. He also went to get the "removal cord" replaced. With CIC, the aid is removed by pulling on a small cord that lies in the ear. The cord had broken off and he had to open the battery door and pull on it to get the aid out.

After ten trips to the dispenser, Henry Green's hearing aids are not what he expected (or was promised), but he did not return them. This is primarily because he "is trapped" by his insurance, but also because his contract provided for "holdback" fees of \$400 to pay the dispenser for the moldings even if the aids are returned. "I feel there is no satisfactory way out except to get these aids to work" through constant adjustments, although he admits that the adjustments might never enable these hearing aids to work as promised.

He reflects, "I can't believe that I'm expected to live with them the way they are," he told Consumers Union. So after paying \$3,570 for hearing aids, Green is still considering purchasing some other hearing enhancement devices. He found some for \$500 each that work as well as the \$3,570 pair, but they have just been removed from the market.

because under current law it “tolls” each time the hearing aid is returned for repair. Mr. P of Haltom City, purchased two hearing aids. A veteran hearing aid wearer, he noticed quickly they were not satisfactory. They were bulky and he could not fit them in his ear in order to hear properly. He was refitted for a second set of hearing aids, but they did not work to his expectations either. He continued to take the hearing aids in, but felt that nothing was working. After four trips requiring factory repairs that took two to three weeks at a time, he gave up. “Finally after I feel all efforts have been exhausted to fix these hearing aids and I still was unable to hear with them,” Mr. P wrote the committee, “I... returned them and stated I wanted my money back.”

Unfortunately, the dispenser said that his 30-day trial period was over. Trying to figure the time period out, Mr. P wrote, “[the dispenser] did not state that this pair of hearing aids was returned FOUR separate occasions and [the dispenser] sent them to the factory for repairs.” The dispenser in this case also started the trial period on the date of purchase—a full 16 day difference—rather than on the date of delivery, as required by law.²⁴

Tracking the “tolling” of the trial period can become very complicated. Consumers would know when their refund period ended if the dispenser provided a written notice of the new expiration date each time they took the aid to be adjusted, repaired, or remade. When complaints are filed with the



Committee/Board, there would be a dependable record of when the actual trial period ended and any optional extension began. Consumers benefit from accurate records of all extensions so they can return hearing aids within their trial period and not end up with a hearing aid they cannot use.

The 30-day trial period ends and people think that they have protection with the “guarantee,” but there is a big difference between a guarantee and a refund.²⁵ After the 30-day trial period required by law, consumers can return a hearing aid under the terms of the “guarantee,” which is a combination of rights under the manufacturer’s warranty and additional services from the dispenser. These rights vary depending on the manufacturer of the hearing aid and the dispenser—and should be described in the written contract for services.²⁶ Almost all hearing aids have a one- to two-year warranty that covers defects in material or workmanship but doesn’t cover molded ear inserts, batteries, or most external accessories.²⁷ One company offered a two year total coverage by the manufacturer, and another two years of coverage by the dispenser.²⁸

Recommendations

There are hundreds of hearing aid dispensers in Texas, so consumers should shop around for the best services. Consumers want to find the optimum hearing aid for their life-style, listening

“Starter” Options

If you’ve never tried hearing aids before, you may want to experiment with a lower-cost device. Reputable “starter” products should require a medical exam and face-to-face follow-up with a licensed dispenser. There are three types:

Disposable aids. The Songbird is a hearing aid that fits completely in the ear canal. According to the manufacturer, the digital version, at \$79, should last 70 days if used 10 hours a day. When the device stops working, you throw it out. The sound quality may be good, but the aids won’t fit everyone’s ears or meet everyone’s hearing needs. Songbird may be going off the market, but look for other disposables in the coming years.

Moderate-priced “entry-level” devices. These cost \$500 or less. The devices, with names like ReSound Advance and Audio D Simplicity, are basic analog devices without higher-end features. The ReSound, a tiny, behind-the-ear device, is designed for mild loss and part-time use.

Instant-fit hearing aids. These moderately priced digital aids are chosen from an in-stock selection by the dispenser, who programs them. You walk out that day with the aids, instead of waiting weeks. One example: the Siemens Phoenix, at \$600.

Most experts told us they liked the idea of consumers, who otherwise would avoid hearing aids, trying these entry-level products. But starter aids often lack or can’t accommodate certain very useful features. So there’s a risk that consumers will be disappointed and give up on hearing aids.

Features that Add Value

A good dispenser will point you toward the most appropriate devices for your hearing loss and lifestyle. Be mindful that what works for your neighbor might not work for you. Two people with identical hearing losses on the audiogram may react quite differently to the same settings on identical hearing aids. That makes it difficult to rate hearing-aid brands or types based on performance.

While it’s natural to gravitate toward the smallest aids, these devices aren’t for everyone. They don’t amplify as well as larger ones and may not support certain useful add-ons. They are the most difficult to manipulate, with the tiniest batteries. And they typically cost more.

Useful features and add-ons:

Volume control. Many aids automatically reduce volume in certain settings, but you may want the ability to control this yourself.

Directional microphones. These mikes pick up speech signals from the front, while reducing background noise from the side and rear - a proven way to enhance the understanding of speech.

T-switch or telecoil. These allow you to hear without feedback when using the phone or assistive listening devices.

Audio-input options. A direct input lets you connect a wire from the hearing aid to a TV, stereo, walkabout stereo, microphone, or assistive listening device, such as those available in theaters.

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requirements, and price range. Hearing aid dispensers who refuse to provide copies of their hearing evaluation tests or audiograms create a barrier for consumers who want to shop around or get a range of opinions.

After consumers have purchased a hearing aid, the complaints illustrate problems with the trial period and refunds. Consumers and dispensers lose track of the “tolling” 30-day period due to repeated repairs or adjustments. Dispensers pressure consumers to try one more repair or adjustment rather than simply collect their refund, until the trial period runs out. Some consumers want to return their hearing aids, but say they did not because of the high “holdback” fees.

If consumers decide that they have purchased the wrong hearing aid, among the range of options, then repair to the aid or replacement with another of the same aid may not resolve the problems. If consumers decide this *after* the initial trial period, they have no choice but to settle for a very expensive device that doesn’t provide the hearing assistance they expected. Many take the loss, shop around, and purchase a new one with no refund. A longer trial period, with automatic renewal when the consumer has to take the aid back for adjustment, would ameliorate some problems.

In order to guarantee greater consumer choice when buying hearing aids, we recommend:

The State Committee in the Fitting and Dispensing of Hearing Aids and the State Board of Examiners for Speech-Language Pathology and Audiology should:

- sufficiently enforce administrative penalties including fines when dispensers do not adhere to existing requirements in the administrative codes regarding the 30-day trial period. The committee/board should end policy of closing complaints without penalty when a refund is eventually given.
- change the format of the written contract to include spaces for consumers to initial next to the 30-day trial period ending date and the price of the holdback fee. If the trial period is extended due to a repair, the dispenser should be required to note the new date the trial period ends on the contract;
- allow consumers to try a different hearing aid within the 30-day trial period for a nominal fee if the first one is not satisfactory. One hearing aid does not fit all, and consumers should be able to try different sizes or technologies.

The Texas Legislature should enact laws to:

- make information about complaints public again;
- provide for a longer trial period, so that consumers can return a defective product if it simply never works after multiple adjustments;
- disclose to consumers the date upon which the trial period will end each time the consumer returns for repairs;
- disclose all fees related to services that will be provided and all holdback fees that will be charged if consumers return the aid during the trial period;
- mandate a maximum limit on the charges retained by the licensee (holdback fees) upon return of a hearing instrument

during the trial period, not to exceed 10 percent of the total charges; and

- specify that consumers be provided with a free copy of any hearing tests results.

Notes

¹ Wisconsin Self Help for Hard of Hearing People, Inc., State Association, www.wi-shhh.org. Download date, April 14, 2003.

² Miller, Martin, “Most hearing loss goes untreated,” *Houston Chronicle*, April, 17, 2003, p. 36A.

³ 2000 Census Bureau, www.quickfacts.census.gov. Texas population 65 and older is 1,966,272 as of the most recent census.

⁴ Throughout this report, we use the term hearing aid “dispensers” to refer to both audiologists who fit and dispense hearing instruments licensed under Occupations Code Chapter 401 and fitters and dispensers licensed under Occupations Code, Chapter 402. In our survey, we questioned the offices of 20 audiologists, 21 fitters and dispensers, 1 with both an audiologist and an ear specialist, 2 audioprosthologists, and 4 offices that had both audiologists and fitters and dispensers.

⁵ Texas Administrative Codes, Title 22, Part 7, Chapter 141, Rule 141.16(b). Texas Administrative Codes, Title 22, Part 32, Chapter 741, Subchapter H, Rule 741.102(4).

⁶ Texas Administrative Codes, Title 22, Part 7, Chapter 141, Rule 141.16(b)(2). Texas Administrative Codes, Title 22, Part 32, Chapter 741, Subchapter H, Rule 741.102(4)(B).

⁷ Another 196 complaints were filed against audiologists or speech/language pathologists during this period, but the board does not distinguish between these two groups in its summary complaint data, which is the only information currently public. We have no information about the subject matter of the complaints, and therefore could not segregate any information about complaints related to hearing aids.

⁸ Consumers Union asked, “How much does your test cost?” In our questions, we did not distinguish among the different tests that dispensers use, from the most basic test (screening) to a more comprehensive test (audiogram).

⁹ Texas Administrative Codes, Title 22, Part 7, Chapter 141, Rule 141.16(b)(1)(2); Texas Administrative Codes, Title 22, Part 32, Chapter 741, Subchapter H, Rule 741.102(4).

¹⁰ Texas Administrative Codes, Title 22, Part 32, Chapter 741, Subchapter H, Rule 741.102(4); Board of Examiners for Speech-Language Pathology and Audiology, Policy adopted December 5, 1997.

¹¹ Consumers Union Surveys, Austin and Northwest San Antonio, November 2002; Austin Costco Hearing Aids, interview, November 10, 2002.

¹² “Consumer Guide to Hearing Aids,” AARP, March, 2002, p. 11.

¹³ Texas Administrative Codes, Title 22, Part 7, Chapter 141, Rule 141.16(b)(2). Texas Administrative Codes, Title 22, Part 32, Chapter 741, Subchapter H, Rule 741.102(4)(B).

¹⁴ Speech-Language Pathology and Audiology complaint, Case 99-SA-0017, June 18, 1999.

¹⁵ Fitting and Dispensing of Hearing Instruments complaint, #FD99-010, April 19, 1999.

¹⁶ Fitting and Dispensing of Hearing Instruments complaint, #FD99-0020, May 25, 1999. Also see Fitting and Dispensing of Hearing Instruments complaints #FD99-0010, #FD99-0014, #FD99-0019, April 4, 1999, no date, and May 25, 1999.

¹⁷ Texas Department of Health, Disciplinary Actions for Fitters and Dispensers Through January 2003. Six disciplinary actions listed, none for this fitter. http://www.tdh.state.tx.us/hcqs/plc/fdhi_cmp.htm.

¹⁸ Fitting and Dispensing of Hearing Instrument complaints, from September 1, 1999 through 2002. For example, Fitting and Dispensing of Hearing Instruments complaint, #FD01-066, #FD02-027, #FD02-030, #FD02-031, #FD02-033, #FD02-034, letter sent to dispenser on March 19, 2003.

¹⁹ Fitting and Dispensing of Hearing Instruments complaint, #FD02-027, #FD02-030, #FD02-033, #FD02-033, #FD02-034, letter sent to dispenser on March 19, 2003.

²⁰ Texas Department of Health, Disciplinary Actions for Fitters and Dispensers Through January 2003. Six disciplinary

actions listed, none for this fitter. http://www.tdh.state.tx.us/hcqs/plc/fdhi_cmp.htm.

²¹ Title 22, Texas Administrative Code, Chapter 141, Article 141.24, Severity Level and Sanction Guide, Article 141.23, March 23, 2003.

²² Fitting and Dispensing of Hearing Instruments complaints, #FD99-022, July, 22, 1999.

²³ Fitting and Dispensing of Hearing Instruments complaints, #FD99-0011, 1999.

²⁴ Fitting and Dispensing of Hearing Instruments complaints, #FD99-0028, August 16, 1999.

²⁵ Speech-Language Pathology and Audiology closing letter, August 22, 2002.

²⁶ Texas Administrative Codes, Title 22, Part 7, Chapter 141, Rule 141.16(c)(5). The statute regulating audiologists who fit and dispense hearing instruments does not specifically require that the contract contain a description of the guarantee.

²⁷ Consumer Reports On Health, "Time to deal with hearing loss?," May, 2002.

²⁸ Consumer Purchaser Agreement, Miracle- Ear, 1998.

Survey Results By City

Summary of Survey Responses

City	Number of responses	Free Test	Free test and you can take results away	Fee if you want to take copy of results	Does not release hearing test	Sells more than one brand	Average price range (for one) D = Digital A = Analog	Number that will or will not extend trial period	Number that charged Holdback fees Range of charges
Austin	8	6	2	1	3	6	D \$899-3100 A \$429-2000	5-Yes 2- No	7 \$150-200 or 25%
Dallas	13	5	4	1	0	13	D \$1300-3500 A \$395-1650	5-Yes 5-Varies	12 \$75-400 or 10%- 25%
Fort Worth	8	5	4	1	0	7	D \$800-3050 A \$450-3300	5-Yes 1-Varies 1- No	8 \$75-400 or 5%-20%
Houston	12	8	3	1	4	11	D \$450-3600 A \$450-2000	7-Yes 1-Varies 3- No	8 \$40-100 or 10%-20%
San Antonio	8	8	7	1	1	6	D \$700-2600 A \$429-2500	4-Yes 1-Varies 3- No	6 \$100-150 or undisclosed percentage
Totals	49	32	21	4	8	43	D \$450-3600 A \$395-3300	26-Yes 8-Varies 9- No	41 \$75-400 or 5%-25%

Austin

Company Name	Free Test	Can I take a copy of my test results away?	Free even if I take the test results away with me	Free even if I don't by a hearing aid from you?	Type of license	Brands sold	Average cost (for one aid) D = Digital A = Analog	Will extend trial period?	Holdback fee?
Austin Ear Nose & Throat Associates J.P. Bordelon, MD Pete Scholl, D.D.S., M.D. John R. Austin, M.D. Austin Ear Clinic	Y	Y	Y	Y	Audiologist	Multiple Brands	D \$1800-3100 A \$1050-2000	Y - up to 90 days	Y-\$150 deposit
Costco Hearing Aids Nancy Innes M.A. CCCA	Y	Y	Y	Y	Audiologist Ear Specialist	Multiple Brands	\$600-several thousand dollars	N	Y-\$150
Hearing Tech	Y	Y	N, \$85	Y	Audiologist	Siemens and their sister companies Multiple Brands	D \$899-1699 A \$429-499	Y - 60 days	N
Audibel Hearing Center	Y	N	Not applicable ¹	Y	Fitter and Dispenser	Multiple Brands	D \$1500 A \$1250	Y	Y-\$200
Austin Hearing Aid Center W.A. Rudolph M.A.	Y	N	Not applicable	Y	Fitter and Dispenser	Multiple Brands	Would not disclose price	Y	Y - a possible fitting charge; would not disclose amount
Miracle Ear Hearing Aids Austin Hancock Plaza	Y	N	Not applicable	Y	Audiologist	Multiple Brands	Would not disclose price	Y-45 days or more	Y - a percentage of the total sale
Austin Ear, Nose and Throat Clinic Robert Butler, M.D. Christopher Dehan, M.D. Steven Fyfe, M.D. John McFarlane, M.D. Bradford Winegar, M.D.	N, \$88	Y	N	N	Audiologist	Miracle Ear Multiple Brands	Would not disclose price D \$1200 A \$800	N	Y-25% of total sale Y \$150

¹ Not applicable because the consumer cannot take copy away.

² N/A = not available.

Dallas

Company Name	Free Test	Can I take a copy of my test results away?	Free even if I take the test results away with me	Free even if I don't by a hearing aid from you?	Type of license	Brands sold	Average Cost (for one aid) D = Digital A = Analog	Will extend trial period?	Holdback fee?
Audiology Center of Garland	N, \$130	Y	N	N	Audiologist	Multiple Brands	D \$2000-2500 A \$1000	N/A	\$200
Input Hearing Systems-Midway	Y	Y	Y	Y	Audiologist	Multiple Brands	D \$1595 A \$1400-1650	Varies	10% on total sale
The Hearing Aid Store	Y	Y	Y	Y	Audiologist	Multiple Brands	D \$1500-3000 A \$900	Y	\$150
Total Hearing Care-Lakeswood/Lake Highlands Debbie F. Schirico MCD CCC-A	N, \$85 Offers various specials	N/A ¹	N	N	Audiologist	Multiple Brands	D \$2000-2800 A \$1600-2200 programmable A \$900-1400 standard	N/A	\$200-400
Garland Hearing Aid Center	Y	Y	N, ranges from \$35-65	Y	Fitter and Dispenser	Multiple Brands	D \$1300 A \$900-1000	Varies	Depending on type of aid, \$75-100
Hearing Aid Express-Dallas	Y	Y	Y	Y	Fitter and Dispenser	Multiple Brands	D \$1295-2500 A \$395-1195	Y	10%
Golden Hearing Center	Y	Y, but not a full evaluation	Y	Y	Fitter and Dispenser	Multiple Brands	D \$1200 and up A \$600 and up	Y	Varies with patient
Colin County Hearing Aid Dispensary	N, \$100	Y	N	N	Audiologist	Multiple Brands	D \$1600-2900 A \$900-1500	Varies	\$100 per hearing aid
Collier Center UT/Dallas	N, \$200-250	Y	N	N	Audiologist	Multiple Brands	D \$2000 and up A \$850 and up	Varies	Depending on the aid, disclosed at appointment
Dallas ENT Assoc. Kim McQuire, M.S., CCC/A	N, \$145	Y	N	N	Audiologist	Multiple Brands	D \$1600-2800 A \$1600	Y, 60 days	\$150 total, not per hearing aid
Advanced Hearing Center	\$125 w/o insurance	Y	N	N	Audiologist & Fitter and Dispenser	Multiple Brands	D \$1500-3500 A \$1300	N/A	\$200 per hearing aid
Dallas Family Hearing Center	\$85-125, varies if you want to see audiologist and/or doctor	Y	N	N	Audiologist & Fitter and Dispenser	Multiple Brands	A & D \$700-2200 Digital is more expensive	Varies	N/A
Hamill Hearing Aid Center Inc.	N, \$50	Y	N	N	"Audioprosologist"	Multiple Brands	D \$2000-2300 A \$1298	Y - a couple more weeks if needed	\$110 non-refundable

¹ N/A = not available.

Fort Worth

Company Name	Free Test	Can I take a copy of my test results away?	Free even if I take the test with me	Free even if I don't by a hearing aid from you?	Type of license	Brands sold	Average cost (for one aid) D = Digital A = Analog	Will extend trial period?	Holdback fee?
Sonus Hearing Care Professionals-Keller	Y ¹	Y	N, \$60	Y	Fitter and Dispenser	Multiple Brands	D \$800-3000 A \$599-800	Y-75 days	Y-\$75 restocking charge Y-\$200
Jones Audiology & Hearing Centers	N, \$75 ²	Y	Not applicable ³	N	Fitter and Dispenser	Multiple Brands	D \$1600-2500 A \$595-895	Y	Y-\$200
Acoustic Hearing Solutions	Y	Y	Y	Y	Fitter and Dispenser	Multiple Brands	D \$200 - 1,000 A non-programmable \$595-845	Y-60 days	Y-5%-10%
Anne's Hearing Aid Center	Y	Y	Y	Y	Fitter and Dispenser	Multiple Brands	A Programmable \$849-3300 D \$1100-2200	N/A ⁴	Y-\$1.50 per aid
Kos/Danchak Audiology and Hearing Aids	N, -\$80, depending type of test N, \$100	Y	N	N	Audiologist	Multiple Brands	A \$450 and up D \$1850-3050	Y	Y-\$200
Texas Ear Nose & Throat Specialist Hearing Aid Services	Y	Y	N	N	Audiologist	Resound	A \$950+ D \$1100-1400	Varies	Y-\$400+
Affordable Hearing Aids Greg Keeney A.C.A.	Y	Y	Y	Y	Audiologist	Multiple Brands	A does not sell D \$999-2500	N	Y-20% total of both hearing aids
National Hearing Center	Y	Y	Y	Y	Fitter and Dispenser	Multiple Brands	A \$699 and up D \$1195-2395 A \$395-995	Y-not past 60	Y-\$150 per hearing aid or 20% of total purchase ⁵

¹ Free with a special offered 2-3 times per year.

² Free if results say you need a hearing aid.

³ Not applicable because the consumer cannot take copy away.

⁴ N/A = not available.

⁵ Said fee was state law.

Houston

Company Name	Free Test	Can I take a copy of my test results away?	Free even if I take the test with me	Free even if I don't by a hearing aid from you?	Type of license	Brands sold	Average cost (for one aid) D = Digital A = Analog	Will extend trial period?	Holdback fee?
Best Hearing Aid Center - Shepherd	Y	Y	N, \$50	Y	Fitter and Dispenser	Multiple Brands	D \$2000 A \$600 DNC \$ 800 economy brand \$1,500 better tech	N	Y-20%
Acoustic Hearing Center- Edloe	Y	Y	Y	N, \$80	Audiologist	Multiple Brands	D \$2000 A \$500 and up	Y-40 days	Y-10%
Hearing Garden Hearing Aid Services	Y	Y	Y	N, \$40	Fitter and Dispenser	Multiple Brands	D \$450-1000 A \$500	Y 60 days, for behind the ear only	Y-\$40
Barry Kienholz Hearing Aid Center	Y	N	Not applicable ¹	Y	Fitter and Dispenser	Multiple Brands	D \$1660-2500 A \$700-1500	30-45 days for others Y-two or three times, depending on the manufacturer	N
Micro Hearing Aid Center	Y	N	Not applicable	Y	Fitter and Dispenser	Multiple Brands	D \$1500-2000 A cheaper	N	N
Medical Center Hearing Aids Ltd.	\$50-100	Y	N	N	Audiologist	Multiple Brands	Range from \$400-3600	N	Y-\$75
National Hearing Center Inc	Y	Y	Y	Y	Fitter and Dispenser	Multiple Brands	Around \$495-3500	Y	Y-\$150 per ear
Miracle Ear-Memorial City Mall	Y	N	Not applicable	Y	Fitter and Dispenser	Miracle Ear	D \$2500-3500 A \$1000-2000	Y-45 days	N
Walker Hearing Aid Center-	Y	N	Not applicable	Y	Fitter and Dispenser	Multiple Brands	Would not provide range over the phone	N/A ²	Y-10% or 15%
Today's hearing Mary Sue Harrison MS CCC-A	\$80	Y	N	N	Audiologist	Multiple Brands	Would not provide range over the phone	Y-not more than a week	Y-\$100 per hearing aid
Kelsey-Seybold Clinic	~\$95	Y	N	N	Audiologist	Multiple Brands	D \$1400 A \$700	Y-45-60 days	Y-\$100 per aid
University of Houston Speech-Language & Hearing Clinic	Price based on income	Y	N	N	Audiologist	Multiple Brands	D \$1800 and up A wide variety, hard to price	Varies	Usually none ³

¹ Not applicable because the consumer cannot take copy away.

² N/A = not available.

³ Ear mold for behind the ear hearing aid is nonrefundable.

San Antonio

Company Name	Free Test	Can I take a copy of my test results away?	Free even if I take the test results away with me	Free even if I don't by a hearing aid from you?	Type of license	Brands sold	Average cost (for one aid) D = Digital A = Analog	Will extend trial period?	Holdback fee?
Coxco Hearing Center (Northwest San Antonio)	Y	Y	Y	Y	Fitter and Dispenser	Siemens	D \$899-1899 A \$429-499	Y-60 days	N
Advanced Hearing & Communications Inc.	Y	Y	Y	Y	N/A ¹	Multiple Brands	D \$1500 and up A \$1000	Y D- 60 days A- 30 days	\$125
Avada Audiology & Hearing Center	Y	Y	Y	Y	Audiologist & Fitter and Dispenser	Multiple Brands	D \$700 and up A N/A	N	Y - an undisclosed % of hearing aid cost \$100 professional fee
Bellone Hearing Care Center	Y	Y	N, \$45	Y	Audiologist & Fitter and Dispenser	Bellone	D \$2500 A \$995-2500	Varies	\$150 per instrument \$100 per hearing aid
Hearing Aid Labs	Y	Y	Y	Y	"Audioprosthologist"	Multiple Brands	D \$2000 and up A \$495	N	\$100 per hearing aid
Hearlab	Y	Y	Y	Y	Audiologist	Multiple Brands	Range of \$800-4000	Y	N
San Antonio Hearing Aid Center	Y	N, will only fax to a doctor	Not applicable ²	Y	Fitter and Dispenser	Multiple Brands	D \$2600-4000 A \$700-1516	N	Y- would not disclose % or amount of fee \$150 ³
National Hearing Center Inc.	Y	Y	Y	Y	Fitter and Dispenser	Multiple Brands	D \$985 and up A \$595+	Y	

¹ N/A = not available.

² Not applicable because the consumer cannot take copy away.

³ Said the fee was a mandatory state law. Can waive the fee depending on circumstances.

Consumers Union

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