



**Office of the  
Health Complaints  
Commissioner  
2007**

**700-0408017 –Audiologist - hearing aid - standard of care**

**Section 23(1)(d), (g)(i) & (ii) of the *Health Complaints Act 1995* – that a health service provider failed to exercise due skill, a health service user was not provided – with sufficient information on the treatment and health services available to enable the user to make an informed decision; or with a reasonable opportunity to make an informed choice of the treatment or services available.**

**Finalised December 2006**

The complainant attended the provider for testing and treatment for hearing loss and symptoms he considered consistent with hyperacusis, tinnitus and Meniere's Disease. He was offered and agreed to the provision of hearing aids and clinical care for a period of twelve months at a cost of \$7 000. The complainant paid a deposit of \$4500 agreeing to pay the balance on the sale of a vehicle.

During the rehabilitation process the complainant reported the hearing aid changing program by itself, hissing and squealing. He reported similar hissing problems with replacement hearing aids. The hearing aids were tested but the problems were unable to be verified by the laboratory or the manufacturer.

Following nine months of treatment the complainant returned the hearing aids, advised the provider that he was withdrawing from treatment and requested a full refund of the \$4500 deposit.

The provider reported that the running costs for services provided to that date were \$2085 for clinical expenses and the wholesale cost of the hearing aids \$3800. The provider retained \$700 as part payment of the clinical time and service provided and refunded \$3 800. The complainant believed he was entitled to a full refund, as the hearing aids did not function properly and he had been able to obtain hearing aids through another service that operated effectively.

An independent expert opinion was obtained who was of the view that the level of service provided was thorough and showed good attention to detail, appropriate techniques were used to resolve issues and appropriate information was provided on services beyond hearing rehabilitation. The amount refunded by the provider was exceedingly reasonable and more generous than one would generally find in the industry after 9-10 months.

It was concluded that the complainant was provided with hearing aids that were reasonably fit for their purpose and a satisfactory level of service even though he

experienced problems with the hearing aid. It was accepted that the provider was generous in their reimbursement of \$3800 to allow the complainant to seek further hearing assistance if he so desired. No recommendations were made.