

HOUSE No. 3903

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 adoption of the accompanying bill:

An Act to Provide Increased Access to Hearing Aids.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Vincent A. Pedone</i>	<i>15th Worcester</i>	<i>11/15/2011</i>

HOUSE No. 3903

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
2 73 in its entirety and inserting in place thereof the following:

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

11

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

15 Nothing in this section shall prevent a audiologist, physician or otolaryngologist from
16 suggesting 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
18 striking out subsection (a) and inserting in place thereof the following:

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

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

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