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

10106

I N A S S E M B L Y

June 13, 2014

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Buchwald) -- read once and referred to the Committee on Consumer Affairs and Protection

AN ACT to amend the general business law, in relation to permitting certain audiologists and hearing aid dispensers to dispense hearing aids for a profit; and providing for the repeal of such provisions upon expiration thereof

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 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 OR HEARING AID DISPENSER LICENSED UNDER ARTICLE ONE HUNDRED FIFTY-NINE OF THE EDUCATION LAW 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 AID DISPENSERS WITH A PLACE OF BUSINESS LOCATED WITHIN THE SAME COUNTY WHICH THE OTOLARYNGOLOGIST'S OFFICE IS LOCATED AND A WRITTEN STATEMENT DISCLOSING THAT THE OTOLARYNGOLOGIST'S OFFICE WILL RECEIVE A PROFIT FROM THE SALE

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

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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 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. 1. On or before December 1, 2016, the secretary of state shall submit to the governor, the temporary president of the senate, the speaker of the assembly, the minority leaders of the senate and the assembly, the chairman and ranking minority member of the consumer protection committee in the senate and assembly, a written report prepared by the division of consumer protection of the department of state. Such report shall concern a study of the impact of the provisions of this act on consumers. The data and supporting documentation underlying the report, to the extent allowed by law, shall be available to the persons designated to receive a copy of the final report.

2. In order to provide professional and technical advice to the division of consumer protection with this study, the secretary of state shall appoint an advisory panel consisting of representatives of the profession, consumer groups, and other interested parties or persons such secretary and chairperson of such panel shall deem appropriate. Prior to the initiation of the study prescribed hereunder, such secretary and chairperson of such panel shall submit to the persons designated to receive a copy of the report, a work plan that describes the study and indicates the members of the advisory panel.

S 3. This act shall take effect immediately and shall expire and be deemed repealed December 1, 2016.