

# STATE OF NEW YORK

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2583

2017-2018 Regular Sessions

## IN SENATE

January 13, 2017

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Introduced by Sens. LITTLE, MARCHIONE -- read twice and ordered printed,  
and when printed to be committed to the Committee on Consumer  
Protection

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 Assem-  
bly, 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 § 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-  
15 eight and eight hundred three of this article, in addition to compliance  
16 with this section.

17 3. An audiologist licensed under article one hundred fifty-nine of the  
18 education law who is a hearing aid dispenser and is employed by an  
19 otolaryngologist who has conducted a medical evaluation of hearing loss,  
20 may dispense hearing aids for profit provided that the otolaryngologist  
21 who has conducted a medical evaluation of hearing loss provides to the  
22 patient a list containing the name and office location of five hearing  
23 aid dispensers with a place of business located within the same county  
24 in which the otolaryngologist's office is located, and a written state-

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

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1 ment disclosing that the otolaryngologist's office will receive a profit  
2 from the sale of any hearing aid device. In the event that there exist  
3 fewer than five hearing aid dispensers within the same county in which  
4 the otolaryngologist's is located, then the otolaryngologist must  
5 provide to the patient a list containing the name and office location of  
6 the hearing aid dispensers with a place of business within the county in  
7 which the otolaryngologist's office is located.

8 § 2. This act shall take effect immediately.