

COMMITTEE ON EDUCATION, HEALTH, WELFARE
AND STATE INSTITUTIONS

FEBRUARY 21, 1977

The meeting was called to order at 9:33 a.m. in Room 323 on Monday, February 21, 1977, with Senator Jack Schofield in the Chair.

PRESENT: Chairman Jack Schofield
Vice-Chairman Joe Neal
Senator William Raggio
Senator Richard Blakemore
Senator Wilbur Faiss
Senator William Hernstadt

ABSENT: Assemblyman Darrell Dreyer, S.B. 115
Keith Henrikson, Nevada State Hearing Aid Dealer's Assoc.
Bill Morris, State Board of Hearing Aid Specialists

A.B. 87 (Exhibit "A")

Chairman Schofield introduced the amendments to A.B. 87 that had been requested at the February 15, 1977, meeting.

Senator Blakemore: Amend and Do Pass (Exhibit "B"-Amendments)
Senator Raggio: 2nd the Motion

The Motion passed.

S.B. 115

Senator Neal opened discussion on this legislation because he had been a member of the sub-committee that had studied various problems dealing with nursing homes and the aged. Senator Neal explained to the Committee that this sub-committee had heard testimony of individuals, especially the elderly, who were being sold hearing aids when they really did not need one. Senator Neal said that the effect of the bill is seen in Section 2, lines 12-16, and Section 3, lines 21-23 of Page One. These areas require that on the contract of sale in boldface letters it must read, "...It is desirable that a person seeking help with his hearing problem consult a physician and obtain a clinical hearing evaluation. Although hearing aids are often recommended for hearing problems, another form of treatment may be necessary"; and, "...Any person who purchases a hearing aid from a hearing aid specialist may, within 45 days after the date of the purchase, rescind the transaction of:....".

Senator Raggio asked if Senator Neal recalled any testimony where action was taken against a dealer. Senator Neal said no, however, there was testimony where an individual went to a doctor and learned that he did not need a hearing aid after purchasing one.

Senator Raggio stated that he had been involved in the original drafting of the statute, NRS 637 A, dealing with licensing of hearing aid dealers and he felt that the current law was extremely effective. Senator Raggio said there were explicit mandates dealing with suspension, revocation of licenses and legal dispensation.

Senator Hernstadt commented that it was his understanding that the Federal Drug Commission had recently released and issued a series of orders relating to the hearing aid specialists on a nationwide basis.

Mr. Keith Henrikson, representing the Nevada State Hearing Aid Dealer's Association, remarked that out of the entire sub-committee report, the Association could only find one-half of one paragraph which might require new legislation. Mr. Henrikson read as follows: "The sub-committee viewed Nevada's current standards for bidding hearing aids as inadequate to protect the older person from door-to-door hearing aid sales." However, Mr. Henrikson added, there were no instances sited in the report of where the present law or persons were being abused or discriminated against.

Assemblyman Darrell Dreyer who was Chairman of the sub-committee reviewing this issue said that testimony received requested strengthening measures for the current statute. Mr. Dreyer said that it was stated that the State of Oregon had a thorough law dealing with the door-to-door sales of hearing aids, and it should be adopted in Nevada. Senator Raggio again interjected that he felt the current law was extremely explicit, and already covered any possible fraud. Assemblyman Dreyer said that he would like to obtain the minutes of the sub-committee covering this related testimony and present it to the Committee.

Mr. Henrikson said that the Board of Hearing Aid Specialists is policing its own industry, and in the Board's adopted rules and regulations, (Article XI: Minimum Testing Procedures) a medical exam is already required unless waived in writing by the individual. Mr. Henrikson also said that as Dr. Joseph C. Elia stated in his letter (Exhibit C - Page 10), "The parts of S.B. 115 that are especially offensive to me are lines 12 thru 20, "This Caution is bold faced letters". Knowing the psychology of the hearing handicapped, this type of required statement would only cause doubts and suspicion and cause many to reject much needed hearing help."

Mr. Bill Morris of the State Board of Hearing Aid Specialists testified that the Board has not had any complaints in the last three years, excepting one where the prosecuting attorney dropped the case because of lack of evidence, and the Board could not see any need for this bill. Senator Hernstadt asked how many sales of hearing aids had there been since the original statute was put into effect? Mr. Morris estimated approximately 4,000, with only the one above mentioned complaint. Senator

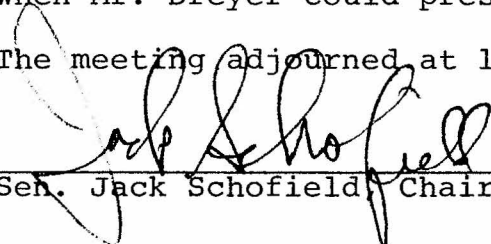
Hernstadt asked if this suggested rescinding action on the hearing aids would cause increased cost to the buyer because of the cost to the dealer in handling used hearing aids? Mr. Morris said yes, this would have to be reflected somewhere in the cost to the consumer. Senator Hernstadt asked if other states have laws like Oregon's which regulate door-to-door sales? Mr. Morris replied that forty-one states have licensing of specialists, but no other states have that particular regulation as far as he knew, and he also added that to the Board's knowledge, no dealer sold on a door-to-door basis in Nevada.

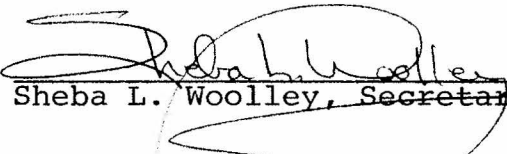
Senator Neal asked about the make-up of the Board members. Mr. Morris answered that the Board had three members, two dealers and one consumer. Senator Neal wanted to know why the Board was not weighted in favor of the consumers. Senator Raggio said because none of the Boards were weighted in favor of the consumers. Mr. Morris replied that the dealers were more knowledgeable of the technicalities of the profession than the consumers.

Chairman Schofield asked if A.B. 278 (Governor's bill dealing with the reorganization of state boards and commissions) would have any affect on Mr. Morris' Board? Mr. Morris answered no, only on the length of term of office. Senator Raggio said this was the same for all the Boards.

The Committee decided to hold further hearings on this Bill when Mr. Dreyer could present the minutes from the sub-committee.

The meeting adjourned at 10:45 a.m.


Sen. Jack Schofield, Chairman


Sheba L. Woolley, Secretary

A. B. 87

ASSEMBLY BILL NO. 87—COMMITTEE ON HEALTH AND WELFARE

JANUARY 19, 1977

Referred to Committee on Health and Welfare

SUMMARY—Provides for formulation and approval of welfare policies and regulations. (BDF 38-66)

FISCAL NOTE: Local Government Impact: No. State or Industrial Insurance Impact: No.

EXPLANATION—Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to state welfare administration; providing for the formulation and approval of welfare policies and regulations; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 422.140 is hereby amended to read as follows:
- 2 422.140 1. The board [shall have only such] *has only those*
- 3 powers and duties [as may be] authorized by law.
- 4 2. [The board is hereby invested with all policy-making duties,
- 5 *powers, purposes, responsibilities and jurisdiction under this chapter, but*
- 6 *shall delegate the execution and enforcement of its decisions, policies,*
- 7 *standards, rules and regulations to the administrator and the welfare*
- 8 *division.*
- 9 3.] The board shall:
- 10 (a) Prescribe [rules and] regulations for its own management and
- 11 government.
- 12 (b) [Formulate all standards and policies and establish all rules and
- 13 regulations authorized by law for administration of the programs for
- 14 which the welfare division is responsible. No such standard, policy,
- 15 rule or regulation shall become effective unless approved by the board.
- 16 (c)] Advise and make recommendations to the director or the legis-
- 17 lature relative to the public welfare policy of the state.
- 18 3. *The administrator shall execute and enforce the decisions of the*
- 19 *board.*
- 20 4. *The administrator may formulate standards and policies and*
- 21 *propose regulations to administer welfare division programs. A regula-*
- 22 *tion, standard or policy shall not become effective unless approved by*
- 23 *the board.*

Original bill is 2 pages long. Contact the Research Library for a copy of the complete bill.

EXHIBIT "B"

ASSEMBLY ACTION	SENATE ACTION	ASSEMBLY / SENATE AMENDMENT BLANK
Adopted <input type="checkbox"/>	Adopted <input type="checkbox"/>	Amendments to Assembly / Senate
Lost <input type="checkbox"/>	Lost <input type="checkbox"/>	Bill / Joint Resolution No. <u>87</u> (BDR <u>38-66</u>)
Date:	Date:	Proposed by <u>Committee on Education, Health</u>
Initial:	Initial:	<u>and Welfare and State Institutions</u>
Concurred in <input type="checkbox"/>	Concurred in <input type="checkbox"/>	
Not concurred in <input type="checkbox"/>	Not concurred in <input type="checkbox"/>	
Date:	Date:	
Initial:	Initial:	

1977 Amendment No 112 A



Amend section 1, page 1, delete lines 9 and 10 and insert:

"3.] The board : [shall:

(a) Prescribe rules and] (a) Shall adopt regulations for its own management and".

Amend section 1, page 1, delete line 12 and insert:

"(b) [Formulate all] May formulate standards and policies and [establish all rules and] adopt".

Amend section 1, page 1, line 14, delete "No" and insert "[No] Every".

Amend section 1, page 1, line 15, insert open bracket before "become" and closed bracket after "board."

Amend section 1, page 1, line 16, delete "(c)" and insert:

"be so formulated or conditioned that it does not require the expenditure of any money beyond the amounts appropriated or authorized by the legislature for the fiscal year to which it applies, and can not be reasonably anticipated to require the suspension of a continuing program during the fiscal year for lack of such money.

(c)".

BLAKEMORE

Third year - 0 complaints

①

Exhibit "C"



BETTER BUSINESS BUREAU OF NORTHERN NEVADA, INC.

1890 LOCUST STREET - P. O. BOX 2932
RENO, NEVADA 89505 - PHONE 322-0657

25 January, 1977

Mr. Bill Morris, Chairman
Board of Hearing Aid Specialists
P. O. Box 2292
Reno, NV 89501

Dear Bill:

As you requested, I have reviewed our statistics on complaints our office might have received during 1976 on area hearing aid establishments.

I found that we received no customer complaints on hearing aid firms during the entire year - either verbal or written.

I am extremely pleased about that, for you will recall that a few years ago, prior to the passage of A.B. 390 by the Nevada State Legislature in 1973, we had experienced a number of complaint problems. Our experience last year indicates to me that the purpose of A.B. 390 is being fulfilled, and that customer complaint problems regarding members of your industry, at least in Northern Nevada, have been drastically reduced.

I commend you and the other responsible members of your industry for a job well done.

Sincerely,

Don R. Cralle
General Manager

BETTER BUSINESS BUREAU OF NORTHERN NEVADA, INC.

STATISTICAL ACTIVITY REPORT

1974

<u>TYPE OF BUSINESS</u>	<u>INQUIRIES</u>	<u>COMPLAINTS</u>	<u>COMPLAINTS REFERRED</u>
<u>AUTOMOTIVE</u>			
Dealers	207	86	27
Gas Stations	18	33	17
Repair Shops	171	51	5
Tire, Battery, Accessory	29	19	0
Transmission Shops	58	5	0
Other	72	19	4
TOTALS	555	213	53
<u>FINANCIAL</u>			
Apartment Houses	18	29	129
Banks	9	4	7
Business Opportunity Co's	22	1	0
Consumer Finance & Loan	46	6	4
Credit Card Co's	2	1	1
Credit/Collection Co's	11	5	2
Franchise Selling Co's	19	5	0
Insurance Co's	231	7	27
Land Development Co's	101	6	3
Multi-Level Selling Co's	6	1	0
Real Estate Sales/Rental Co's	66	6	2
Savings & Loan	19	1	2
Security Brokers/Dealers	13	0	3
Other	153	4	0
TOTALS	716	76	180
<u>FOOD</u>			
Bulk Meat Co's	25	1	2
Food Stores (Chain)	4	7	8
Food Stores (Independent)	1	0	0
Freezer Food Plan Co's	5	1	0
Other	0	0	0
TOTALS	35	9	10
<u>HEALTH & PERSONAL IMPROVEMENT</u>			
Dentists	15	1	25
Doctors	27	1	39
Drug Stores	2	1	0
Hair Products/Improvement	3	3	0
Health Studios	34	4	0
Hearing Aid Co's	3	0	0
Hospitals/Clinics	4	3	0
Other	16	12	4
TOTALS	104	25	68
<u>HOME REMOD., CONST. & MAINT.</u>			
Alarm Systems	19	0	0
Building Material/Supply Co's	8	7	0
Enterminating Service	8	0	0
Heating & Air Conditioning	15	3	1
Home Builders - New Construction	97	12	7
Home Remodeling Contractors	10	2	0
Mobile Home Dealers	365	86	17

(Continued)

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BETTER BUSINESS BUREAU OF NORTHERN NEVADA, INC.

Statistical Activity Report

1975

<u>TYPE OF BUSINESS</u>	<u>INQUIRIES</u>	<u>VERBAL COMPLAINTS</u>	<u>FORMAL COMPLAINTS</u>	<u>COMPLAINTS REFERRED</u>
AUTOMOTIVE				
Dealers - Auto	254	161	85	27
Gas Stations	23	44	44	7
Repair Shops (Ex. Trans.)	247	111	54	8
Tire, Battery, Accessory	28	22	13	3
Transmission Shops	56	17	6	1
Other Automotive	112	35	22	6
TOTALS	720	390	224	52
FINANCIAL				
Apartment Houses	59	123	49	37
Banks	20	13	7	15
Business Opportunity Co's	50	1	1	
Coin Dealers	20	1		
Consumer Finance & Loan	31	18	7	2
Credit Card Co's	4	5	1	1
Credit/Collection Co's	25	28	2	3
Franchise Selling Co's	11			1
Insurance Co's	201	18	9	21
Land Development Co's	93	4	5	3
Multi-Level Selling Co's	11		1	2
Real Estate Sales/Rental Co's	78	9	7	5
Savings & Loan	14	2		2
Security Brokers/Dealers	12	1	2	1
Silver/Gold Investment	9		1	
Other Financial	104	5	5	
TOTALS	742	229	97	93
FOOD				
Bulk Meat Co's	16	3	2	
Food Stores (Chain)	10	21	5	1
Food Stores (Independent)	4	2	1	
Food Plans	14	1	1	
Other Food	24	2	3	
TOTALS	68	29	12	1
HEALTH & PERSONAL IMPROVEMENT				
Beauty/Barber/Wig Shops	10	9	4	2
Dentists	8	7		31
Doctors	18	9	1	46
Drug Stores	7	8	4	1
Hair Product/Improvement	1		1	
Health Studios	20	14	4	
Hearing Aid Co's	8			
Hospitals/Clinics	5	3	1	3
Other Health & Pers. Improv.	50	10	4	3
TOTALS	127	60	19	86
HOME REMOD., CONST. & MAINT.				
Alarm Systems	16	1	1	
Bldg. Materials/Supply	24	8	6	2
Concrete Contractors	16	1		2
Exterminating Service	4	1		
Heating & Air Conditioning	18	8	7	3



BETTER BUSINESS BUREAU of SOUTHERN NEVADA, Inc.

East Charleston Square, #103, 1829 East Charleston Blvd.

• LAS VEGAS, NEVADA 89104 •

Telephone (702) 382 7141

TOY R. GREGORY, JR., Counsel
WILLIAM S. BOYD, Counsel

PAUL M. NUTTER, Executive Director

November 5, 1975

Rainford Hearing Aid Service
901 Rancho Lane
Las Vegas, Nevada 89106

Dear Mr. Rainford:

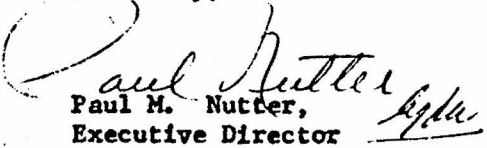
In response to your verbal request, this office has reviewed the files of the local hearing aid dealers.

This review covered a two year period (1974-75) and revealed no major consumer problems. To the contrary, the review indicates that local hearing aid industry has a very fine record in dealing with the consumer.

State regulations, the actions of the local hearing aid association, and the individual concern of the dealers has undoubtedly contributed to this record.

If we may be of any service whatsoever, please do not hesitate to contact this office.

Sincerely,


Paul M. Nutter,
Executive Director

PMN:fn



BETTER BUSINESS BUREAU of SOUTHERN NEVADA, Inc.

5

East Charleston Square, #103, 1829 East Charleston Blvd.

• LAS VEGAS, NEVADA 89104 •

Telephone (702) 382-7141

TOY R. GREGORY, JR., Counsel
WILLIAM S. BOYD, Counsel

PAUL M. NUTTER, Executive Director

January 27, 1977

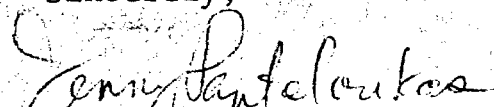
Donald E. Wert, Sec.
Nevada Hearing Aid Dealers Association
PO Box 1480
Las Vegas, Nevada 89101

Dear Mr. Wert:

Per your request of January 25, 1977 concerning all Hearing Aid Dealers complaints for the entire year of 1976.

According to our files, we have handled no written complaints concerning Hearing Aid Dealers for the 1976 year. There was a follow-up to a complaint filed regarding Tobin's Hearing Aid, in 1975. That was answered to the best of the company's ability.

Sincerely,


Jenny Panteloukas
Business Consultant



STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
COMMERCE DIVISION
2501 EAST SAHARA
THIRD FLOOR
LAS VEGAS, NEVADA 89104
(702) 385-0344

ROBERT LIST
ATTORNEY GENERAL

MAILING ADDRESS:
STATE MAIL ROOM COMPLEX
LAS VEGAS, NEVADA 89158

JOSHUA M. LANDISH
DEPUTY ATTORNEY GENERAL

February 11, 1977

Bill Morris
Chairman of the Board
of Hearing Specialists
P.O. Box 2292
Reno, NV 89501

Dear Mr. Morris:

Please accept my most sincere apologies for not responding sooner to your request on hearing aid companies. I have been extremely busy writing briefs, etc.

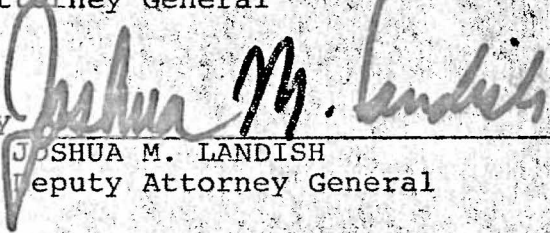
The Consumer Affairs Division and the Attorney General's Office have not received any complaints against hearing aid companies.

If we can be of further service, please do not hesitate to write or call this office. Again, I am sorry for the delay.

Very truly yours,

ROBERT LIST
Attorney General

By


JOSHUA M. LANDISH
Deputy Attorney General

gb



LARRY R. HICKS
District Attorney

Washoe County District Attorney

Washoe County Courthouse
South Virginia and Court Streets
P.O. Box 11130 • Reno, Nevada 89510

February 17, 1977

Mr. Bill Morris, Chairman
State Board of Hearing Aid Specialists
233 South Sierra Street
Reno, NV 89501

Dear Mr. Morris:

The Consumer Protection Division of the Washoe County District Attorney's Office has received no complaints against any hearing aid specialists in the year 1976.

Very truly yours,

LARRY R. HICKS
District Attorney

By Shirley Katt
Ms. Shirley Katt
Investigator in Charge
Consumer Protection Div.

SK:cmb



CONSUMER AFFAIRS DIVISION

(8)

2501 EAST SAHARA

THIRD FLOOR

LAS VEGAS, NEVADA 89104

(702) 385-0344

MAILING ADDRESS:

STATE MAIL ROOM COMPLEX

LAS VEGAS, NEVADA 89158

REX W. LUNDBERG

COMMISSIONER

LAS VEGAS

MARY VAN KIRK

DEPUTY COMMISSIONER

CARSON CITY

MIKE O'CALLAGHAN
GOVERNOR

January 28, 1977

Donald E. Wert
NEVADA HEARING AID
DEALERS ASSOCIATION
P.O. Box 1480
Las Vegas, Nevada 89101

Dear Mr. Wert:

In response to your letter of January 25, 1977 I am pleased to inform you the Las Vegas office of the Consumer Affairs Division received no complaints regarding hearing aids during the period of January 1, 1976 through December 31, 1976. You may wish to contact my deputy commissioner, Mrs. Mary Van Kirk in our Carson City office regarding any complaints that office might have received.

Not having seen the proposed bill you speak of, but seeing its description in the Springmayer Report, Volume V, No. 5 of January 21, 1977 (page 3), I only detect additional consumer protection but do not see substantial increases in costs.

Sincerely,

REX W. LUNDBERG
COMMISSIONER

RWL:wd

SAM J. ERVIN, JR., N.C., CHAIRMAN

JOHN L. MCCLELLAN, ARK.
HENRY M. JACKSON, WASH.
EDMUND S. MUSKIE, MAINE
ABRAHAM RIBICOFF, CONN.
LFE METCALF, MONT.
JAMES B. ALLEN, ALA.
LAWTON CHILES, FLA.
SAM MUNN, GA.
WALTER D. HUDDLESTON, KY.

CHARLES H. PERCY, ILL.
JACOB K. JAVITS, N.Y.
EDWARD J. GURNEY, FLA.
WILLIAM V. ROTH, JR., DEL.
BILL BROCK, TENN.

United States Senate

COMMITTEE ON
GOVERNMENT OPERATIONS
WASHINGTON, D.C. 20510

ROBERT BLAND SMITH, JR.
CHIEF COUNSEL AND STAFF DIRECTOR

July 19, 1974

Mr. William G. Morris
Chairman
Nevada State Board of Hearing
Aid Specialists
233 South Sierra Street
Reno, Nevada 89501

Dear Mr. Morris:

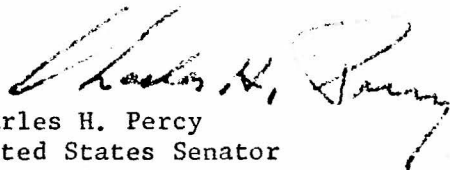
Thank you for your letter of June 24. At present my office has not received any complaints from hearing aid users in Nevada, which I am sure is partially a reflection of the positive efforts of the Nevada State Board of Hearing Aid Specialists.

However, I must clarify my position on state licensing agencies, as your letter reflects a certain misunderstanding of my recent remarks. The majority of licensing agencies appear to be devoted to the protection of the hearing-impaired. My statements were directed to the sector of agencies whose boards are heavily composed of dealers, a situation which sometimes interferes with effective protection of hearing aid users, preventing the caliber of professionalism which must be demanded of regulatory agencies.

Enclosed please find copies of two statements I delivered on the Senate floor. They should further outline what I perceive to be the major problems encountered by the hard-of-hearing, and what I believe must be the limitations of state licensing agencies.

Thank you again for expressing your interest in this matter. It is evident that we agree that responsible action must be taken to eradicate the unethical practices of certain members of the hearing aid industry.

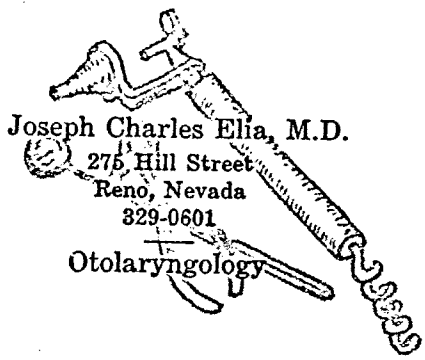
Sincerely,



Charles H. Percy
United States Senator

CHP:jic

Enclosure



10 February, 1977

Senator Schofield, Chairman
Senate Health, Welfare and State Institutions
Carson City, Nevada.

Dear Senator Schofield:

This letter pertains to my opposition to SB 115.

The problems that existed prior to 1973 have been resolved by the hearing aid specialists act created by the foresighted 1973 Nevada Legislature.

The parts of SB 115 that are especially offensive to me are lines 12 thru 20, "THIS CAUTION IS BOLD FACED LETTERS". Knowing the psychology of the hearing handicapped, this type of required statement would only cause doubts and suspicion and cause many to reject much needed hearing help.

I also object to the mandatory trial period for the same reason mentioned above. In addition, the Nevada law presently requires that proper testing be performed on all new hearing aid fittings alleviating the need for trial periods in most cases. I understand that all hearing aid specialists already offer trial options where tests indicate minimal help may be obtained from the hearing aid fitting.

I am very happy with the present law and see no need for any changes.

Very Truly yours,

Joseph C. Elia M.D.
 Joseph C. Elia M.D.

Copy

11



NEVADA STATE BOARD OF HEARING AID SPECIALISTS

233 SOUTH SIERRA STREET • RENO, NEVADA 89501 • (702) 322-3269
1164 EAST TWAIN • LAS VEGAS, NEVADA 89109 • (702) 735-0194

BOARD MEMBERS
WILLIAM G. MORRIS
CHAIRMAN
JOHN P. TOBIN
SECRETARY
HELEN CIBULKA

September 14, 1976

Assemblyman Darrell H. Dreyer
5309 Masters Avenue
Las Vegas, Nevada 89122

Dear Assemblyman Dreyer:

It is unfortunate that the story carried by Nevada media last week (copy enclosed) implies that our State has no law protecting its hearing impaired citizens from unethical practices. The subcommittee is evidently unaware that the 1973 Nevada Legislature created a chapter, to be administered by Governor appointed Board members, which provides for licensing and regulation of hearing aid specialists. Consequently, appointed Board members, with the cooperation of hearing aid specialists, have made Nevada a model State. What has been accomplished in Nevada is well worthy of note. To exemplify this I am enclosing three pertinent documents.

- (1) Copy of the Better Business Bureau of Northern Nevada's 1975 yearly report. You will note under "Health and Personal Improvement", "Hearing Aid Companies" is the ONLY category that shows NO verbal or formal complaints for the entire year. This has been the case for the past three BBB yearly reports-- an outstanding record!
- (2) A letter from the BBB of Southern Nevada stating they have had no problems. They add "to the contrary, the review indicates that the local hearing aid industry has a very fine record".
- (3) Copy of a letter from Senator Charles Percy of Illinois following his 1974 federal inquiry into the national hearing aid industry. He compliments the State of Nevada Board, stating that he had received NO complaints from here.

Our Board has received only one complaint during its existence, which it acted upon immediately.

Surely the subcommittee did not intend to demean either the Board or the respected group of qualified people who now fit and service hearing aids in this area. Unfortunately it has by the use of the term "deceitful practices" in its news release. This rhetoric can serve only to oppose the effect you are trying to achieve in helping the hearing impaired. It could easily lead to skepticism and mistrust, causing a delay in much needed help. A retraction is very much in order.

If your group has any complaints from hard of hearing individuals, we request that they be submitted for prompt action.

According to the news release, the committee proposed that Nevada model its law after that of Oregon. Change, merely for change sake or to help any special interest group, is morally wrong. I have a question concerning this proposal. Why change our successful law for a comparatively new law which has not been proven? Not only is it unproven, but it contains several serious deficiencies. Most critically, the Oregon law does not require minimum testing procedures for new hearing aid fittings. The Nevada law, Article XI, has such a provision. These tests are imparative to determine the approximate amount of help which can be predicted for each individual. For some few the results would point toward only minimal hearing improvement from the use of a hearing aid fitting. In these few cases a trial period is very much in order. Since fittings vary greatly, it is generally necessary to rent these trial instruments from the manufacturer, thus adding additional cost to the consumer. I know of no Nevada hearing aid specialist who does not offer such an optional rental or trial period. To require a trial period in all cases, as Oregon does, is to add needless additional expense to the majority of fittings. Testing proceudres, as required here, determine those candidates who would most benefit from a trial period.

It would seem to me that the subcommittee would have consulted our Board and the Nevada Hearing Aid Dealers Association before formulating any proposed legislation. I am confident that had your group done so, and been properly advised on Nevada's procedures and outstanding record, the misleading news story would have never been released.

Sincerely,

William G. Morris
William G. Morris, Chairman

Encl: (1) State Statute and Rules
(2) Three A/S

CC: Governor Michael O'Callahan
Committee Members
State Board Members
Nevada Hearing Dealers Association

AMENDMENTS TO RULES AND REGULATIONS

Add: New ARTICLE XI. MINIMUM TESTING PROCEDURES.

Section 1. After August 15, 1975, all persons licensed pursuant to NRS Chapter 637A to fit and dispense hearing aids shall adhere to the following minimum testing procedures for all new hearing aid fittings:

1. Pure tone audiometry including air conduction testing and bone conduction testing.
2. Live voice (if separate sound treated room is available) or, recorded voice audiometry including speech reception threshold testing and speech discrimination testing presented through a speech audiometer.
3. Effective masking when applicable.

Section 2. The minimum testing procedures set forth in Section 1 of this Article shall not be required in the following situations only:

1. Where the attention span of the individual is so limited that it is impossible to run all of the above-mentioned tests.
2. Where there is a language barrier.
3. Where any individual has been previously fitted with a hearing aid.
4. Where any individual supplies the hearing aid specialist with complete test results as set forth in Section 1 taken by a qualified tester within a previous six month period.

Renumber present Article XI to read: ARTICLE XII.

NEVADA STATE BOARD OF HEARING AID SPECIALISTS



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February 11, 1977

Senator Schofield, Chairman
Senate Health, Welfare and State Institutions
Carson City, Nevada 89710

Dear Senator Schofield,

After studying the contents of SB 115, I, as Chairman of the Board of Hearing Aid Specialists, am concerned that passage of this legislation would not be in the best interest of the hearing impaired or the hearing aid specialists of this state.

I am most disturbed by Section 2 (E), entitled "THIS CAUTION", feeling that this type of disclosure might establish doubts in the purchaser's mind as to the ability and integrity of the hearing aid specialist. The risk of doubt is especially hard to accept here in Nevada where we, for the past three and one half years, have been successfully policing our own industry; our present statutes, rules and regulations already have the necessary safeguards which provide the consumer with sufficient protection. Since licensing went into effect, our board has received only one complaint--- and that complaint, I might add, did not justify any penalties according to the prosecuting Deputy Attorney General. I must also add that I have documented reports from consumer agencies and Better Business Bureaus throughout the State attesting to the complaint free status of this industry since licensing went into effect over three years ago.

I am also disturbed by the fact that the following proposed changes are already dealt with in our present State Statute and Federal regulations:

A- Section 2, line 9 "WHETHER IT IS NEW OR RECONDITIONES"

This subject is covered by present Statute, Rules and Regulations; Article VI, page 18.

Page Two; Senator Schofield

B- Section 2, Line 10 "TERMS OF GUARANTEE OR WARRANTY"

The Federal Maguson-Moss warranty act went into effect December 31, 1976; it covers the terms of guarantee or warranty completely.

C- Section 2, Line 14 "OBTAIN A CLINICAL HEARING EVALUATION"

Article XI of the Nevada Statute Rules and Regulations lists minimum testing procedures; these require all hearing aid specialists to do a clinical hearing evaluation for all new hearing aid fittings.

D- "MEDICAL CLEARANCE"

The final F.T.C. and F.D.A. rulings are expected any day. I have been assured they will require medical clearance on all new hearing aid fittings made in this country.

In closing, I would like to note that the hearing handicapped are often hesitant in seeking much needed help and that this proposed legislation, if passed, would only add to their problem.

Sincerely,

William G. Morris
William G. Morris, Chairman
WGM/tf

Bill of Rights'

Legislation Proposed to Protect Elderly Patients

Journal Carson City Bureau

Proposed legislation designed to provide elderly patients with a "bill of rights," and to protect unwary purchasers of hearing aids against deceitful practices are among several measures tentatively recommended by an interim subcommittee of the Nevada Legislature.

The various recommendations, including a measure which would permit pharmacists to fill prescriptions using lower price equivalents of relatively high-priced brand name products, are currently being firmed up by the staff of the Subcommittee on the Aging and Skilled Nursing Homes preparatory to submission to the full legislative commission.

The commission meets Sept. 15 in Carson.

The so-called Generic Drug Bill, which never made it through the 1975 legislative session, could save consumers several hundred thousand dollars, according to Reno Assemblyman Steve Coulter, one of the bill's sponsors, and a member of the present subcommittee.

Another unsuccessful measure exhumed from the 1975 session and approved by the subcommittee would eliminate the sales tax on food items.

The so-called "bill of rights," as it currently exists in other states, provides for such things as a patient's right to privacy, to have private visits with one's spouse, and to receive a financial accounting for trust funds kept by the institution.

Sen. Richard Bryan, D-Clark, expressed concern at testimony to the subcommittee that indicated some nursing facilities were investing personal monies of patients and not making any accounting to them.

With regard to hearing aids, the subcommittee urged legislation similar to an Oregon law which regulates their fitting and sale.

Among other things, the law provides that a patient has the right to rescind his purchase within 45 days if he is told by a doctor that he does not need such a device.

Subcommittee members also favored legislation that would result in

the establishment of the position of "public guardian" in each county, who would look after the interests of an individual — say a nursing home patient — who can no longer do so himself and who doesn't have family or friends willing to accept the responsibility.

The subcommittee, by consensus, also favored more emphasis on home health care programs in rural areas as an alternative to institutionalization.

Also, it favored contacting Nevada educators to see what they have to say about the idea of making courses and intern programs available in the area of total health care of the aging, including gerontology.

Another proposal, which might generate a little heat during the '77 legislative session, would allow anyone authorized by the director of the Department of Human Resources to make unannounced inspections of nursing facilities to evaluate the kind of care being provided.

(15)



NEVADA STATE BOARD OF HEARING AID SPECIALISTS

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January 12, 1977

Copy

BOARD MEMBERS
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SECRETARY
HELEN CIBULKA

Bruce D. Arkell
Planning Coordinator
Governor's Office
Capitol Building, Room 45- Capitol Complex
Carson City, Nevada 89710

Dear Mr. Arkell:

In answer to your request for my comments and recommendations on the Sub-committee report concerning changes in the Nevada hearing aid specialists Statute I am, in part, enclosing a copy of the letter I sent to Sub-committee Chairman Dreyer on September 14, 1976. The facts mentioned in this letter, along with attached copies of documents from consumer agencies, etc., substantiate my belief that Nevada has been, with the exception of one, a complaint free model State in the hearing aid field since licensing.

Also, the statement in the report "PRESENT STATUTE INADEQUATE TO PROTECT OLDER PERSONS FROM DOOR TO DOOR HEARING AID SALES" which was referred to as determining the need for additional legislation is misleading. Following my father, and myself having served thirty one years in the hearing aid field here in Reno, I am not aware of any hearing aid specialist who goes "Door to Door". Not only would this practice be very unprofessional, and degrading, to say the least, but also, considering that a mere two or three percent of the population wear aids, it would be totally impractical. True, many hearing aid specialists do make local house calls together with visits to rest homes and outlying areas for purposes of servicing and fitting hearing aids. We take pride in offering this much needed service. Moreover, these contacts are not made without the specialists prior knowledge of the clients interest or from some source of referral such as a physician, friend, or family member.

Most important, though, all the recommended changes in this report are already dealt with in our State Statute or have been covered by new Federal laws since the reports the Sub-committee were using for comparison were printed.

(USA)

Explanation as follows.

Page 25- Commission Report.

A-1 MUST INCLUDE TERMS OF GUARANTEE

The Federal Maguson-Moss warranty act went into effect December 31, 1976 which covers this completely.

A-2 STATEMENT THAT HEARING AID IS USED OR RECONDITIONED.

Is covered by present Nevada Statute Rules & Reg., Article VI, page 18, Section 1.

B- MISLEADING ADVERTISING.

Covered in Nevada Statute, Rules & Reg. Article IV, Section 1, page 16. (Page 3 in Code of Ethics).

C- MEDICAL CLEARANCE.

The final F.T.C. ruleing is expected any day. I have been assured it will require medical clearance on all new hearing aid fittings made in the U.S.

Finally, as Oregon law requires, Section E, referred to on page 85, would be in very poor taste. This concept would not be to the best interest of the hard of hearing person. It would create doubt and suspicion pertaining to the hearing aid specialist's ability and integrity. Anyone who is familiar with the psychology of the hard of hearing would agree that confidence and trust is all important in convincing the individual of the need for better hearing and helping him through the adjustment period.

Cordially,

William G. Morris

William G. Morris, Chairamn
WGM/tf

cc: Sub-committee members

Enclosures

Federal restrictions planned on hearing aid sales

WASHINGTON (AP) — Hearing aids that now are as easy to buy as aspirin won't be after this summer, under new restrictions announced by the Food and Drug Administration.

The new procedure will be somewhat like buying drugs with a doctor's prescription, except that a person may still insist on buying a hearing aid without seeing a doctor. Prescription drugs cannot legally be bought unless a physician approves.

The regulatory agency said over the weekend that it was acting because a review of information given to hearing-aid buyers indicated they were being given "inadequate and, in some cases, misleading" sales pitches.

It said that persons who are hard of hearing should see a doctor before buying an electronic device that may or may not help them.

About three million people in the United States now use hearing aids, presently available to anyone who wants one and can pay for it.

The FDA estimates that 15 million Americans suffer from hearing impairment but that fewer than five million of them have ever had a medical evaluation of their condition.

DOCTOR'S ORDERS

Under the FDA regulation that takes effect in six months, hearing aids may be sold only if the buyer has a doctor's written statement suggesting that a hearing aid might help or if the buyer specifically and in writing waives a medical examination.

The regulation forbids dealers from encouraging people to waive the examination. Customers under 18 years old will not be permitted to waive the medical advice requirement.

The FDA rule provides no penalty to punish dealers.

The regulation also requires manufacturers to distribute a brochure with each hearing aid telling customers before they buy the device what hearing aids can do and how they work.

The manufacturers' brochure, like the retailer's statement, also is supposed to tell customers they should consult an ear specialist or other physician if certain

hearing-related symptoms exist. The symptoms include dizziness, pain, ear deformity, fluid discharge, rapid hearing loss or a foreign object lodged in the ear.

"Hearing loss can result from a number of conditions and diseases for which a hearing aid may not be helpful. This regulation is designed to protect consumers from being sold hearing aids that won't help them and to assure that people see a doctor if there is a medical reason for hearing loss," Acting FDA Commissioner Sherwin Gardner said.

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