# PART C, CHAPTER 5.2.f: HEARING AIDS

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| **Policy Number** | **Authority** | **Scope**  | **Effective Date** |
| Part C, Chapter 5.2.f | 34 CFR [§361.5(c)(39)](https://www.ecfr.gov/current/title-34/part-361#p-361.5(c)(39)), [§361.48(b)(5)](https://www.ecfr.gov/current/title-34/part-361#p-361.48(b)(5)), and TWC Rule [§856.43](https://texreg.sos.state.tx.us/public/readtac%24ext.TacPage?sl=R&app=9&p_dir=&p_rloc=&p_tloc=&p_ploc=&pg=1&p_tac=&ti=40&pt=20&ch=856&rl=43) 21 CFR §801, §874.3300, §874.3305, Texas Occupations Code Title 3 Subtitle G, Chapter 402, and Texas Insurance Code Title 8, Subtitle E, Chapter 1367.  | All TWC-VR staff | 9/3/2024 |

## PURPOSE

In accordance with the authority (Federal and State) listed above, this policy is issued by the Texas Workforce Commission Vocational Rehabilitation Division (TWC-VR). Adherence to these rules and regulations issued under the Rehabilitation Act of 1973, as amended by Title IV of the Workforce Innovation and Opportunity Act (WIOA), supports Texans with disabilities in gaining, maintaining, and advancing in competitive integrated employment (CIE).

Specifically, the purpose of this policy and these procedures is to ensure adherence to the provision of hearing aids, accessories, and services necessary to adapt to these personally prescribed devices.

## DEFINITIONS

Best Value Purchasing: Purchasing the least expensive services that meet the customer's vocational needs. Also known as the acquisition cost. Determining the acquisition cost ensures staff consider all factors that influence the total cost and value to both the customer and TWC-VR.

Dispenser: A licensed professional in the State of Texas. Licensed audiologist, assistant in audiology, licensed physician, Hearing Aid Specialist or Hearing Instrument Fitter and Dispensers. Dispensers must meet the Texas Administrative Code regulations and licensing for the State of Texas.

Frequency Modulation (FM) System: Used to help a person with hearing loss listen in noisy environments; consists of a 1) microphone and transmitter worn by the person speaking and 2) the receiver used by the listener.

Informed Choice: The means by which a customer chooses their rehabilitation path, from options based on their needs and circumstances and the TWC-VR rules, including hearing aid services and the provider of those services.

Telecoil: Small copper wire built into a hearing aid that works as a receiver that picks up signals, which are then turned into sound.

## POLICY

### General Overview

TWC-VR supports individuals who are deaf or hard of hearing through the provision of hearing aids. These devices significantly enhance communication abilities, sound awareness, and overall quality of life by facilitating better educational and professional opportunities, reducing social isolation, and contributing to mental well-being, thereby enabling individuals to participate more fully in society.

### Hearing Aids

Consisting of a microphone, amplifier, and speaker, hearing aids are electronic devices designed to amplify sound for individuals with mild to moderate hearing loss. The microphone picks up sound, which is then processed and amplified before being sent to the ear through the speaker. There are various types of hearing aids, including behind-the-ear (BTE), receiver-in-the canal (RIC), in-the-ear (ITE), completely-in-canal (CIC), and contralateral routing of signals (CROS), each catering to different degrees and types of hearing loss.

Hearing aids are provided when—

* Recommended by a licensed audiologist or hearing instrument fitter and dispenser and required to improve or stabilize the effects of the hard of hearing impairment; and
* Necessary to achieve an employment outcome or participate in training services.

### Standards for Providers (SFP)

The SFP manual focuses on the business practices, processes, and policies that TWC-VR and the contracted provider must follow. This VRSM chapter includes services that are provided by a contractor. For additional information regarding contractor responsibilities, service descriptions and costs, please refer to the SFP Chapter 6: Hearing Aids and Related Accessories.

### Additional Policy Considerations

* Comparable Services and Benefits: Hearing Aids (i.e., Rehabilitation Technology) are exempt from the requirement to secure comparable services and benefits prior to TWC-VR expending funds.
* Customer Participation in the Cost of Services: A customer's eligibility for TWC-VR services does not depend on the customer's income or liquid assets; however, if the customer's net income or liquid assets exceed the Basic Living Requirements (BLR), the customer must participate in the cost of services unless an exception is granted.
* Recipients of Social Security Disability Benefits: Recipients of Supplemental Security Income (SSI) or Social Security Disability Insurance (SSDI), due to the customer's disability, are exempt from the requirement to participate in the cost of TWC-VR services regardless of income.
* Exceptions to Policy: When necessary to meet the VR needs of a customer, TWC-VR staff members may request exceptions to policies and procedures through their chain of management up to the Deputy Division Director of Field Services Delivery, or designee. However, exceptions to policies and procedures based on Federal and State laws, statutes, and rules or regulations are not allowable.

## PROCEDURES

### Determining the Need for Hearing Aids

VR Counselors may provide hearing aids when they are expected to improve the customer's ability to participate in employment and/or training required for a specific employment outcome. Hearing aids are purchased to benefit a customer who is deaf, hard of hearing, DeafBlind, or who would otherwise benefit from hearing aids as recommended by a licensed audiologist or hearing instrument fitter and dispenser. Recommendations from a licensed audiologist or hearing instrument fitter and dispenser are gathered before authorizing hearing aids. When authorizing hearing aids, the VR Counselor also must consider the effect of the customer’s hearing on specific training requirements, job requirements, and safety needs. The VR Counselor must document the expected outcomes in the case record as part of the assessing and planning process.

The *Hearing Evaluation Report: Customer Questionnaire (VR3105A)* can be utilized to gather more information about the customer’s hearing loss including the cause, how the hearing loss affects the customer across different environments as well as more information on previous use of hearing aids, as applicable. This information may be useful in assessing the need for TWC-VR services in an Individualized Plan for Employment (IPE) and provided to the audiologist as background information.

### Provision of Hearing Aids

The VR Counselor develops the IPE to include hearing aids after receiving—

* A medical evaluation, as described on *Hearing Evaluation Report: Otological Examination* (*VR3105B*), or medical records from the otologist or otolaryngologist including the medical evaluation, and dated within the last six months;
* An audiological assessment completed by a licensed audiologist or hearing instrument fitter and dispenser —
	+ On *Hearing Evaluation Report: Audiometric Examination (VR3105C)* dated within the last six months; or
	+ Documented on audiological records containing the same audiometric and tympanometry required on *VR3105C* and dated within the last six months; and
* The completed hearing evaluation form with hearing aid recommendations recorded on *Hearing Evaluation Report: Hearing Aid Recommendations (VR3105D)*.
* When the customer is younger than 18 years of age, a medical evaluation must be obtained by an otologist or otolaryngologist.

It is recommended that a medical evaluation be obtained to rule out any medical reason for the customer’s hearing loss, such as infection, injury or deformity, ear wax in the ear canal, and, in rare cases, tumors.

### Medical Evaluation

* Seasoned Hearing Aid Users: For seasoned hearing aid users (i.e., not a first-time hearing aid user) with no medical issues (e.g., ear was injured in an accident, fluid or blood coming out of the ear within the previous six months, pain or discomfort in the ear, history of excessive ear wax, dizziness, or fluctuating hearing loss within the previous six months, tinnitus only in one ear or a noticeable difference in hearing between ears, extreme changes in hearing loss), it is best practice to obtain a medical evaluation, as needed. The medical evaluation is completed by a physician or physician assistant or nurse practitioner who is supervised by a licensed physician.
* First-time Hearing Aid User: For a first-time hearing aid user, a medical evaluation is required from an otologist or otolaryngologist. If the TWC-VR staff member is experiencing substantial delays in securing the evaluation by the otologist or otolaryngologist, the medical evaluation may be performed by the customer's Primary Care Physician (PCP) or, if the customer does not have a PCP, another physician, or physician assistant/nurse practitioner who is supervised by a licensed physician.

### Recommendation for Hearing Aids and Accessories

* Complete-In-Canal Hearing Aid: When the VR Counselor receives a recommendation for a complete-in-canal (CIC) hearing aid, they must ensure the audiologist justifies the added benefits of a CIC hearing aid when compared to an alternative style with the same capabilities. Invisible-In-Canal (IIC) hearing aids must have documented vocational justification.
* Binaural Hearing Aid: When an audiologist or hearing instrument fitter and dispenser provides a vocational justification that warrants binaural hearing aid.
* Hearing Aid without Manual Telecoil: When an audiologist or hearing instrument fitter and dispenser provides a vocational justification that warrants an aid without a manual telecoil, it is recommended that the VR Counselor consult with a local Deaf and Hard of Hearing Technology Specialist before purchasing the aid. The VR Counselor may request a workplace or environmental assessment completed by the local Deaf and Hard of Hearing Technology Specialist to identify additional technology needs.
* Earmolds and Canal Impressions: Earmolds and canal impressions may be—
	+ Required for hearing aid purchase;
	+ Purchased from the contracted hearing aid manufacturer, audiologist, or hearing instrument fitter and dispenser;
	+ Paid for separately (not to exceed Maximum Affordable Payment Schedule [MAPS]); and
	+ Purchased for diagnostic purposes.

Custom-made ear plugs, which look like earmolds and are made for sound protection, may be purchased to preserve the customer's residual hearing while performing work duties.

* Consultation: The VR Counselor should consult with a Texas Health and Human Services Commission (HHSC) [Deaf and Hard of Hearing Technology Specialist](https://hhs.texas.gov/services/disability/deaf-hard-hearing#resource-specialist)when considering the purchase of additional non-contracted technology recommended by the dispenser.

### Staff Qualifications for Hearing Aid Dispensers

Individuals who provide and bill for services associated with the purchase of hearing aids and related accessories must meet the qualifications and licensing requirements of the [Texas Department of Licensing & Regulation](https://www.tdlr.texas.gov/), which is the designated regulatory authority for audiologists and Hearing Instrument Fitters and Dispensers.

| Job Title | Job Function | Required Qualifications |
| --- | --- | --- |
| Audiologist | * Provides audiological examinations
* May dispense hearing aids
* May provide basic audiometric assessments
* May provide hearing aid evaluations
 | Must comply with all provisions of—Texas Administrative Code Title 16, Part 4, Texas Department of Licensing and Regulation, Chapter 111, Speech-Language Pathologists and Audiologists |
| Hearing Instrument Fitter and Dispenser | * Dispenses hearing aids
* May provide basic audiometric assessments
* May provide hearing aid evaluations
 | Must comply with all provisions of—Texas Administrative Code, Title 16, Economic Regulation, Part 4, Texas Department of Licensing and Regulation Chapter 112, Hearing Instrument Fitters and Dispensers |

### Hearing Aid Recommendations

The selected provider must complete the *VR3105D*, indicating the—

* Brand name and model number (not serial number);
* Type of hearing aid, such as—
	+ Behind-the-ear;
	+ Receiver-in-the-canal;
	+ In-the-ear;
	+ In-the-canal;
	+ Complete-in-canal; or
	+ Contralateral routing of signal (includes BICROS);
* Model of the device(s);
* Quantity of hearing aids;
* Rechargeable Battery;
* Color selection;
* Receiver information;
* Earmold information;
* Dome Information;
* Price of hearing aids;
* Additional training;
* Accessories;
* Provider’s ship to information, including their “ship to” account number for the hearing aid manufacturer; and
* Any required justifications.

### Service Charge to the Hearing Aid Dispenser

The service charge is the dispenser's usual and customary charge, not to exceed the MAPS, for—

* Initial fitting, including activation of a telecoil;
* Up to four follow-up visits without any time limitations for adjustments, including—
	+ Post-fitting evaluation; and
	+ Report of hearing aid performance and customer level of satisfaction; and
* Instructions on the care and use of the instrument(s);
* The warranty including the warranty end date; and
* Provided the customer with the manufacturer's User Instructional Brochure.

### Service Charge for Replacement Hearing Aids

For hearing aids replaced under the three-year warranty, the VR Counselor must use MAPS code paid for the dispensing of the original hearing aid if the dispenser requires payment of a service charge. If the service charge for a replacement hearing aid or aids is paid, four additional follow-up visits are included in the cost of the service.

### After Hearing Aid Purchase

The hearing aid dispenser must complete the Initial Fitting Acknowledgements section on *Hearing Aid Fitting and Post-Fitting Report (VR3105E)* and submit the report to TWC-VR immediately upon receipt of the customer’s signature, which indicates receipt of the hearing aids. The hearing aid dispenser must schedule an appointment with the customer to return for post-fitting no later than 14 days after the date the customer received the hearing aids. If the customer does not attend an appointment with the dispenser within 14 days of receiving the hearing aids, the dispenser must notify TWC-VR staff that the customer has not returned for the post-fitting appointment. If the customer does not keep the post-fitting appointment, TWC-VR staff must contact the customer before the 30-day trial period ends to verify that the customer has received and is satisfied with the hearing aids. When the hearing aids are returned within the 30-day trial period, the original service charge covers any services for the replacement hearing aids.

### Hearing Accessories

An audiologist or hearing instrument fitter and dispenser may recommend certain accessories and devices that work with the hearing aids to enhance the customer's ability to hear and understand conversational speech and environmental sounds (e.g., a device that streams sounds from the telephone, television, and music player, as well as a compatible microphone, directly to the hearing aids, or a hearing aid drying kit which draws moisture from the hearing aids to prolong their life span).

Accessories may be purchased when the VR Counselor determines that any of the recommended accessories are vocationally relevant, as such accessories must be vocationally necessary and not used solely for personal purposes.

### Hearing Aid Repair

Payment for repair of a hearing aid, including labor and shipping and handling charges (outside of the warranty), must not exceed the cost of a new hearing aid.

### Frequency Modulation System

The VR Counselor may purchase a frequency modulation (FM) system directly from a manufacturer or an audiologist. However, the VR Counselor may not pay a service fee, including any fitting and dispensing fees, when they purchase an FM system through an audiologist.

When additional training is needed for an FM system not purchased from the hearing aid manufacturer at the time of purchasing the hearing aids, the VR Counselor contacts the State Office Deaf and Hard of Hearing Technology Specialist to request training for the customer on the use of the device and to perform troubleshooting of any issues with the device. Services provided by the State Office Deaf and Hard of Hearing Technology Specialist are free and may be used when available. If the required training is not available, the VR Counselor may negotiate payment with the provider for training the customer on the use of the device and for solving problems that arise with the device.

### Hearing Aid Purchasing

When the VR Counselor receives, reviews, and approves a completed *VR3105D*, two service authorizations (SA) are issued and submitted to the following—

* Contracted hearing aid manufacturer for the purchase of the hearing aid(s) and any accessories, with delivery instructions indicating the name, account number, and address of the dispenser where the items are to be shipped with the completed *VR3105D*; and
* Hearing aid dispenser for related service fees and any accessories.

TWC-VR staff must then submit the SA for the hearing aid and any accessories (from the manufacturer) with the completed *VR3105D* to the contracted hearing aid manufacturer for fulfillment. The contracted hearing aid manufacturer ships the hearing aid(s) and any accessories to the hearing aid dispenser.

TWC-VR staff must print a copy of the hearing aid SA to a PDF file, noting "courtesy copy," and submit a copy of the SA to the hearing aid dispenser. Once the hearing aid dispenser receives the courtesy copy of the hearing aid SA, the dispenser—

* Reviews the details on the courtesy copy SA; and
* Notifies TWC-VR staff of any discrepancies between the SAs in need of correction.

If a corrected SA is required, TWC-VR staff must provide—

* An updated SA to the hearing aid manufacturer; and
* An updated courtesy copy to the dispenser.

The courtesy copy of the SA also notifies the dispenser to send ear impressions for ear molds, if appropriate. Any changes made to the SA submitted to the hearing aid manufacturer must be documented in RHW, and the updated SA must be resubmitted to the hearing aid manufacturer.

* Payment for Hearing Aids to the Manufacturer:Upon receipt of an invoice, TWC-VR pays the contracted hearing aid manufacturer for the hearing aid(s) and/or accessories when the invoice complies with requirements below:
	+ Verification by TWC-VR staff with the dispenser the hearing aids and accessories have been received with a detailed case note entered in RHW; or
	+ Receipt of *VR3105E* with the Initial Fitting Acknowledgements section completed and signed by the customer.

### Payment for Hearing Aids Service Charges to the Dispenser

For the hearing aid dispenser to receive payment for services provided, they must submit the following—

* A completed *VR3105E*, indicating the customer has received the hearing aids and is satisfied with the hearing aids and any accessories, as indicated by the customer signing and dating the form; and
* Post-fitting documentation, such as—
	+ An audiogram of functional results for each ear (aided); or
	+ Measurements for each ear (aided).

If the customer fails to attend the scheduled post-fitting appointment, the Dispenser may be paid the service charge once the—

* + TWC-VR staff document at least three attempts to contact the customer about attending the post-fitting appointment; and
	+ The VR Counselor enters a purchasing case note that justifies payment of the service charge without the customer's attendance at the post-fitting appointment.

### Warranty

Hearing aids purchased from contracted hearing aid manufacturers have a three-year Loss/Damage warranty with no cost for replacement. The customer should contact the VR Counselor or TWC-VR staff to report issues with the hearing aid(s). When hearing aid(s) need to be replaced under the warranty, the audiologist, hearing instrument fitter and dispenser, and/or TWC-VR staff must complete *Hearing Aid & Accessories Loss/Damage Replacement Request (VR3105G)*. If the form is completed by the audiologist or hearing instrument fitter and dispenser, the completed form is immediately sent to the TWC-VR staff who ordered the services for the customer, who will then submit the completed form to the manufacturer. The manufacturer will ship the replacement hearing aid(s) to the audiologist or hearing instrument fitter and dispenser listed on *VR3105G* and notify TWC-VR staff of the shipment.

If the TWC case has been closed, a new service charge for replacement hearing aid(s) can only be paid when the individual reapplies for TWC-VR services, has been determined eligible, and hearing aids are included in a new IPE.

### Returns

The hearing aid dispenser must provide written notice to the TWC-VR office that issued the SA when any goods or equipment purchased with VR funds are returned to the manufacturer for any reason. The hearing aid dispenser completes *Hearing Aid and Hearing Aid Accessories Return* *(VR3105F)* and submits the completed form to the 1) manufacturer with the returned items and 2) the TWC-VR office immediately upon return of the items.

*VR3105F* must include the following:

* Customer's name;
* Case identification number;
* Original SA number associated with the returned items;
* Hearing aid manufacturer;
* Hearing aid manufacturer reference/invoice number;
* Description of the item(s) returned;
* Reason for the return;
* Amount of refund credit due to VR;
* Date and method the item was returned including the bill of lading or shipment number from the carrier; and
* Signature of dispenser’s staff member making the return.

## APPROVALS & CONSULTATIONS

There are no approvals or consultations for this policy and these procedures.

**REVIEW**

The Policy Planning and Statewide Initiatives Team, or designee, is responsible for reviewing this policy and these procedures and will update the Document History log if necessary.

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| **Date** | **Type** | **Change Description** |
| 9/3/2024 | New | VRSM Policy and Procedure Rewrite |