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

8346--A

I N A S S E M B L Y

January 9, 2014

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Consumer Affairs and 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 requiring hearing aid dispensers to provide prospective purchasers of hearing aids with information pertaining to audio switch technology

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

Section 1. Paragraphs (f) and (g) of subdivision 2 of section 791 of the general business law, as added by chapter 599 of the laws of 1998, are amended and a new paragraph (h) is added to read as follows:

(f) requirements pertaining to the non-diagnostic testing of hearing and sale of hearing aids at office, residential and other out of office settings and the development of environmental standards for testing at office, residential and other out of office settings; requirements pertaining to telemarketing; [and]

(g) procedures that the secretary could use to increase public awareness of how to properly purchase, fit, adjust and use a hearing aid, as well as the rights of hearing aid purchasers under state law. In addition to such duties and other duties which may be assigned by the secretary, the board shall consult with the secretary, the commissioner of education and such other persons as may be appropriate to determine the proper level and degree of education for a hearing aid dispenser, the type of degree and the proper educational institution to offer such education and all other related issues[.]; AND

(H) REQUIREMENTS FOR HEARING AID DISPENSERS TO PROVIDE PROSPECTIVE PURCHASERS OR USERS OF HEARING AIDS WITH INFORMATION IN WRITING, AT THE TIME OF THE INITIAL EXAMINATION FOR THE FITTING AND SALE OF HEARING AIDS, REGARDING TELECOIL, T-COIL, OR T-SWITCH TECHNOLOGY. SUCH INFORMATION SHALL INCLUDE INFORMATION SUFFICIENT TO ENABLE PROSPECTIVE PURCHASERS OR USERS TO MAKE AN INFORMED DECISION ABOUT PURCHASING HEARING AIDS WITH TELECOIL, T-COIL OR T-SWITCH TECHNOLOGY.

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

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S 2. Paragraphs (a) and (b) of subdivision 9 of section 798 of the general business law, as added by chapter 599 of the laws of 1998, are amended and a new paragraph (c) is added to read as follows:

(a) complied with all provisions of state laws and regulations relating to the dispensing of hearing aids; [and]

(b) has informed the purchaser of the address and office hours at which the registrant shall be available for fitting or post-fitting adjustments and servicing of the hearing aid or aids sold[.]; AND

(C) IF THE HEARING AID HAS TELECOIL, T-COIL, OR T-SWITCH TECHNOLOGY, HAS INFORMED THE PROSPECTIVE HEARING AID USER THAT SUCH HEARING AID HAS SUCH TECHNOLOGY AND, IF REQUESTED BY THE PROSPECTIVE HEARING AID USER, TRAINED THE PROSPECTIVE HEARING AID USER ON THE PROPER USE OF SUCH TECHNOLOGY.

S 3. Subdivision 11 of section 798 of the general business law is amended by adding a new paragraph (i) to read as follows:

(I) LANGUAGE THAT VERIFIES THAT THE HEARING AID DISPENSER INFORMED THE CLIENT PRIOR TO PURCHASE ABOUT TELECOIL, T-COIL, OR T-SWITCH TECHNOLOGY. THE CLIENT MUST INITIAL THIS NOTICE CONFIRMING THE HEARING AID DISPENSER'S COMPLIANCE WITH THIS REQUIREMENT.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized and directed to be made and completed on or before such effective date.