

AMENDED IN ASSEMBLY APRIL 25, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1950

Introduced by Assembly Member Maienschein
(Coauthors: Assembly Members Harper and Mullin)

February 12, 2016

An act to amend Section 2538.49 of, and to add Section 2539.3 to, add Sections 2538.58 and 2539.3 to the Business and Professions Code, relating to hearing aids.

LEGISLATIVE COUNSEL'S DIGEST

AB 1950, as amended, Maienschein. Hearing aids: audio switch.

Existing law, the Speech-Language Pathologists and Audiologists and Hearing Aid Dispensers Licensure Act, regulates the licensure of hearing aid dispensers and dispensing audiologists by the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board. The act makes it unlawful for a licensed hearing aid dispenser to fit or sell a hearing aid unless he or she first, among other duties, provides the purchaser with specified information. Existing law requires a licensed dispensing audiologist to, upon the consummation of a sale of a hearing aid, deliver to the purchaser a written receipt, containing specified information. Existing law makes the violation of these provisions a misdemeanor.

This bill would make it unlawful for a licensed hearing aid dispenser to fit or sell a hearing aid unless first informing the purchaser of an audio switch, which may be referred to as a telecoil, t-coil, or t-switch, that increases access to a telephone and provides noninvasive access to assistive listening systems that are compliant with the Americans with Disabilities Act of 1990. would, on and after July 1, 2017, require a

licensed hearing aid dispenser to, upon the sale of a hearing aid, provide the purchaser with a copy of a consumer hearing aid disclosure that this bill would require the board to develop and make available on its Internet Web site before July 1, 2017. The bill would require a licensed dispensing audiologist to do the same. By creating new requirements, the violation of which would be a crime, this bill would impose a ~~state mandated~~ state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2538.58 is added to the Business and
2 Professions Code, to read:

3 2538.58. (a) On and after July 1, 2017, a licensed hearing aid
4 dispenser shall, upon the sale of a hearing aid, provide the
5 purchaser with a copy of the consumer hearing aid disclosure
6 made available by the board pursuant to this section.

7 (b) (1) Before July 1, 2017, the board shall develop and make
8 available on its Internet Web site a consumer hearing aid
9 disclosure that provides information for the benefit of hearing aid
10 purchasers, including, but not limited to, information on a telecoil,
11 t-coil, or t-switch. While developing the consumer hearing aid
12 disclosure, the board may solicit and receive public comments.

13 (2) The board shall update the consumer hearing aid disclosure
14 as often as it deems necessary.

15 ~~SECTION 1. Section 2538.49 of the Business and Professions~~
16 ~~Code is amended to read:~~

17 ~~2538.49. It is unlawful for a licensed hearing aid dispenser to~~
18 ~~fit or sell a hearing aid unless he or she first does all of the~~
19 ~~following:~~

20 ~~(a) Complies with all state laws and regulations relating to the~~
21 ~~fitting or selling of hearing aids.~~

22 ~~(b) Conducts a direct observation of the purchaser's ear canals.~~

1 ~~(e) Informs the purchaser of the address and office hours at~~
2 ~~which the licensee shall be available for fitting or postfitting~~
3 ~~adjustments and servicing of the hearing aid or aids sold.~~

4 ~~(d) Informs the purchaser of an audio switch, which may be~~
5 ~~referred to as a telecoil, t-coil, or t-switch, that increases access to~~
6 ~~a telephone and provides noninvasive access to assistive listening~~
7 ~~systems that are compliant with the Americans with Disabilities~~
8 ~~Act of 1990 (P.L. 101-336).~~

9 SEC. 2. Section 2539.3 is added to the Business and Professions
10 Code, to read:

11 2539.3. ~~A~~ *On and after July 1, 2017, a licensed dispensing*
12 *audiologist shall, prior to fitting or selling a hearing aid, inform*
13 *the purchaser of an audio switch, which may be referred to as a*
14 *telecoil, t-coil, or t-switch, that increases access to a telephone and*
15 *provides noninvasive access to assistive listening systems that are*
16 *compliant with the Americans with Disabilities Act of 1990 (P.L.*
17 *101-336); upon the sale of a hearing aid, provide the purchaser*
18 *with a copy of the consumer hearing aid disclosure made available*
19 *by the board pursuant to Section 2538.58.*

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 the only costs that may be incurred by a local agency or school
23 district will be incurred because this act creates a new crime or
24 infraction, eliminates a crime or infraction, or changes the penalty
25 for a crime or infraction, within the meaning of Section 17556 of
26 the Government Code, or changes the definition of a crime within
27 the meaning of Section 6 of Article XIII B of the California
28 Constitution.