



STATE OF DELAWARE
STATE COUNCIL FOR PERSONS WITH DISABILITIES
Margaret M. O'Neill Bldg., Third Floor, Suite 1
410 Federal Street
Dover, Delaware 19901
302-739-3621


The Honorable John Carney,
Governor

John McNeal, Director
SCPD

MEMORANDUM

DATE: June 29, 2023

TO: All Members of the Delaware State Senate
and House of Representatives

FROM: Mr. Benjamin Shrader, Chairperson 
State Council for Persons with Disabilities

RE: SB 141 (Board of Language Pathologists, Audiologists, and Hearing
Aid Dispensers)

The State Council for Persons with Disabilities (SCPD) has reviewed SB 141 which proposes to amend §3702-3717 of Title 24 of the Delaware Code, establishing updated, detailed standards for hearing aid dispensing.

SCPD has the following observations and recommendation:

- Of note, this amendment adds and defines “over-the-counter hearing aids” as being available without a prescription, order, or other involvement of a licensed person; it can be made available to consumers through in-person transactions, by mail, or online, provided that the device satisfies certain other requirements. Prescription hearing aids are differentiated, in this bill, from over-the-counter hearing aids.

- This bill follows the Federal Drug Administration (“FDA”)’s 2022 approval of a rule allowing adults with mild to moderate hearing aids access to them over the counter and without a prescription.¹
- Prescription hearing aids can cost upwards of \$5,000; Medicare covers only diagnostic tests and not the aid itself. Eliminating exams and hearing aid fittings could reduce the cost of hearing aids by \$2,800, increasing the accessibility and affordability of hearing aids to those in need.²

The SCPD supports the goal of the bill to implement over-the-counter hearing aid access for Delawareans with mild to moderate hearing impairments. SCPD believes this bill will expand access to and affordability of hearing aids for many Delawareans.

Thank you for your consideration and please contact SCPD if you have any questions or comments regarding our position or observations on the proposed legislation.

cc: Ms. Marissa Band, Esq.
Governor’s Advisory Council for Exceptional Citizens
Developmental Disabilities Council

SB 141 Board of Language Pathologists Audiologists and Hearing Aid Dispensers 6-29-23

¹ See: <https://www.fda.gov/news-events/press-announcements/fda-finalizes-historic-rule-enabling-access-over-counter-hearing-aids-millions-americans>

² Will Sullivan, *FDA Approves Over-the-Counter Hearing Aids*, SMITHSONIAN MAGAZINE, Aug. 18, 2022, <https://www.smithsonianmag.com/smart-news/fda-approves-over-the-counter-hearing-aids-180980603/> (citing Matthew Parrone, *Over-the-counter hearing aids expected this fall in US*, Associated Press, Aug. 16, 2022, <https://apnews.com/article/science-health-government-and-politics-9fba21c0cd4c417e14544e6966b5a298>).