



**Testimony presented by Samuel N. Bittel, Au.D., FAAA
H.B. 2195
February 9, 2017**

Dear Chairman Hawkins and Members of the Committee:

I am an audiologist in the state of Kansas and I have been in private practice since 2008. I currently hold two distinct state licenses, an audiology license through the Kansas Department of Aging and Disability Services (KDADS), and a hearing aid dispensing license through the Kansas Board of Hearing Aid Examiners (KBHAE).

As an audiologist in Kansas, I am currently required to hold two distinct licenses, an audiology license (under KDADS) and a hearing aid dispensing license (under KBHAE). As such, I am familiar with both licenses and boards. I am well aware that the state of Kansas is seeking to reduce governmental redundancy, bloat, and unneeded expenditures. As a professional and dedicated audiologist, I am concerned with upholding high standards for my profession and the patients we serve. I believe that both objectives can be achieved concurrently through the move of the KBHAE under the umbrella of a larger agency, KDADS. I believe this move is beneficial for a number of reasons.

- **Greater consumer protection:**

- KBHAE does not currently have oversight from a larger umbrella state agency. I believe this oversight is crucial for protecting individuals with hearing loss in Kansas. A board should be held accountable for its actions and not have the appearance of being self serving.
- It is difficult for consumers to file a complaint to KBHAE, as they do not have a website. Frankly, it is difficult for me to find contact information for this board as a practitioner. I cannot imagine the hurdles a consumer must face when trying to find a way to file a complaint to KBHAE.
- The importance of oversight was recently shown in the case *North Carolina State Board of Dental Examiners vs FTC*. The Supreme Court ruled that in order for a state agency to have antitrust immunity, a state agency must be *actively* supervised by the state if, “a controlling number of its decisionmakers are active market participants in the occupation the board regulates.” It appears that KBHAE can only have active supervision if placed under an umbrella agency (KDADS). I urge Kansas to move on our own terms prior to being forced to do so.
- If a consumer complaint is brought against a Kansas audiologist, there is a real concern that punitive implications (loss or suspension of license, etc), will only occur through one of the two boards. That would allow a violating audiologist to only lose a single license, while maintaining the second. An offending audiologist could continue to dispense hearing aids without an audiology license, or practice audiology without a dispensing license. The two boards are distinct and complaints are typically only brought in front of one board. If both boards were under KDADS, this would help ensure consistency.

- Additionally, consumers are presented with a confusing choice when trying to file a complaint. If the audiology board and hearing aid dispensing board were both housed within KDADS, these factors would be minimized.
- **Efficiency**
 - KDADS has the resources and ability to provide excellent oversight to the boards housed under its umbrella. The audiology board (distinct from the hearing aid dispensing board) and the audiologists it serves are very pleased. I am sure we would be equally please if KBHAE were under KDADS.
 - It makes little sense to have a freestanding board, when the infrastructure is already in place to supervise, manage, and support KBHAE.
 - KDADS has a full time staff, which can ensure license and complaint related tasks are completed in a timely and efficient manner. Unfortunately, KBHAE only has one staff member, so there is commonly delayed turn around with licensing, etc.
 - It seems like KBHAE should take advantage of the services that KDADS already provides.
- **Additional thoughts**
 - You will be hearing testimony from individuals on both sides of this decision. I and many others are the very practioners KBHAE is overseeing, and we see a definite need for the board to move. It is fairly unique that individuals who are served by a board are the ones arguing for its move, which makes a strong statement. We are the ones on the ground, and we see a problem.
 - I think it is important to ask yourself why certain individuals are asking for the board to not have greater oversight. If those individuals are not being self-serving, it certainly has that appearance (which in and of itself is a problem).
 - If the infrastructure is already in place and additional oversight only serves to protect consumers (with little to no additional cost), this seems like a fairly straightforward decision.
 - The recent Supreme Course Decision (see above) will trickle down and eventually impact our Kansas boards. I urge the state to make changes on its own terms and be ahead of the curve.
 - Finally, this move will have no impact on an individual's ability to practice, ability to earn an income, etc. This bill contains no language about scope of practice. Arguments saying this change will affect livelihood are unfounded.

If you have any questions, please feel free to contact me directly at sam.bittel@gmail.com or 816-977-1649.

Sincerely,



Samuel N. Bittel, Au.D., FAAA
Audiologist