

Submitted via regulations.gov

August 24, 2022

Bureau of Consumer Protection
Federal Trade Commission
Pennsylvania Avenue NW,
Washington, DC 20580

Re: Endorsement Guides; P204500

The American Academy of Audiology (“the Academy”) is pleased to provide our recommendations on proposed revisions to the FTC Guides Concerning the Use of Endorsements and Testimonials in Advertising (“the Guides”). Specifically, we direct our comments to Section 255.3 regarding expert endorsements. The current Guides state that “endorsers qualifications must in fact give the endorser the expertise that the endorser is represented as possessing with respect to the endorsement.” The proposed modification of example (2) implies that an endorser of a hearing aid should not be referred to as “Doctor” as this implies that the endorser is a medical doctor. The text goes on to note that “a non-medical doctor” (e.g., an individual with a Ph.D. in audiology) *might* be able to endorse the product if the advertisement discloses the nature and limits of the endorser’s experience.

The entry-level degree for audiologists entering the field today is a clinical doctorate or AuD that requires four years of coursework/ practicum after the completion of a bachelor’s degree. Any audiologist who holds the title “doctor” has earned a clinical doctorate in audiology, (AuD) or Doctor of Philosophy in audiology and/or hearing sciences (PhD) or other comparable doctoral degree (e.g., ScD) with a focus in hearing sciences and audiology by a recognized accredited institution.

The American Academy of Audiology supports the use of the title “doctor” for members that have earned doctoral degrees from accredited institutions, with the provision that the audiologist provide clarification as to which field they hold their doctorate. A 2013 Academy Resolution provides that “audiologists who use the title doctor in advertising or patient communication must use a clarifying title that identifies the type of practice for which he/she is licensed and indicate the field in which they hold the doctorate, such as: Dr. Jane Doe, Audiologist or Jane Doe, AuD, Audiologist or Jane Doe, PhD, Audiologist, or Jane Doe, Doctor of Audiology, etc.” An Academy Position Statement (2022) on the use of the term “Doctor” in advertising provides further

clarification. https://www.audiology.org/wp-content/uploads/2022/01/PS_Use-of-Term-Dr-in-Advertising_1.2022-Final.pdf)

Audiologists and Hearing Aid Expertise

The term of “doctor” with a clarifying title is appropriately applied to individuals with doctoral degrees in audiology and appropriately implies expertise in the area of hearing aids. Hearing aid treatment is a fundamental component of an audiologist’s scope of practice and educational preparation.

- Current academic programs for audiologists require a professional doctoral degree from a program that provides academic content and clinical education experiences in order to “plan and implement treatment and rehabilitation methods used for the management of auditory and vestibular disorders, **including all forms of personal amplification and hearing assistance technology.**” <https://acaeccred.org/wp-content/uploads/2016/07/ACAE-Standards-5.11NEW-WEB-2.pdf>
- Audiologists, as described by the U.S. Bureau of Labor Statistics (BLS), “*assess and treat persons with hearing and related disorders. May fit hearing aids and provide auditory training. May perform research related to hearing problems*” As is further described by the BLS, “*audiologists typically need a doctor of audiology degree (Au.D.) to enter the occupation. All states require audiologists to be licensed.*” (<https://siccode.com/soc-code/29-1181/audiologists>).
- The scope of practice as described by the American Academy of Audiology includes treatment activities as follows: “*the audiologist is responsible for the evaluation, fitting, and verification of amplification devices, including assistive listening devices. The audiologist determines the appropriateness of amplification systems for persons with hearing impairment, evaluates benefit, and provides counseling and training regarding their use. Audiologists conduct otoscopic examinations, clean ear canals and remove cerumen, take ear canal impressions, select, fit, evaluate, and dispense hearing aids and other amplification systems.*” (<https://www.audiology.org/practice-resources/practice-guidelines-and-standards/scope-of-practice/>).

Conclusion

Given that hearing aid treatment is a fundamental component of the audiologist’s scope of practice and educational preparation, we suggest that the term “doctor” is appropriately used in endorsements by audiologists with doctoral degrees (such as AuD, or PhD), provided that the term is qualified with the type of expertise (e.g. “Jane Smith, Doctor of Audiology”, “Dr. Jane Smith,

AuD”, or “Dr. Jane Smith, PhD”) and suggest that Example 2 of the proposed guidance be changed to reflect this. We appreciate the opportunity to provide these comments and suggestions. If you have any questions about the information provided in this letter, please contact Susan Pilch, Senior Director of Government Relations at spilch@audiology.org.

Sincerely,

A handwritten signature in black ink that reads "Sarah Sydlowski". The signature is written in a cursive style with a small flourish at the end.

Sarah Sydlowski, AuD, PhD, MBA
2022 AAA President