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

3055--A

2013-2014 Regular Sessions

I N S E N A T E

January 29, 2013

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:

Section 1. Section 802 of the general business law, as added by chapter 599 of the laws of 1998, subdivision 1 as designated and subdivision 2 as added by chapter 301 of the laws of 2000, is amended to read as follows:

S 802. Special provisions; not-for-profit sales. 1. [No] EXCEPT AS PROVIDED IN SUBDIVISION THREE OF THIS SECTION, NO otolaryngologist or other licensed physician who has conducted a medical evaluation of hearing loss shall engage in the business of dispensing hearing aids for a profit. No otolaryngologist or other licensed physician who has dispensed a hearing aid shall refuse or fail to perform repairs or service on any hearing aid that they have dispensed.

2. Every licensed physician who engages in the dispensing of hearing aids in compliance with the provisions of this section shall be required to comply with sections seven hundred ninety-one, seven hundred ninety-eight and eight hundred three of this article, in addition to compliance with this section.

3. AN AUDIOLOGIST LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW WHO IS A HEARING AID DISPENSER AND IS EMPLOYED BY AN OTOLARYNGOLOGIST WHO HAS CONDUCTED A MEDICAL EVALUATION OF HEARING LOSS, MAY DISPENSE HEARING AIDS FOR PROFIT PROVIDED THAT THE OTOLARYNGOLOGIST WHO HAS CONDUCTED A MEDICAL EVALUATION OF HEARING LOSS PROVIDES TO THE 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

AID DISPENSERS WITH A PLACE OF BUSINESS LOCATED WITHIN THE SAME COUNTY IN WHICH THE OTOLARYNGOLOGIST'S OFFICE IS LOCATED, AND A WRITTEN STATEMENT DISCLOSING THAT THE OTOLARYNGOLOGIST'S OFFICE WILL RECEIVE A PROFIT FROM THE SALE OF ANY HEARING AID DEVICE. IN THE EVENT THAT THERE EXIST FEWER THAN FIVE HEARING AID DISPENSERS WITHIN THE SAME COUNTY IN WHICH THE OTOLARYNGOLOGIST'S IS LOCATED, THEN THE OTOLARYNGOLOGIST MUST PROVIDE TO THE PATIENT A LIST CONTAINING THE NAME AND OFFICE LOCATION OF THE HEARING AID DISPENSERS WITH A PLACE OF BUSINESS WITHIN THE COUNTY IN WHICH THE OTOLARYNGOLOGIST'S OFFICE IS LOCATED.

S 2. This act shall take effect immediately.