SENATE DOCKET, NO. 412 FILED ON: 1/14/2019

SENATE . . . . . No. 139

The Commonwealth of Massachusetts

PRESENTED BY:

Diana DiZoglio

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:	
Diana DiZoglio	*First Essex*	
Michael J. Barrett	*Third Middlesex*	*1/29/2019*
Patrick M. O'Connor	*Plymouth and Norfolk*	*1/29/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*1/30/2019*

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SENATE . . . . . No. 139

By Ms. DiZoglio, a 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. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *144* OF 2017-2018.]

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. 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 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.

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.

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

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

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

112 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.