

Regular Session, 2011
HOUSE BILL NO. 276

ACT No. 93

BY REPRESENTATIVE MONTOUCET AND SENATOR THOMPSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 37:2442(6)(introductory paragraph), 2446.1(C), 2449(B), and 2449.1(B)(4), (C)(1) and (2), and (E), 2449.2(A)(introductory paragraph) and (B), and 2449.3(A) and to enact R.S. 37:2444.1 and 2444.2, relative to hearing aid dealers; to provide for definitions; to establish a testing period for hearing aids; to establish a three-day cooling off period for the purchase of a hearing aid; to provide for continuing education requirements; to provide for temporary training permits; to provide for guidelines for training of temporary training permit holders; to establish sponsor and co-sponsor requirements; to provide for authority of temporary training permit holders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2442(6)(introductory paragraph), 2446.1(C), 2449(B), 2449.1(B)(4), (C)(1) and (2), and (E), 2449.2(A)(introductory paragraph) and (B), and 2449.3(A) are hereby amended and reenacted and R.S. 37:2444.1 and 2444.2 are hereby enacted to read as follows:

§2442. Definitions

The following words or phrases, when used in this Chapter, shall have the following meanings:

* * *

(6) Unethical conduct ~~means~~ includes but is not limited to the following:

* * *

1 §2444.1. Testing period for hearing aids

2 A. Any person licensed pursuant to this Chapter who sells a hearing aid to
3 a consumer shall provide a written receipt or written contract to the consumer. The
4 written receipt or contract shall provide the consumer with a thirty-day right to
5 cancel the purchase if the consumer finds that the hearing aid does not function
6 adequately for the consumer. If the consumer cancels the hearing aid purchase based
7 on this Subsection, the consumer may obtain a refund if he returns the hearing aid
8 to the seller in the same condition, ordinary wear and tear excluded, as when
9 purchased. The written receipt or contract shall notify the consumer of the thirty-day
10 right to cancel period in at least ten point type. The thirty-day right to cancel period
11 shall commence from either the date the hearing aid is originally delivered to the
12 consumer or the date the written receipt or contract is delivered to the consumer,
13 whichever is later. The thirty-day period shall be interrupted for any period during
14 which the hearing aid seller, dealer, or fitter has possession or control of the hearing
15 aid after its original delivery.

16 B. Upon exercise of the thirty-day right to cancel a hearing aid purchase, the
17 seller of the hearing aid is entitled to a cancellation fee not to exceed fifteen percent
18 of all fees charged to the consumer, including testing, fitting, counseling, and the
19 purchase price of the hearing aid. The exact amount of the cancellation fee shall be
20 stated in the written receipt or contract provided to the consumer.

21 §2444.2. Three-day cooling off period

22 A. A consumer may cancel any transaction for the purchase of a hearing aid,
23 without any penalty or obligation, within three business days of the date the hearing
24 aid is actually ordered by the consumer. Upon such cancellation, any property traded
25 in for credit, any payments made by the consumer under the contract or sale, and any
26 negotiable instrument executed thereupon shall be returned by the seller to the
27 consumer within ten business days following receipt by the seller of the cancellation
28 notice. Any security interest arising out of the transaction shall be immediately
29 canceled.

1 §2449.1. Guidelines for training of temporary training permit holders

2 * * *

3 B. The guidelines shall include all of the following:

4 * * *

5 (4) The responsibility of the sponsor and co-sponsor for direct ~~and indirect~~
6 supervision of all aspects of the training.

7 C. The training period begins on the date of the issuance of the temporary
8 permit. A temporary training permit holder must complete at least one hundred fifty
9 hours of directly supervised practicum that includes:

10 (1) Twenty-five contact hours of pure tone air conduction, bone conduction,
11 and speech audiometry, recorded ~~and~~ or live voice, with fifteen of the required hours
12 being with actual clients.

13 (2) Twenty-five contact hours of hearing instrument evaluations, including
14 sound-field measurements with recorded ~~and~~ or live voice.

15 * * *

16 E. On completion of the directly supervised practicum required under
17 Subsection C of this Section, the temporary training permit holder shall ~~complete~~
18 continue the permit holder's training under the ~~indirect~~ direct supervision of the
19 permit holder's sponsor or co-sponsor.

20 §2449.2. Sponsor and co-sponsor requirements

21 A. A sponsor and co-sponsor of a temporary training permit holder ~~must~~
22 shall be a licensed hearing instrument dispenser having the qualifications established
23 by this Chapter and:

24 * * *

25 B. A sponsor or co-sponsor, as appropriate, shall directly ~~and indirectly~~
26 supervise a temporary training permit holder. A sponsor or co-sponsor shall provide
27 direct supervision by being located on the premises and available to the temporary
28 training permit holder for prompt consultation. A sponsor or co-sponsor shall

1 provide ~~indirect~~ direct supervision by reviewing daily a temporary training permit
2 holder's patient contact and daily work.

3 * * *

4 §2449.3. Authority of temporary training permit holder

5 A. A temporary training permit holder may provide routine fitting and
6 dispensing of hearing instruments that have been ordered by the sponsor or co-
7 sponsor. The sponsor; or co-sponsor, in consultation with the board, is the sole judge
8 of whether the permit holder has the qualifications necessary to perform routine
9 fitting and dispensing. A sponsor or co-sponsor is accountable to the board for the
10 actions and misdeeds of a temporary training permit holder acting at the sponsor's
11 or co-sponsor's discretion.

12 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____