



Janet T. Mills  
Governor

STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
& FINANCIAL REGULATION  
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION



Joan F. Cohen  
Commissioner

TESTIMONY OF  
PENNY VAILLANCOURT, DEPUTY COMMISSIONER

IN OPPOSITION TO L.D. 1413

**“An Act to Amend Laws Governing Hearing Aid Dealers and Health Insurance to Allow  
an Exception to Certain Hearing Examination Requirements”**

**Sponsored by Senator Rick Bennett**

**BEFORE THE JOINT STANDING COMMITTEE ON  
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

**Public Hearing: April 15, 2025, 1:00 P.M.**

Good afternoon, Senator Bailey, Representative Mathieson, and Members of the Committee. My name is Penny Vaillancourt, Deputy Commissioner of the Department of Professional and Financial Regulation and I am here on behalf of the Office of Professional and Occupational Regulation (“OPOR”) testifying in opposition to LD 1413.

The sole purpose of the Board of Speech, Audiology and Hearing is to protect the health and welfare of Maine Citizens by licensing qualified, speech-language pathologists, audiologists, and hearing aid dealer and fitters who meet the qualifications for licensure in statute, by investigating allegations of unprofessional conduct or incompetent practice, and by imposing sanctions when deemed appropriate.

LD 1413 would allow a licensee to sell and furnish hearing aids to a prospective purchaser *without the need for a hearing examination*. The exam requirement protects the public health and safety.

Conducting a hearing examination allows the licensee to accurately assess the prospective buyers hearing loss and to determine whether the prospective purchaser has an underlying health condition that would necessitate a referral to a physician, such as an otolaryngologist. Current regulations governing the fitting, selling and dispensing of hearing aids require conducting patient examinations as a foundational principle of competent practice reflected in the national educational and training standards established within in the industries including the codes of professional practice as established by the American Academy of Audiology (“AAA”) and the International Hearing Society (“IHS”).

In addition, the governing laws of the Board of Speech, Audiology and Hearing state that licensee’s failure to perform an examination is considered unprofessional conduct subject to disciplinary action. *See 32 M.R.S. Section 17307(2)* Moreover, there are also regulations requiring a medical evaluation by a physician in addition to the hearing examination prior to dispensing a hearing aid for patients aged 18 or younger.

OPOR is also concerned about the provision of the bill that would allow a licensee to replace a hearing aid without first inspecting it since that may subject a patient to increased costs and confusion regarding warranties and product availability.

We encourage the Committee to vote Ought Not to Pass or, if the committee was inclined to pass a bill, amend the bill to address the above concerns. Again, thank you for the opportunity to comment.

I would be happy to answer any questions now or at work session.

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