

HOUSE No. 03903

The Commonwealth of Massachusetts

PRESENTED BY:

Vincent A. Pedone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to Provide Increased Access to Hearing Aids.

PETITION OF:

NAME:

Vincent A. Pedone

DISTRICT/ADDRESS:

15th Worcester

HOUSE No. 03903

By Mr. Pedone of Worcester, a petition (subject to Joint Rule 12) of Vincent A. Pedone relative to the accessibility of hearing aids. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act to Provide Increased Access to Hearing Aids.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 93 of the General Laws is hereby amended by striking out section 73 in its
2 entirety and inserting in place thereof the following:

3 Section 73. An audiologist, physician or otolaryngologist who sells a hearing aid to a person to
4 whom such audiologist, physician or otolaryngologist had provided services pursuant to section
5 seventy-two shall disclose to the prospective purchaser before the sale of the hearing aid the fees
6 for the services provided pursuant to section seventy-two and the terms of the prospective sale of
7 the hearing aid, including a written estimate of the total purchase price, including, but not limited
8 to, the cost of the hearing aid, the earmold, any batteries or other accessories, and any service
9 costs, and shall inform the prospective purchaser of his right to obtain a hearing aid from a
10 different source.

12 No person directly or indirectly shall give or offer to give or permit or cause to be given money
13 or anything of value to a physician, otolaryngologist or audiologist as an inducement to influence
14 the recommendation of the purchase of a hearing aid.

15 Nothing in this section shall prevent a audiologist, physician or otolaryngologist from suggesting
16 a specific make and model of a hearing aid.

17 SECTION 2. Section 197 of chapter 112 of the General Laws is hereby amended by striking out
18 subsection (a) and inserting in place thereof the following:

19 (a) Beginning July 1, 2000, no person shall identify, present or otherwise portray himself as
20 a hearing instrument specialist or practice hearing aid dispensing in the commonwealth unless he
21 is licensed by the board or is an audiologist in the commonwealth or is a licensed physician,
22 whichever of the registrations is appropriate to the training of the individual; provided, however,
23 that the provisions of this section shall not apply to: (i) persons who only repair or manufacture
24 hearing aids or their accessories, or both; or (ii) persons who engage in the sale of assisted
25 listening devices or systems but not dispensing of hearing aids.

26 SECTION 3. Said section 197 of said chapter 112 is hereby further amended by inserting after
27 subsection (g) the following subsection:

28 (h) A licensed physician engaged in the dispensing of hearing instruments shall be exempt
29 from registering as a hearing instrument specialist and shall remain under the jurisdiction of the
30 board of registration in medicine.

31 SECTION 4. Section 200 of said chapter 112 is hereby amended by inserting in subsection (b)
32 after the word "audiology" the following: - or a licensed physician