

HOUSE No. 4275

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, January 25, 2024.

The committee on Consumer Protection and Professional Licensure to whom was referred the petition (accompanied by bill, Senate, No. 179) of Adam Gomez and Michael J. Barrett for legislation to provide increased access to hearing aids, and the petition (accompanied by bill, House, No. 294) of Carole A. Fiola and others for legislation to provide increased access to hearing aids, reports recommending that the accompanying bill (House, No. 4275) ought to pass.

For the committee,

TACKEY CHAN.

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**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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. Section 73 of chapter 93 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by striking out the first and second paragraphs, and inserting
3 in place thereof the following:-

4 Section 73. No physician shall sell hearing aids or have a direct or indirect membership,
5 employment, co-ownership, or proprietary interest in or with a business which sells hearing aids
6 to, a person to whom such physician has provided services pursuant to section 72; provided,
7 however, that this restriction shall not apply to an otolaryngologist or a nonprofit or charitable
8 organization, clinic, hospital or health care facility which sells hearing aids that are dispensed by
9 a licensed audiologist or hearing instrument specialist.

10 An audiologist or otolaryngologist who sells a hearing aid to a person to whom such
11 audiologist or otolaryngologist had provided services pursuant to section 72 shall disclose to the
12 prospective purchaser before the sale of the hearing aid the fees for the services provided
13 pursuant to section 72 and the terms of the prospective sale of the hearing aid, including a written

14 estimate of the total purchase price, including, but not limited to, the cost of the hearing aid, the
15 earmold, any batteries or other accessories, and any service costs, and shall inform the
16 prospective purchaser of his right to obtain a hearing aid from a different source.

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

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

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