

**SENATE . . . . . No. 144**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Kathleen O'Connor Ives***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

**An Act to provide increased access to hearing aids.**

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Kathleen O'Connor Ives</i>	<i>First Essex</i>	
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>	<i>1/27/2017</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>	<i>1/31/2017</i>
<i>James M. Kelcourse</i>	<i>1st Essex</i>	<i>1/31/2017</i>
<i>Angelo J. Puppolo, Jr.</i>	<i>12th Hampden</i>	<i>2/2/2017</i>
<i>Donald F. Humason, Jr.</i>	<i>Second Hampden and Hampshire</i>	<i>2/2/2017</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/2/2017</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>2/2/2017</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>	<i>2/3/2017</i>

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By Ms. O'Connor Ives, a petition (accompanied by bill, Senate, No. 144) of Kathleen O'Connor Ives, Jay R. Kaufman, Diana DiZoglio, James M. Kelcourse and other members of the General Court for legislation to provide increased access to hearing aids. Consumer Protection and Professional Licensure.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 176 OF 2015-2016.]

**The Commonwealth of Massachusetts**

—————  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
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An Act to provide increased access to hearing aids.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 93 of the General Laws is hereby amended by striking out section  
2   73 in its entirety and inserting in place thereof the following:-

3           Section 73. No physician shall sell hearing aids or have a direct or indirect membership,  
4   employment, co-ownership, or proprietary interest in or with a business which sells hearing aids  
5   to, a person to whom such physician has provided services pursuant to section seventy-two;  
6   provided, however, that this restriction shall not apply to an otolaryngologist or a nonprofit or  
7   charitable organization, clinic, hospital or health care facility which sells hearing aids that are  
8   dispensed by a licensed audiologist or hearing instrument specialist.

9           An audiologist or otolaryngologist who sells a hearing aid to a person to whom such  
10 audiologist or otolaryngologist had provided services pursuant to section seventy-two shall  
11 disclose to the prospective purchaser before the sale of the hearing aid the fees for the services  
12 provided pursuant to section seventy-two and the terms of the prospective sale of the hearing aid,  
13 including a written estimate of the total purchase price, including, but not limited to, the cost of  
14 the hearing aid, the earmold, any batteries or other accessories, and any service costs, and shall  
15 inform the prospective purchaser of his right to obtain a hearing aid from a different source.

16           No person directly or indirectly shall give or offer to give or permit or cause to be given  
17 money or anything of value to a physician, otolaryngologist or audiologist as an inducement to  
18 influence the recommendation of the purchase of a hearing aid.

19           Nothing in this section shall prevent a audiologist, physician or otolaryngologist from  
20 suggesting a specific make and model of a hearing aid.

21           SECTION 2. Section 197 of chapter 112 of the General Laws is hereby amended by  
22 striking out subsection (a) and inserting in place thereof the following:-

23           (a) Beginning July 1, 2000, no person shall identify, present or otherwise portray himself  
24 as a hearing instrument specialist or practice hearing aid dispensing in the commonwealth unless  
25 he is licensed by the board or is an audiologist in the commonwealth, whichever of the  
26 registrations is appropriate to the training of the individual; provided, however, that the  
27 provisions of this section shall not apply to: (i) persons who only repair or manufacture hearing  
28 aids or their accessories, or both; or (ii) persons who engage in the sale of assisted listening  
29 devices or systems but not dispensing of hearing aids. Nothing in sections 197 to 200 of chapter

30 112 shall be construed to prevent an audiologist or hearing instrument specialist from dispensing  
31 or selling hearing aids when employed by or affiliated with an otolaryngologist.