

S T A T E O F N E W Y O R K

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2011-2012 Regular Sessions

I N A S S E M B L Y

January 11, 2011

Introduced by M. of A. DINOWITZ, KELLNER, GALEF, CASTRO, ROSENTHAL, P. RIVERA, BOYLAND, STEVENSON, TITONE, MAISEL, COLTON, GOTTFRIED, QUART, ABINANTI -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, BROOK-KRASNY, CALHOUN, CERETTO, CONTE, COOK, CORWIN, CROUCH, CURRAN, ENGLEBRIGHT, HEVESI, JACOBS, JORDAN, LATIMER, LIFTON, MARKEY, J. MILLER, MONTESANO, PAULIN, RAIA, SCHIMEL, TENNEY, TOBACCO, WALTER -- read once and referred to the Committee on Higher Education -- recommitted to the Committee on Higher Education in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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-

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

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1 eight and eight hundred three of this article, in addition to compliance
2 with this section.

3 3. AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE
4 EDUCATION LAW WHO IS A HEARING AID DISPENSER AND IS EMPLOYED BY AN
5 OTOLARYNGOLOGIST OR OTHER LICENSED PHYSICIAN WHO HAS CONDUCTED A MEDICAL
6 EVALUATION OF HEARING LOSS, MAY DISPENSE HEARING AIDS FOR PROFIT
7 PROVIDED THAT THE OTOLARYNGOLOGIST OR OTHER LICENSED PHYSICIAN WHO HAS
8 CONDUCTED A MEDICAL EVALUATION OF HEARING LOSS PROVIDES TO THE PATIENT A
9 LIST CONTAINING THE NAME AND OFFICE LOCATION OF FIVE HEARING AID DISPEN-
10 SERS WITH A PLACE OF BUSINESS LOCATED WITHIN THE SAME COUNTY IN WHICH
11 THE OTOLARYNGOLOGIST'S OR PHYSICIAN'S OFFICE IS LOCATED, AND A WRITTEN
12 STATEMENT DISCLOSING THAT THE PHYSICIAN'S OFFICE WILL RECEIVE A PROFIT
13 FROM THE SALE OF ANY HEARING AID DEVICE. IN THE EVENT THAT THERE EXIST
14 FEWER THAN FIVE HEARING AID DISPENSERS WITHIN THE SAME COUNTY IN WHICH
15 THE OTOLARYNGOLOGIST'S OR PHYSICIAN'S OFFICE IS LOCATED, THEN THE
16 OTOLARYNGOLOGIST'S OR PHYSICIAN MUST PROVIDE TO THE PATIENT A LIST
17 CONTAINING THE NAME AND OFFICE LOCATION OF THE HEARING AID DISPENSERS
18 WITH A PLACE OF BUSINESS WITHIN THE COUNTY IN WHICH THE
19 OTOLARYNGOLOGIST'S OR PHYSICIAN'S OFFICE IS LOCATED.

20 S 2. This act shall take effect immediately.