



March 7, 2023

Honorable Deb Patterson, Chair  
Honorable Cederic Hayden, Vice Chair  
900 Court St. NE  
Salem, Oregon 97301

RE: Proposed amendment to SB 558

Dear Members of Senate Committee on Health Care:

I am Chief Audiology Officer for Miracle Ear, Inc. Miracle-Ear is a hearing aid retailer with 30 clinics in Oregon that are all owned and operated by independent, small business owners. Miracle-Ear believes that patient safety, satisfaction, and access are of paramount importance in helping individuals address their hearing needs.

We write in support of SB 558 with one proposed amendment. We understand that SB 558 is introduced to ensure that Oregon hearing aid laws are aligned with the FDA's recent regulatory changes that (1) created the new "OTC hearing aid" category and (2) reclassified any non-OTC hearing aids as "prescription" hearing aids. We applaud and thank the sponsor and this committee's leadership in carrying this important bill.

However, we believe a small technical fix is needed to avoid the unintended consequences of reducing patient access to prescription hearing aids in Oregon. This is because under the FDA's new prescription hearing aid regulations, states have been specifically tasked with defining which licensed providers may "prescribe or order" the use of these devices. In your bill, we believe it is necessary to make one simple change to remove any ambiguity that consumers may continue to obtain prescription hearing aids from licensed audiologists and hearing aid dispensers, as they have doing for the last 50 or so years. The reason this is so important is because the phrase "order the use of" can be interpreted differently from the words "sale" or "attempted sale" (words currently included in the bill). Since "order the use of" is the phrase FDA uses, we recommend adding it as a technical fix to the proposed legislation.

As such, we propose the following technical fix:

**SECTION 1.** ORS 694.015 is amended to read:

694.015. As used in ORS 694.015 to 694.170, unless the context requires otherwise:

(1) "Dealing in hearing aids" means **order the use of**, sale, lease or rental or attempted sale, lease or rental of hearing aids in conjunction with the evaluation or measurement of the powers or range of human hearing and the recommendation, selection or adaptation of hearing aids.

I am available at (763) 710-1830 to speak with you or your staff regarding our request to make this important technical change to the proposed language so it is clear licensed audiologists and dispensers can order prescription hearing aids for their patients.

Respectfully,

*Thomas J. Tedeschi*

Dr. Thomas J. Tedeschi, AuD., FNAP  
Chief Audiology Officer  
Miracle-Ear, Inc.