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# Hearing Health Never Takes a Holiday

BY BARBARA KELLEY

It takes a considerable amount of lead time to produce a print magazine, but we hope you enjoy what's in the pages of *Hearing Life* as much as we enjoy bringing the printed word to you. However, to get this to press for a fall release, I'm writing this in mid-August. It's still hot and staying light until late, many people are on summer trips, and our favorite Major League Baseball teams are battling it out. So, the news I'll report on now might just change a bit by the time it gets to you.

While most people take a little break during summer, your organization stayed busy because the issues don't stop. Hearing health, and living with hearing loss, never takes a holiday. This is, perhaps, the most exciting time in history for people with hearing loss. Here's what's happening this August as I write this for the fall issue.

## Over-the-Counter Hearing Aids

You might wonder why HLAA supported the Over-the-Counter Hearing Aid Act of 2017. The National Academies of Sciences, Engineering, and Medicine (NASEM) released a comprehensive study on *Hearing Health Care for Adults: Priorities for Improving Access and Affordability* (Published in 2016, you can Google it and download a copy for free, it's a good read.)

The study covered key areas and stated boldly, with research to support it, that hearing health is a primary health concern, and that there are barriers to care. HLAA was the only consumer-group sponsor along with Centers for Disease Control, Department of Defense, Department of Veterans Affairs, Food and Drug Administration, National Institute on Aging and the National Institute on Deafness and Other Communication Disorders.

The NASEM report also issued recommendations for a better world where hearing health is screened for and treated. Recommendation #7 of the NASEM report was to "Implement a new FDA category for over-the-counter wearable hearing devices." One of the paths to make that happen was the passage of the Over-the-Counter Hearing Aid Act of 2017. The FDA had three years to put out proposed rules, a critical step to getting OTC products on the market. The rules are a year overdue.

On July 9 of this year, President Biden signed a sweeping executive order that included directing the U.S. Department of Health and Human Services, which oversees the FDA, to consider issuing proposed rules within 120 days of his executive order for allowing hearing aids to be sold over the counter (OTC). On August 19, we saw movement on the proposed rules for OTC hearing aids. The regulations went from the FDA to the Office of Management and Budget. It looks promising that the proposed rules could be published in the *Federal Register* in November 2021. There will be a comment period and the FDA might even hold public hearings. All these comments will be taken into consideration before the final rules are published. If everything stays on schedule, the earliest the over-the-counter market would be official is August 2022.

The long overdue OTC rules have caused mass confusion in the market. If you go to our website, you can view an excellent presentation by Thomas Powers, Ph.D., on “Hearing Aids: Over-the-Counter, Direct-to-Consumer and Connectivity.” Go to [hearingloss.org/programs-events/convention/convention-archives/hlaa-virtual-convention-2021/](http://hearingloss.org/programs-events/convention/convention-archives/hlaa-virtual-convention-2021/).

Since the OTC rules were part of President Biden’s executive order, the media picked up the story. Unfortunately, the reporting on TV was misleading and downright incorrect in some cases. The reporting made it sound like *anyone*, with any level of hearing loss, could get a hearing aid “without a prescription” purchased off the shelf in a store.

**To be very clear, hearing aids sold over the counter will be for adults with mild to moderate hearing loss.**

We are pleased to see that President Biden understands the importance of issuing these rules. It’s also great to see the media shine a light on hearing health because hearing loss is either untreated or undertreated. Reporters have been calling our office all summer since the executive order came out. It’s given us a chance to further talk about the importance of hearing health and OTC devices.

We have hopes for OTC devices. This could be a first step on the journey of progressive hearing loss. If someone’s hearing loss progresses, they will end up in the good care of a hearing care provider. We know that hearing loss is linked to depression, isolation, falls, anxiety and cognitive decline. Better to address hearing loss sooner rather than later. Why wait five to seven years before taking action?

People must have accurate information so they can make appropriate choices. We also want these devices to be safe, effective and have consumer protections. We hope to see technology advance both in OTC devices as well as traditional hearing aids distributed through audiologists and hearing instrument specialists.

We know that the whole problem of people not paying attention to hearing health and getting their hearing checked can’t be solved with over-the-counter devices, but it might help reduce the stigma and get people talking about hearing health.

Our message: Don’t wait, get your hearing checked and protect the hearing you do have.

### **Why Doesn’t Medicare Cover Hearing Aids?**

If I had a nickel for every time a reporter asked me this question this summer...

On July 30, 1965, President Johnson signed into law the Social Security Amendments better known as the Medicare Bill. At the top of President Johnson’s legislative



*On July 30, 1965, President Lyndon Johnson signed into law the Social Security Amendments, better known as the Medicare Bill. At the top of President Lyndon Johnson’s legislative agenda in 1965 was Medicare, a federally-funded insurance program to provide low-cost medical and hospital care for America’s elderly under Social Security. Hearing aids were statutorily excluded.*

agenda in 1965 was Medicare, a federally-funded insurance program to provide low-cost medical and hospital care for America’s elderly population under Social Security. Half of the country’s population older than age 65 had no medical insurance. Though Medicare and Medicaid started as basic insurance programs for Americans who didn’t have health insurance, it’s changed over the years to provide more and more Americans with access to the quality and affordable health care they need. President Johnson believed it was high time to do something about this.

The Medicare Bill just didn’t happen to miss hearing aids, it statutorily excluded them, which means it will take an act of Congress to change the law to include hearing aids. I am constantly asked why hearing aids were excluded.

I can only give my opinion to answer this question. In 1965 when Medicare was passed, it was for catastrophic health conditions. Hearing loss wasn’t considered a primary health concern with serious implications. Hearing loss was probably seen as something that happened to old people and there wasn’t anything you can do about it. How often have you heard advice of “learn to live with it, it’s a normal part of aging?” The life expectancy in 1965 was 71.2 years with many people “closing shop” at age 65 to retire to a quiet life.

Now, age 65, barring serious health issues, means continuing what you love to do. Sometimes it sparks life’s Chapter Two—a new career (paid or volunteer), developing a hobby, diving into family or community life like never before, all while trying to focus on health and a quality of life. In 2021, we know how important hearing health is to overall health. This is a new day and age.

## Do I sound a little excited about our work, about you, about what's to come? Like I said, hearing health never takes a holiday and why would we want to?

Over the years, Congress has made changes to Medicare with more people becoming eligible. For example, in 1972, Medicare was expanded to cover people who are disabled and those people with end-stage renal disease requiring dialysis or kidney transplants. More benefits, like prescription drug coverage, have been offered. So, there's a precedent that Medicare can be expanded. Go to [CMS.gov](https://www.cms.gov) if you want the full history.

Health care is expected to remain a priority for the 117th Congress (2021-2022). With an expected average growth of more than 7% in Medicare program costs over the next decade and enrollment expected to reach 80 million individuals by 2030, Congress is also looking ahead to improving Medicare.

Legislation to cover hearing aids and services is back on the radar of lawmakers. From April to this writing, we've had more than 30 meetings with senators, representatives, the Speaker of the House, Senate Majority Leader and key congressional committees to ensure that hearing aids and services make it into any Medicare expansion bill. In late July, and again in August, we mobilized our community through an email blast to urge you to write to your senators and representatives in Congress to let them know how important this is.

I truly understand that we are not all eligible for Medicare, but Medicare, a sweeping health care bill for Americans, goes a long way in setting precedent for other insurers.

For example, some federal insurance programs like the Blue Cross and Blue Shield Federal Employee Program, cover hearing aids. Medicare Advantage, which not all seniors buy into because it doesn't suit their circumstances, covers hearing aids. In short, Medicare Advantage is part of the Medicare program offered to older people and disabled adults who qualify. Also referred to as Part C plans, Medicare Advantage (MA) plans are provided by private insurance companies instead of the federal government. Anyone who joins Medicare Advantage still must have Medicare. [Disclaimer: I'm not a Medicare expert. In fact, when I turn 65, anyone who wants to help me navigate the whole system, please come forward!]

As I write this, hearing aids and services along with dental and vision are being considered in the Reconciliation Bill. A good model for this was H.R.3 that passed the House of Representatives in fall 2019 that included

Medicare expansion for hearing aids and service along with vision and dental coverage. We hear that September 15 is the date both the Senate and House have set for committees to do their work on bills that align with the budget resolution. HLAA is at the table for you, and I hope we can bring you good news by the time you read this in October.

## Closing Out a Busy Summer

There's other work going on in your organization. Read Lise Hamlin's article on page 20, another exciting piece of legislation with long-term implications for access for people with hearing loss. We're putting the finishing touches on the "Voice of the Patient Report" from the Patient-Focused Drug Development Meeting we held in May. Check [hearingloss.org](https://hearingloss.org) for the "Voice of the Patient Report" and the recording of the meeting.

We're gearing up for the fall Walk4Hearing with plans to be in person this year, while walking on eggshells hoping the pandemic situation doesn't shift our plans. The HLAA board of directors continues their work in committees in between meetings to govern and set policy for HLAA.

We continue to steward our loyal supporters and donors who enable HLAA to keep to our mission. Please have a look at the HLAA 2020 Annual Report published in June at [hearingloss.org/about-hlaa/financials/](https://hearingloss.org/about-hlaa/financials/).

With fall, comes HLAA Chapters resuming meetings and activities after a summer break. What will it be this year? In-person meetings? Virtual? A little bit of both? We look forward to hearing from our chapters about their activities. If you want to find a chapter near you or one that has virtual meetings go to [hearingloss.org](https://hearingloss.org).

## Get All the News

The news could change from the time I write this to the time this issue is delivered to your mailboxes. Please be sure you are connected to us digitally. Our online communications reach about 58,000 people. Sign up for the free online *Hearing Life e-News* at [hearingloss.org/news-media/e-news/](https://hearingloss.org/news-media/e-news/).

We have a new blog on [hearingloss.org](https://hearingloss.org), kind of fun and rather short, but makes the point.

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