

# CONSUMER'S EDGE

CONSUMER PROTECTION DIVISION, MARYLAND OFFICE OF THE ATTORNEY GENERAL

ANTHONY G. BROWN, MARYLAND ATTORNEY GENERAL

## LISTEN UP! SHOPPING WISELY FOR HEARING AIDS

*Evelyn spent \$2,300 for hearing aids but they did not improve her ability to hear. Although she informed the seller, he repeatedly insisted she simply needed more time to get used to them. The sales contract didn't include the 30-day notice of cancellation as required by law. After contacting the Attorney General's Consumer Protection Division, she was able to get a refund.*



Hearing aids can be expensive. It's important to know your rights in a hearing aid purchase and how to choose a reputable seller. Otherwise, you could end up with a costly device that doesn't work properly for you, or that you might not even need. Some Maryland seniors have been cheated out of thousands of dollars by dishonest hearing aid sellers.

The first step in buying a hearing aid is making sure

your problem is diagnosed properly, since a hearing loss may be a symptom of a more serious medical condition.

A hearing aid seller is required by federal law to inform you that it is in your best interest to have a medical exam by a licensed physician. In fact, your hearing must be evaluated by a doctor before you buy a hearing aid, unless you sign a statement saying you've waived that protection. Don't sign it. It's always wise to have a medical evaluation to make sure all medically treatable conditions that may affect your hearing are identified and treated before you purchase a hearing aid.

What kind of doctor should you see to have your hearing evaluated? The U.S. Food and Drug Administration recommends an ear, nose and throat specialist (otolaryngologist), an ear specialist (otologist) or any licensed physician.

**Look for the right seller.** Once your doctor confirms you need a hearing aid, you'll need a hearing aid evaluation. Hearing aids can be difficult to fit, often requiring several adjustments. Fitting involves careful testing of hearing loss and selecting the right hearing aid for you.

That's why it's important to find a seller who will promptly respond to your concerns and work with you to resolve fitting and volume adjustment problems. Also look for a seller who will teach you how to use the device, and will be available to service it. Get a referral from your doctor - or friends who were happy with the services they received.

**Who's qualified to fit hearing aids?** Under Maryland law, audiologists, hearing aid dispensers and physicians may fit hearing aids.

- **Audiologists** hold a master's or doctoral degree in audiology from an accredited university. They must complete a period of supervised professional practice according to state requirements and pass a national examination.
- **Hearing aid dispensers** generally must be grad-



uates of a 2-year post high school program who have completed at least six months of training under a licensed hearing aid dispenser. They must pass both written and practical state examinations.

- **Medical doctors**, especially otologists and otolaryngologists, may fit hearing aids. These professionals are licensed by the state.

Contact the Board of Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists (410-764-4725) to verify that the seller is licensed. (410) 764-4725

<https://health.maryland.gov/boardsahs/Pages/Index.aspx>

Contact the Maryland Board of Physicians to confirm that a doctor is licensed to practice medicine in Maryland. (800) 492-6836

<https://health.maryland.gov/physicians/Pages/home.aspx>

**Get it in writing.** Find out exactly what's included in the price of the hearing aid, and get it in writing. Are there extra charges for molds, accessories or adjustments? Does the purchase price include maintenance service, follow-up checks and free hearing aid inspections? How long is the warranty? What does the warranty cover?

As with any consumer purchase, beware of extraordinary claims. The FDA has warned several hearing aid manufacturers to discontinue claims that their hearing aids reduce background noise and improve speech recognition in noisy environments.

**Know your cancellation and refund rights.** Under Maryland law, consumers who purchase hearing aids may cancel their purchase for any reason within 30 days of delivery and receive a full refund, less 10% for services. In situations where sellers document expenses greater than 10%, they may withhold their actual expenses up to 20% of the sales price if noted in the contract or sale receipt as "nonrefundable." Sellers may, however, retain fees for diagnostic tests that are billed separately from the hearing aid.

If the seller is unable to resolve problems in the first 30 days, it's best to cancel the sale. If the seller agrees to extend your return privilege to continue adjustments beyond the 30 days, get the extension in writing.

If the sale was in your home, the seller is responsible for picking up the aid and providing the refund. However, if the sale took place at the business, you are responsible for the return.

It is illegal in Maryland for a seller to come to your home to sell hearing aids without an appointment. However, if you or a relative do purchase a hearing aid from a seller who comes to your home with an appointment, you have three business days from the date of the sale to cancel the purchase and get a 100% refund.

**Don't be fooled.** Some Marylanders have been cheated out of thousands of dollars by dishonest hearing aid sellers. One seller, using phony free hearing tests, persuaded low-income, elderly consumers to buy hearing aids they didn't need, at an average cost of \$2,000 a pair. Protect yourself:

- Contact the Board of Audiologists, Hearing Aid Dispensers and Speech-Language Pathologists (410-764-4725) to verify that the seller is licensed. (410) 764-4725 <https://health.maryland.gov/boardsahs/Pages/Index.aspx>
- You may also file a complaint with the Board against an audiologist or hearing aid dispenser.
- Contact the Health Education and Advocacy Unit to see if any complaints have been filed against the hearing aid seller.
- Never pay cash. Use a credit card so you can stop payment or contest the charges if necessary.
- Pay as small a deposit as possible, and get a receipt.
- Get a second opinion on any recommended repair not covered by your warranty.

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## HOW TO CONTACT US

### Consumer Protection Division

200 St. Paul Place, 16th Fl., Baltimore, MD 21202

- **General Consumer Complaints:** 410-528-8662  
Toll-free: 1-888-743-0023 TDD: 410-576-6372  
9 a.m. to 3 p.m. Monday-Friday  
[www.marylandattorneygeneral.gov/Pages/CPD/](http://www.marylandattorneygeneral.gov/Pages/CPD/)
- **Health Consumer Complaints:** 410-528-1840  
Toll-free: 1-877-261-8807 TDD: 410-576-6372  
9 a.m. to 4:30 p.m. Monday-Friday  
[www.marylandcares.org](http://www.marylandcares.org)
- **For information on branch offices** in Largo, Salisbury, Hagerstown, and a full list of offices across Maryland, visit: [www.marylandattorneygeneral.gov/Pages/contactus.aspx](http://www.marylandattorneygeneral.gov/Pages/contactus.aspx)

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ANTHONY G. BROWN  
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