

8346

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

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:

1 Section 1. Subparagraph (iii) of paragraph (a) of subdivision 2 of
2 section 791 of the general business law, as added by chapter 599 of the
3 laws of 1998, is amended and a new subparagraph (iv) is added to read as
4 follows:

5 (iii) the training of individuals in the use and maintenance of such
6 instruments; AND

7 (IV) REQUIREMENTS FOR HEARING AID DISPENSERS TO PROVIDE PROSPECTIVE
8 PURCHASERS OF HEARING AIDS WITH NOTIFICATION BY THE ATTENDING HEARING
9 AID SPECIALIST, AT THE TIME OF THE INITIAL EXAMINATION FOR THE FITTING
10 AND SALE OF HEARING AIDS, OF TELECOIL, T-COIL, OR T-SWITCH TECHNOLOGY.
11 THE RULES AND REGULATIONS SHALL ALSO REQUIRE THAT HEARING AID SPECIAL-
12 ISTS MAKE PRINTED EDUCATIONAL MATERIALS AVAILABLE TO PROSPECTIVE
13 PURCHASERS OR CLIENTS INFORMATION REGARDING TELECOILS, T-COILS OR
14 T-SWITCHES AND SHALL INFORM EACH PROSPECTIVE PURCHASER THAT SUCH MATERI-
15 ALS ARE AVAILABLE AT THE TIME OF THE INITIAL EXAMINATION FOR FITTING AND
16 SALE OF A HEARING AID. SUCH INFORMATION SHALL INCLUDE ANY ADVANTAGES AND
17 DISADVANTAGES KNOWN TO THE HEARING AID SPECIALIST, SUCH AS INCREASED
18 ACCESS TO TELEPHONES AND NONINVASIVE ACCESS TO PUBLIC ACCOMMODATIONS
19 EQUIPPED WITH INDUCTION OR HEARING LOOPS OR ASSISTIVE LISTENING SYSTEMS
20 REQUIRED UNDER THE AMERICANS WITH DISABILITIES ACT OF 1990, AS WELL AS
21 ANY INFORMATION BASED ON PERSONAL KNOWLEDGE AND EXPERIENCE OF THE TELE-
22 COIL, T-COIL OR T-SWITCH TECHNOLOGY;

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

26 (f) requirements pertaining to the non-diagnostic testing of hearing
27 and sale of hearing aids at office, residential and other out of office

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

1 settings and the development of environmental standards for testing at
2 office, residential and other out of office settings; requirements
3 pertaining to telemarketing; [and]

4 (g) procedures that the secretary could use to increase public aware-
5 ness of how to properly purchase, fit, adjust and use a hearing aid, as
6 well as the rights of hearing aid purchasers under state law. In addi-
7 tion to such duties and other duties which may be assigned by the secre-
8 tary, the board shall consult with the secretary, the commissioner of
9 education and such other persons as may be appropriate to determine the
10 proper level and degree of education for a hearing aid dispenser, the
11 type of degree and the proper educational institution to offer such
12 education and all other related issues[.]; AND

13 (H) REQUIREMENTS THAT A PRINTED BILL OF SALE BE DELIVERED TO EACH
14 PERSON SUPPLIED WITH A HEARING AID BY THE HEARING AID DISPENSER OR AT
15 THE DISPENSER'S DIRECTION. THE BILL OF SALE SHALL, AT A MINIMUM, CONTAIN
16 THE FOLLOWING INFORMATION:

17 (I) THE HEARING AID DISPENSER'S OR THE DISPENSING AUDIOLOGIST'S SIGNA-
18 TURE AND THE ADDRESS OF THAT PERSON'S REGULAR PLACE OF PRACTICE; THE
19 NUMBER OF THE DISPENSER'S OR AUDIOLOGIST'S LICENSE; A DESCRIPTION OF THE
20 MAKE AND MODEL OF THE HEARING AID; THE AMOUNT CHARGED FOR THE HEARING
21 AID; THE SERIAL NUMBER AND THE CONDITION OF THE HEARING AID AS TO WHETH-
22 ER IT IS NEW, USED OR REBUILT; AND

23 (II) LANGUAGE THAT VERIFIES THAT THE DISPENSER INFORMED THE CLIENT
24 PRIOR TO PURCHASE ABOUT AUDIO SWITCH TECHNOLOGY (TELECOILS), INCLUDING
25 BENEFITS SUCH AS INCREASED ACCESS TO TELEPHONES AND SOUND IN PLACES OF
26 PUBLIC ACCOMMODATION. IF THE HEARING DEVICE PURCHASED BY THE CLIENT HAS
27 AUDIO SWITCH (T-COIL) TECHNOLOGY, THE CLIENT SHALL BE TRAINED ON THE
28 PROPER USE OF THE TECHNOLOGY. THE CLIENT SHALL BE INFORMED THAT AN AUDIO
29 SWITCH IS ALSO REFERRED TO AS A TELECOIL, T-COIL OR T-SWITCH. THE CLIENT
30 MUST INITIAL THIS NOTICE CONFIRMING THE DISPENSER'S COMPLIANCE WITH THIS
31 REQUIREMENT.

32 S 3. Subparagraph (ii) of paragraph (h) of subdivision 11 of section
33 798 of the general business law, as amended by chapter 301 of the laws
34 of 2000, is amended and a new paragraph (i) is added to read as follows:

35 (ii) If the dispenser is a not-for-profit hospital or facility
36 licensed or certified pursuant to article twenty-eight of the public
37 health law, the receipt shall include, in immediate proximity to the
38 space reserved for the signature of the buyer, the following statement
39 in all capital letters of no less than twelve point bold-faced type: "IN
40 ADDITION TO OTHER RIGHTS, THE BUYER HAS THE RIGHT TO CANCEL THIS
41 PURCHASE FOR ANY REASON AT ANY TIME PRIOR TO TWELVE MIDNIGHT OF THE 45TH
42 CALENDAR DAY () AFTER RECEIPT OF THE HEARING AID AND RETURN THE HEARING
43 AID IN THE SAME CONDITION, ORDINARY WEAR AND TEAR EXCLUDED. BY LAW, THE
44 DISPENSER IS ALLOWED TO RETAIN AN AMOUNT UP TO FIVE PERCENT OF THE TOTAL
45 PURCHASE PRICE OF THE CANCELLED HEARING AID, INCLUDING BATTERIES AND
46 CORDS OR ACCESSORIES THERETO, INCLUSIVE OF ALL FEES RELATED TO THE
47 DISPENSING OF THE HEARING AID, PLUS A SERVICE FEE OF NOT MORE THAN TWO
48 HUNDRED DOLLARS, UNLESS A SECOND HEARING AID WAS FITTED AND DISPENSED AT
49 THE SAME TIME AS THE FIRST, THEN SUCH FEE SHALL NOT EXCEED THREE HUNDRED
50 DOLLARS FOR BOTH HEARING AIDS." ;

51 (I) THAT THE REGISTRANT OR TRAINEE INFORMED THE PURCHASER PRIOR TO THE
52 CONSUMMATION OF THE SALE ABOUT AUDIO SWITCH TECHNOLOGY (TELECOILS),
53 INCLUDING BENEFITS SUCH AS INCREASED ACCESS TO TELEPHONES AND IN PUBLIC
54 ACCOMMODATIONS EQUIPPED WITH INDUCTION (OR HEARING) LOOPS. IF THE HEAR-
55 ING DEVICE SOLD TO THE PURCHASER HAS AUDIO SWITCH TECHNOLOGY, THE
56 PURCHASER SHALL BE TRAINED ON THE PROPER USE OF THE TECHNOLOGY. THE

1 PURCHASER SHALL BE INFORMED THAT AN AUDIO SWITCH IS ALSO REFERRED TO AS
2 A TELECOIL, T-COIL OR T-SWITCH AND THAT THERE MAY BE SEPARATE SETTINGS
3 FOR TELEPHONE AND PUBLIC T-COIL USE IN HEARING. THE PURCHASER MUST
4 INITIAL THIS NOTICE CONFIRMING THE REGISTRANT'S COMPLIANCE WITH THIS
5 REQUIREMENT.

6 S 4. This act shall take effect immediately.