



**AMERICAN ACADEMY OF  
OTOLARYNGOLOGY–  
HEAD AND NECK SURGERY**

February 14, 2014

The Honorable John A. Boehner  
Speaker  
U.S. House of Representatives  
H-232 US Capitol  
Washington, DC 20515

The Honorable Nancy Pelosi  
Democrat Leader  
U.S. House of Representatives  
H-204 US Capitol  
Washington, DC 20515

Dear Speaker Boehner and Leader Pelosi:

On behalf of the approximately 12,000 members of the American Academy of Otolaryngology–Head and Neck Surgery (AAO-HNS), **I am writing to express our strong opposition to H.R. 4035.** H.R. 4035 inappropriately grants audiologists unlimited direct access to Medicare patients without a physician referral, and as written, would both increase healthcare costs and create significant patient safety issues. In addition, similar legislation introduced in past years has been opposed by more than 100 national and state organizations.

The AAO-HNS is the national medical association of physicians dedicated to the care of patients with disorders of the ears, nose, throat (ENT), and related structures of the head and neck. We are commonly referred to as ENT physicians, and we provide hearing-impaired patients with a full medical evaluation, diagnosis, and treatment plan for their hearing disorders.

**The AAO-HNS strongly believes a physician-led hearing healthcare team with coordination of services is the best approach for providing the highest quality care to patients.** To that end, the AAO-HNS initiated and actively participated in past negotiations with the American Academy of Audiology (AAA), the primary group supporting H.R. 4035, to identify ways to increase seniors' access to our non-physician colleagues without jeopardizing patient safety. **Unfortunately, the AAA withdrew its support of compromise legislation and has continued efforts to advance the recycled, ill-advised language included in H.R. 4035.**

The AAO-HNS remains committed to working with others in the hearing healthcare community to improve patients' access to care. In particular, the AAO-HNS most recently collaborated with the American Speech-Language-Hearing Association (ASHA) prior to the introduction of their "comprehensive audiology benefit" legislation, H.R. 2330. As a result of this collaboration, our organization has been able to support ASHA's proposal to appropriately expand the services provided by audiologists under the Medicare program.

As a medical specialty organization whose members continue to work closely with audiologists in a physician-led, team-based approach, we recognize and support their critical role in providing quality hearing healthcare. However, and in regards to H.R. 4035, aspirations of some audiologists to independently diagnose hearing disorders transcends their level of

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training and expertise. **Hearing and balance disorders are medical conditions and require, by necessity, a full patient history and physical examination by a physician.**

This is not a “turf” issue – it is a patient safety issue, and the Centers for Medicare and Medicaid Services (CMS) agrees. In a report on the audiology direct access issue, CMS declared that referrals from physicians are the “key means by which the Medicare program assures that beneficiaries are receiving medically necessary services, and avoids potential payment for asymptomatic screening tests that are not covered by Medicare ....” Bypassing a physician evaluation and referral can lead to misdiagnosis and inappropriate treatment that could cause lasting, and expensive, damage to patients.

The AAO-HNS remains committed to ensuring patients have access to the highest quality hearing healthcare. However, H.R. 4035 fails to include necessary patient safeguards. For the health and well-being of America’s seniors, I urge you to **refrain from co-sponsoring this inappropriate legislation and oppose any efforts to advance the bill.** If you or your staff have any questions, please contact Megan Marcinko, Senior Manager for Congressional and Political Affairs, at 703-535-3796 or [mmarcinko@entnet.org](mailto:mmarcinko@entnet.org).

Sincerely,

David R. Nielsen, MD  
Executive Vice President and CEO

Cc: U.S. House of Representatives