

OVERVIEW

THE AUDITOR
STATE OF HAWAII

Sunset Evaluation Update: Hearing Aid Dealers and Fitters

Summary

We evaluated the regulation of hearing aid dealers and fitters under Chapter 451A, Hawaii Revised Statutes, and conclude that the public interest is best served by repeal of the statute.

Hearing aid dealers and fitters measure the hearing of customers for the selection, adaptation, or sale of hearing aids; they make impressions of ears for laboratories to manufacture ear molds; they adjust hearing aids to fit customers; and they provide information on their use and care. Those wishing to practice must be licensed by the Board of Hearing Aid Dealers and Fitters, which is administratively attached to the Department of Commerce and Consumer Affairs.

Regulation of an occupation should be undertaken only when necessary to protect the health, safety, and welfare of consumers. We find no evidence that the State should regulate hearing aid dealers and fitters under Chapter 451A, HRS. Few consumers have complained. The risk to the public is primarily financial and not significant. Other state and federal laws—enforced by the federal Food and Drug Administration, the Federal Trade Commission, and the state Office of Consumer Protection—help ensure product safety, proper care, and fair business practices.

We also found that if regulation is continued, it should be simplified by eliminating the examinations of the board. The licensing examinations are unnecessary because the need to screen potential hearing aid dealers for competency has not been demonstrated and the examinations have not been validated. The requirement is serving only to restrict entry into the occupation. The Board of Hearing Aid Dealers and Fitters is also unnecessary because its activities are minimal, and it seeks to expand regulation without sufficient reason. Regulation could be streamlined by assigning administration of the program to the director of the Department of Commerce and Consumer Affairs.

In addition, we found that the department could improve its operations with regard to site inspection policies, the consistency of legal requirements, and the reliability of licensing documents.

Recommendations and Response

We recommend that the Legislature repeal Chapter 451A, HRS, to leave regulation of hearing aid dealers and fitters to the federal Food and Drug Administration, Federal Trade Commission, and state Office of Consumer Protection. If the statute is continued, the Legislature should consider amending it to delete the examination requirements and terminate the Board of Hearing Aid Dealers and Fitters. We also recommend improvements in the site inspection policy, consistency of legal requirements, and reliability of licensing documents.

The board does not agree with our recommendation that the Legislature repeal Chapter 451A. It believes that regulation and licensure of hearing aid dealers and fitters is necessary to ensure competent and trained professionals. We believe that the potential harm is minimal and that Chapter 451A is not needed. The board also does not agree with our recommendation that if the statute is continued the Legislature should consider amending it to delete the examination requirements. It believes the examination ensures the minimal competency of practitioners. However, the examinations have not been validated. In addition, competency is not an issue because we found no evidence that hearing aid dealers and fitters have caused physical harm.

The board says it would concede termination of the board provided the director of the department is able to appoint an advisory committee to aid in the administration of the program when expertise is required. It agrees with our recommendation that the department amend the board's operational manual to eliminate the policy of periodic inspections of medical authorization and waiver records.

Marion M. Higa
State Auditor
State of Hawaii

Office of the Auditor
465 South King Street, Room 500
Honolulu, Hawaii 96813
(808) 587-0800
FAX (808) 587-0830