

MEDICAL SOCIETY
of the
STATE OF NEW YORK

Morris Auster, Esq.
Senior Vice President /
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Division of Governmental Affairs
MEMORANDUM IN SUPPORT

**IN ASSEMBLY HIGHER EDUCATION
COMMITTEE**

A.8163 (BUCHWALD)

PASSED SENATE FLOOR

S.5131 (HARCKHAM)

**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**

This measure would amend the Public Health Law to establish a 5-year pilot program to permit an audiologist or hearing aid dispenser in Westchester County, employed by an otolaryngologist (Ear Nose and Throat Physician) to sell hearing aids for profit. **The Medical Society of the State of New York supports this bill.**

Current law allows audiologists and hearing aid dispensers to sell hearing aids for profit, but prohibits physician otolaryngologists from doing the same. New York is one of only a few states to prohibit this. It creates the challenging scenario for a patient going to an otolaryngologist's office for a hearing test performed by an employed audiologist and additional testing to rule out a medical cause of the hearing loss (such as a tumor or bacterial infection), and then getting a prescription to make a separate trip to an independent audiologist or hearing aid dispenser to fill. Alternatively, the patient could go directly to the independent audiologist or hearing aid dispenser for a hearing test, but would not receive the additional medical testing to rule out a potential medical cause of the hearing loss.

In some cases, older patients without easily accessible transportation options will not visit multiple offices to obtain a hearing aid, so they do not fill the prescription given to them by their otolaryngologist.

Hearing loss is sometimes correctible by medical interventions such as medication or surgery, or through other interventions such as cleaning wax out of the ears, without the need for a hearing aid. However, the independent audiologist or hearing aid dispenser is unable to offer these alternatives to the patient, as they are not physicians. Adding employed audiologists who work in an otolaryngologist's office to the mix of people who can dispense hearing aids for profit would increase competition and drive down hearing aid costs, in addition to making the process more thorough and more convenient for patients. Furthermore, we note that the bill protects patients by requiring an otolaryngology office that employs an audiologist who sells hearing aids to disclose a list of 5 other licensed hearing aid dispensers within the county as well as disclose that there will be a profit made from the sale of the device.

This bill would increase patient options and continuity of care. **Therefore, the Medical Society of the State of New York supports this bill and urges that it be enacted.**

6/5/19 - Support
MMA

Respectfully submitted,

MSSNY DIVISION OF GOVERNMENTAL AFFAIRS