

3055--A

2013-2014 Regular Sessions

I N   S E N A T E

January 29, 2013

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Introduced by Sens. LITTLE, AVELLA, LATIMER, MARCHIONE, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general business law, in relation to permitting certain audiologists to dispense hearing aids for a profit

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 802 of the general business law, as added by chap-  
2     ter 599 of the laws of 1998, subdivision 1 as designated and subdivision  
3     2 as added by chapter 301 of the laws of 2000, is amended to read as  
4     follows:  
5     S 802. Special provisions; not-for-profit sales. 1. [No] EXCEPT AS  
6     PROVIDED IN SUBDIVISION THREE OF THIS SECTION, NO otolaryngologist or  
7     other licensed physician who has conducted a medical evaluation of hear-  
8     ing loss shall engage in the business of dispensing hearing aids for a  
9     profit. No otolaryngologist or other licensed physician who has  
10    dispensed a hearing aid shall refuse or fail to perform repairs or  
11    service on any hearing aid that they have dispensed.  
12    2. Every licensed physician who engages in the dispensing of hearing  
13    aids in compliance with the provisions of this section shall be required  
14    to comply with sections seven hundred ninety-one, seven hundred ninety-  
15    eight and eight hundred three of this article, in addition to compliance  
16    with this section.  
17    3. AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE  
18    EDUCATION LAW WHO IS A HEARING AID DISPENSER AND IS EMPLOYED BY AN  
19    OTOLARYNGOLOGIST WHO HAS CONDUCTED A MEDICAL EVALUATION OF HEARING LOSS,  
20    MAY DISPENSE HEARING AIDS FOR PROFIT PROVIDED THAT THE OTOLARYNGOLOGIST  
21    WHO HAS CONDUCTED A MEDICAL EVALUATION OF HEARING LOSS PROVIDES TO THE  
22    PATIENT A LIST CONTAINING THE NAME AND OFFICE LOCATION OF FIVE HEARING

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD01171-02-3

1 AID DISPENSERS WITH A PLACE OF BUSINESS LOCATED WITHIN THE SAME COUNTY  
2 IN WHICH THE OTOLARYNGOLOGIST'S OFFICE IS LOCATED, AND A WRITTEN STATE-  
3 MENT DISCLOSING THAT THE OTOLARYNGOLOGIST'S OFFICE WILL RECEIVE A PROFIT  
4 FROM THE SALE OF ANY HEARING AID DEVICE. IN THE EVENT THAT THERE EXIST  
5 FEWER THAN FIVE HEARING AID DISPENSERS WITHIN THE SAME COUNTY IN WHICH  
6 THE OTOLARYNGOLOGIST'S IS LOCATED, THEN THE OTOLARYNGOLOGIST MUST  
7 PROVIDE TO THE PATIENT A LIST CONTAINING THE NAME AND OFFICE LOCATION OF  
8 THE HEARING AID DISPENSERS WITH A PLACE OF BUSINESS WITHIN THE COUNTY IN  
9 WHICH THE OTOLARYNGOLOGIST'S OFFICE IS LOCATED.  
10 S 2. This act shall take effect immediately.