HOUSE DOCKET, NO. 1161 FILED ON: 1/16/2013

HOUSE . . . . . No. 213

The Commonwealth of Massachusetts

PRESENTED BY:

William C. Galvin

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:

An Act to provide increased access to hearing aids.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
William C. Galvin	*6th Norfolk*
Louis L. Kafka	*8th Norfolk*
Barry R. Finegold	*Second Essex and Middlesex*
David M. Nangle	*17th Middlesex*
Alice Hanlon Peisch	*14th Norfolk*
Kathleen O'Connor Ives	*First Essex*

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HOUSE . . . . . No. 213

By Mr. Galvin of Canton, a petition (accompanied by bill, House, No. 213) of William C. Galvin and others relative to the accessibility of hearing aids. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *3903* OF 2011-2012.]

The Commonwealth of Massachusetts

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:

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

Section 73. No physician shall sell hearing aids or have a direct or indirect membership, employment, co-ownership, or proprietary interest in or with a business which sells hearing aids to, a person to whom such physician has provided services pursuant to section seventy-two; provided, however, that this restriction shall not apply to an otolaryngologist or a nonprofit or charitable organization, clinic, hospital or health care facility.

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

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

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

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

22 (a) Beginning July 1, 2000, no person shall identify, present or otherwise portray
23 himself as a hearing instrument specialist or practice hearing aid dispensing in the
24 commonwealth unless he is licensed by the board or is an audiologist or otolaryngologist in the
25 commonwealth, whichever of the registrations is appropriate to the training of the individual;
26 provided, however, that the provisions of this section shall not apply to: (i) persons who only
27 repair or manufacture hearing aids or their accessories, or both; or (ii) persons who engage in the
28 sale of assisted listening devices or systems but not dispensing of hearing aids. Nothing in
29 sections 197 to 200 of chapter 112 shall be construed to prevent an audiologist or hearing
30 instrument specialist employed or engaged by an otolaryngologist from dispensing or selling
31 hearing aids.

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

34 (h) An otolaryngologist engaged in the dispensing of hearing instruments shall be
35 exempt from registering as a hearing instrument specialist and shall remain under the jurisdiction
36 of the board of registration in medicine.

37 SECTION 4. Section 200 of said chapter 112 is hereby amended by inserting in
38 subsection (b) after the word “audiology” the following: - “or an otolaryngologist”