

Original: 2278

IRRC

From: Miller, Sarah E.
Sent: Monday, July 28, 2003 7:47 AM
To: IRRC
Subject: FW: Disclosure statement

comment letter on #2278

-----Original Message-----

From: Jim Rametta [mailto:info@heavenscrafts.com]
Sent: Friday, July 25, 2003 7:49 PM
To: Miller, Sarah E.
Subject: Disclosure statement

Dear Sarah,

I am Jim Rametta. I am a member of the board of PHAA. My phone has been ringing off the wall with the over run of distaste in the upcoming disclosure ruling for the new hearing aid bill. I have told all of our members to contact the appropriate people in state government and to stress their displeasure with the proposed legislation. I hope that the majority of our constituents will follow through on this advise. I have talked to quite a few of my patients over the last few months as to their interpretation of the statement and they are very adamant about the intrusion of the state in this area. They feel that the government is telling them that they can not make there own decisions when it involves there health. They are very angry over this legislation and some has even gone so far as to say that they will not even bother doing anything about there hearing if it is going to be such a laborious task. I beg you and any one else that will listen to forgo this bill until the public can as well ass the industry can come to an alternative solution to this dilemma.

Thank you for your time in this matter.

James P. Rametta BC-HIS
President
Rametta Audiology & Hearing Aid Center

7/28/2003

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INDEPENDENT REGULATORY
REVIEW COMMISSION

July 30, 2003
Sara Miller / Mike Stevens
IRRC

Dear Sara,

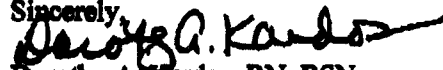
I am writing to you concerning the Hearing Aid Program Regulations, No. 10-165. I am currently a state registered hearing aid fitter and President of the Pennsylvania Hearing Aid Alliance, a professional organization whose membership consists of professionals involved in hearing testing and fitting of hearing aids. We have been invited to comment on these regulations.

There are still several parts of the regulations that need to be clarified.

- 1) **DISCLOSURE AGREEMENT.** The small box that has Date of Delivery plus a space for the customer's initials must be eliminated. Hearing aid fitters all agree that the date of sale is the SAME as the date of delivery. They MUST be the same - a fitter cannot sell a product that has not yet been made, as most hearing aids and earmolds are custom made. Many will take a deposit when the order is placed, but the date of order is not considered the date of sale. This should be clarified throughout the regulations. Section 25.210(c)(6) also requires that a copy of the disclosure be given to the purchaser after the disclosure agreement is fully completed except for date of delivery. This agreement, if it is to include serial numbers of the hearing aids, CANNOT be completed until the date of delivery, as the serial number for a custom made hearing aid would not be available until that time. In addition, the user instruction booklets (which the law states must be reviewed with the purchaser prior to the sale) also are provided by the manufacturer with the delivery of the custom hearing aid.
- 2) **USE OF FEDERAL VS. PENNSYLVANIA WAIVER**
As I read these regulations, it permits use of either the state of federal waiver in all hearing aid fittings. Previous court actions have determined that the Pennsylvania waiver must be used when fitting a new hearing aid. The Federal waiver can only be used when replacing a worn out, lost, or damaged hearing aid. I suggest you contact Ed Lybarger regarding this matter. He was involved in these court cases and can provide a detailed explanation.

Thank you for your attention to these matters. If you need to contact me, please call my office at 717-234-5966.

Sincerely,



Dorothy A. Kardos, RN, BSN
Board Certified Hearing Instrument Specialist
President, Pennsylvania Hearing Aid Alliance