

# HOUSE . . . . . No. 213

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## 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 adoption of the accompanying bill:

An Act to provide increased access to hearing aids.

PETITION OF:

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

# HOUSE . . . . . No. 213

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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.

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

## The Commonwealth of Massachusetts

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

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

15 No person directly or indirectly shall give or offer to give or permit or cause to be given  
16 money or anything of value to a physician, otolaryngologist or audiologist as an inducement to  
17 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"