



July 9, 2018

## Hearing Aid Specialists – Tinnitus FAQ

The Health Licensing Office (HLO) has received several inquiries regarding tinnitus and hearing aid specialists “treating” the condition with the new technology available in hearing aids with masking functions. The HLO has consulted with the Advisory Council on Hearing Aids and the Oregon Department of Justice.

### 1) What is tinnitus?

**Answer:** Tinnitus is a sound no one else can hear, usually subjective, although in rare cases where it is caused by an abnormality in a vein or artery, can be heard with a stethoscope. The causes of tinnitus can be varied, and can include:

- A tumor on the auditory nerve
- Ear-damaging drugs
- Meniere’s disease
- Noise exposure
- Jaw misalignment
- Middle- or inner-ear infections
- Wax on the eardrum
- Diseases of the heart and blood vessels
- Hormonal changes
- Thyroid abnormalities

Treatment for tinnitus will vary depending on the cause, and may include acoustic/sound therapy, masking of the sound, adjustments to outside sound levels via a hearing aid, medications, biofeedback, acoustical neural stimulation, cochlear implants and cognitive behavioral therapy, according to the National Institute on Deafness and Other Communication Disorders (NIDCD) and the Mayo Clinic.

### 2) Are the diagnosis and treatment of tinnitus within the scope of practice of a hearing aid specialist?

**Answer:** No. ORS 694.015(2)’s definition of “dealing in hearing aids” does not include the diagnosis and treatment of an underlying disease or defect that interferes with human hearing such as tinnitus. Instead, “dealing in hearing aids” means the measuring of a person’s hearing capability when evaluating and measuring their hearing range so that they can be fitted with a hearing aids or to have their hearing aid adapted for a different range or power of hearing.

### 3) May a hearing aid specialist activate the tinnitus masking feature of a hearing aid?

**Answer:** OAR 331-670-0010(11) states:

*A licensee must have a written recommendation from a licensed physician as defined in ORS 694.142(2) prior to activating or adapting the masking features of a hearing aid when a client has tinnitus or has signs or symptoms of tinnitus. The licensee must provide services within the scope of the written recommendation only. For instance, a licensee cannot activate a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless the written recommendation recommends activation. A licensee cannot adjust a hearing aid masking feature when a client has tinnitus or signs or symptoms of tinnitus unless the written recommendation recommends the specific setting needed for adaption of the hearing aid.*

*A licensee shall refer a client back to the licensed physician if the client needs services outside of the written recommendation. A licensee must have obtained manufacturer-specific training on their equipment as well as a comprehensive course on tinnitus and the masking function of a hearing aid prior to activating the masking function of a hearing aid.*

When following the requirements stated in the above rule, a hearing aid specialist may activate the tinnitus masking feature of a hearing aid. The hearing aid specialist must abide by the above rule requirements to avoid engaging in the diagnosis and treatment of tinnitus. Adjustments to a hearing aid masking feature, including activating specific functions and features, can only be made pursuant to a written recommendation from a licensed physician. The hearing aid specialist may take the necessary steps to identify and correct a device malfunction.

**4) May a hearing aid specialist perform non-tinnitus services within the specialist's scope of practice if a client is referred for a tinnitus condition, or signs or symptoms of tinnitus, to a physician?**

**Answer:** Yes, a hearing aid specialist who has referred a client to a physician, as required under OAR 331-670-0020(1), may provide hearing aid specialist services to the client that are unrelated to tinnitus. If the client refuses to seek a medical opinion from a licensed physician, then, after obtaining the client's written refusal on a completed Waiver of Medical Opinion form, the hearing aid specialist may provide services to the client that are unrelated to tinnitus. The specialist may not activate the tinnitus masking feature of a hearing aid until the specialist receives a written recommendation from a licensed physician.

**5) May hearing aid specialists advertise that they can treat tinnitus?**

**Answer:** No. Since the diagnosis and treatment of tinnitus are not within a hearing aid specialist's scope of practice, it is not permissible to advertise that they can treat the condition.

**6) What happens if the Health Licensing Office receives a complaint that a hearing aid specialist is unlawfully or negligently practicing audiology or medicine?**

**Answer:** HLO and the Advisory Council on Hearing Aids do not regulate the practice of audiology or medicine. HLO will refer the complaint to the Oregon Medical Board, Board of Examiners for Speech-Language Pathology and Audiology, or other appropriate health professional regulatory board. A hearing aid specialist may be subject to investigation and possible sanctions if found to be providing services that are not within their scope of practice. A hearing aid specialist may also be subject to investigation and possible sanctions by the HLO.

**Important Note:** The Board and HLO do not provide personal legal advice to licensees or members of the public. The information provided here is specific to only those questions asked. Even slight changes in the scope or content of the question or matter may change the application of the above information in a different situation. Please consult your own attorney for legal advice regarding Oregon laws and administrative rules.