HOUSE . . . . . No. 4298

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 21, 2020.

The committee on Consumer Protection and Professional Licensure to whom were referred petition (accompanied by bill, Senate, No. 139) of Diana DiZoglio, Michael J. Barrett, Patrick M. O'Connor and Rebecca L. Rausch for legislation to provide increased access to hearing aids, the petition (accompanied by bill, Senate, No. 151) of Adam G. Hinds, Patrick M. O'Connor, Mindy Domb, Eric P. Lesser and others for legislation to provide increased access to hearing aids, the petition (accompanied by bill, House, No. 236) of Carole A. Fiola and others relative to the accessibility of hearing aids, and the petition (accompanied by bill, House, No. 276) of James M. Kelcourse, Timothy R. Whelan and Shaunna L. O'Connell for legislation to provide increased access to hearing aids, reports recommending that the accompanying bill (House, No. 4298) ought to pass.

For the committee,

TACKEY CHAN.

FILED ON: 1/14/2020

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The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

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. Section 73 of chapter 93 of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out the first and second paragraphs, 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 which sells hearing aids that are dispensed by a licensed audiologist or hearing instrument specialist.

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.

SECTION 2. Section 200 of chapter 112 of the General Laws, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following:-

(c) Nothing in sections 197 to 200, inclusive, shall be construed to prevent an audiologist or hearing instrument specialist from dispensing or selling hearing aids when employed by or affiliated with an otolaryngologist.

(d) A violation of sections 197 to 199, inclusive, shall also constitute a violation of chapter 93A.