



## **Economic Impact Analysis Virginia Department of Planning and Budget**

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### **18 VAC 80-20 – Board for Hearing Aid Specialists Regulations Department of Professional and Occupational Regulation April 19, 2002**

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The Department of Planning and Budget (DPB) has analyzed the economic impact of this proposed regulation in accordance with Section 9-6.14:7.1.G of the Administrative Process Act and Executive Order Number 25 (98). Section 9-6.14:7.1.G requires that such economic impact analyses include, but need not be limited to, the projected number of businesses or other entities to whom the regulation would apply, the identity of any localities and types of businesses or other entities particularly affected, the projected number of persons and employment positions to be affected, the projected costs to affected businesses or entities to implement or comply with the regulation, and the impact on the use and value of private property. The analysis presented below represents DPB's best estimate of these economic impacts.

### **Summary of the Proposed Regulation**

The Board for Hearing Aid Specialists (board) proposes several amendments to the regulations. Substantive changes include 1) allowing the board to extend temporary permits under specified appropriate circumstances, 2) allowing examinees to retake only the portions of the licensing exam which they have failed, 3) removing the requirement that speech tests be conducted after hearing aid fittings, and 4) removing the requirement that specialists refer clients to a physician if tinnitus is detected.

### **Estimated Economic Impact**

The board proposes to allow, at its discretion, the extension of temporary permits for individuals who have suffered serious personal illness or injury, or death in their immediate family, or obligation of military service or service in the Peace Corps, or for other similar circumstances approved by the board. A licensed sponsor directly supervises temporary permit holders. This proposed change clearly benefits temporary permit holders who have had their

training interrupted for legitimate reasons. Since licensed sponsors directly supervise temporary permit holders, it does not appear that public safety is compromised. Thus, this change likely creates net benefit.

Under the current regulations, individuals who fail any portion of the licensing examination must retake the entire exam. The board proposes to require that applicants only retake exam sections that were failed. This is clearly beneficial for applicants; they may be able to pass the exam in fewer attempts and some individuals may eventually pass who otherwise would not have passed. Applicants still must demonstrate sufficient knowledge for all sections, though not necessarily the same sections at the same time. No data is available to determine whether under the proposed examination system individuals who pass who otherwise would not have, and individuals who pass sooner than they otherwise would, are any less competent or competent enough for public safety as licensed hearing aid specialists. Since this information is unavailable, it cannot be determined whether this proposed amendment creates a net benefit.

Under the current regulations, hearing aid specialists are required to conduct speech tests both before and after the fitting of a hearing aid to a client. The board's proposed language implies that post-fitting tests used to evaluate the fitting are no longer required. The chairman of the board has indicated that that is not the board's intent. The board's intent is to continue to require post-fitting tests, but no longer to require that those tests are speech tests. According to the chairman, other post-fitting tests, such as sound field testing, are at least as effective as speech tests in measuring the quality of the fit. The board chairman and agency staff have agreed to recommend to the board that, before the final regulatory stage, language be added to the regulation clarifying that effective post-fitting tests are required.

Speech tests involve the specialist speaking to the client and evaluating their responses. Sound field testing involves the specialist operating calibrated equipment that produces various controlled sounds and evaluating the clients responses in a sound-proof room. Thus, it seems likely that permitting specialists to use sound field testing and other effective post-fitting tests in place of speech tests will not decrease the effectiveness of the specialists evaluations and may perhaps improve the evaluations. Thus, assuming the board does add language that clarifies that effective post-fitting tests are required, this proposed change will most likely not produce a net cost, and may produce a net benefit.

The board proposes to remove the requirement that hearing aid specialists check for tinnitus and if found refer the person to a licensed physician. (Tinnitus is a ringing or roaring sound that is caused by a bodily condition, e.g., as a disturbance of the auditory nerve or wax in the ear, and can usually be heard only by the one affected.) The board reports that it believes this provision represents good practice, but that it is proposing to remove it because someone at the Virginia Society for Hearing Aid Specialists expressed belief that it conflicts with federal law (21 CFR 801.420). However, staff from both the Department of Planning and Budget and the Attorney General's office have determined that there is no direct conflict with federal law, and in matters of health and safety states often give greater protection than federal law. An audiologist with whom DPB consulted states that as many as 10% of all unilateral cases of tinnitus as a primary symptom are highly suspect for a tumor of the acoustic nerve. Since checking for tinnitus only involves the specialist asking whether the client has ringing in the ears or similar symptoms,<sup>1</sup> and the detection of tinnitus may help individuals with serious health problems be diagnosed and treated in perhaps more than rare circumstances, eliminating the requirement to check for tinnitus and the subsequent referral is likely to produce a net economic loss for the Commonwealth.

## **Businesses and Entities Affected**

The proposed regulations affect the 473 hearing aid specialists and their clients.

## **Localities Particularly Affected**

The proposed regulations potentially affect individuals in all localities.

## **Projected Impact on Employment**

Permitting examinees to only retake portions of the licensing examination that they have failed may allow some individuals to eventually pass the exam who otherwise would not have passed. This may increase the number of licensed hearing aid specialists

## **Effects on the Use and Value of Private Property**

Changing the requirement that speech tests be conducted after the fitting of a hearing aid to that effective post-fitting tests are required may result in the purchase of additional equipment

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<sup>1</sup> Checking for tinnitus procedure source: chairman of the Board for Hearing Aid Specialists

for other post-fitting evaluation procedures. Businesses that sell such equipment increase their sales and value.