

Regular Session, 2009

HOUSE BILL NO. 257

BY REPRESENTATIVE SAM JONES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEARING AID DEALERS: Requires business owners who sell hearing aids to be licensed hearing aid dealers

1 AN ACT

2 To amend and reenact R.S. 37:2465, relative to the sale of hearing aids; to provide that any
3 person who owns, maintains, or operates a business which employs or contracts with
4 a person who practices the selling and fitting of hearing aids is considered to be
5 practicing the selling and fitting of hearing aids and is required to be licensed; to
6 specify which persons shall be licensed; to provide the procedure for submitting to
7 the board a list of those licensed under an organization to practice the selling and
8 fitting of hearing aids; to provide for exemptions for physicians and audiologists; and
9 to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 37:2465 is hereby amended and reenacted to read as follows:

12 §2465. Sales by corporations, partnerships, etc.

13 ~~Nothing in this Chapter shall prohibit a corporation, partnership, trust,~~
14 ~~association or other like organization maintaining an established business address in~~
15 ~~the State of Louisiana from engaging in the business of selling or offering for sale~~
16 ~~hearing aids at retail without a license, provided that it employs only properly~~
17 ~~licensed natural persons in the direct sale and fitting of hearing aids and accessories.~~

18 A. Any person who owns, maintains, or operates an office or place of
19 business in which the person employs or engages under contract a person who
20 practices the selling and fitting of hearing aids is considered to be practicing the

1 selling and fitting of hearing aids under this Chapter and is required to be licensed
2 under this Chapter.

3 B. If the person who owns, maintains, or operates an office or place of
4 business under this Section is a partnership, each partner shall be licensed as
5 provided by this Section. If the person who owns, maintains, or operates an office
6 or place of business under this Section is a corporation or other legal entity, the chief
7 executive officer of the corporation or legal entity shall be licensed as provided by
8 this Chapter.

9 C.(1) All persons licensed under this Section ~~corporation, partnership, trust,~~
10 ~~association or other like organization~~ shall file annually on or before the first day of
11 the calendar year with the board a list of all licensed hearing aid dealers directly or
12 indirectly employed by it, and shall also file with the board a statement on a form
13 approved by the board that it submits itself to the rules and regulations of the board
14 and the provisions of this Chapter, and shall register with the board its intention to
15 engage in the selling and fitting of hearing aids ~~and/or~~ or accessories, provided that
16 the above is completed prior to such organization selling or offering for sale hearing
17 aids ~~and/or~~ or accessories.

18 (2) Any such organization or employee of such organization may cause a
19 revocation or suspension of the registration of such organization by the board by
20 violation on any of the provisions of R.S. 37:2453.

21 D. This Chapter does not apply to:

22 (1) A physician licensed by the Louisiana State Board of Medical
23 Examiners; or

24 (2) An audiologist licensed by the Louisiana Board of Examiners for Speech-
25 Language Pathology and Audiology.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Sam Jones

HB No. 257

Abstract: Requires that any person who owns or operates a business of selling and fitting hearing aids is considered to be practicing the selling and fitting of hearing aids and shall be licensed.

Present law provides that a corporation or like organization may sell and fit hearing aids as long as the corporation or like organization employs or contracts with natural persons licensed in the practice of selling and fitting hearing aids.

Proposed law provides that any person who owns or maintains a business engaged in the practice of selling and fitting hearing aids shall also be licensed to sell and fit hearing aids. Provides which individuals within an organization shall hold a license.

Present law provides that corporations and other like organizations engaged in the practice of selling and fitting hearing aids shall file with the board a list of all employees who are licensed hearing aid dealers and provides for other requirements.

Proposed law changes present law by requiring that all persons who are licensed hearing aid dealers under present law shall file a list of the hearing aid dealers employed under each person and provides for other requirements.

Proposed law provides that present law shall not apply to physicians licensed by the Louisiana State Board of Medical Examiners and audiologists licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

(Amends R.S. 37:2465)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Provides that present law governing the practice of selling and fitting hearing aids shall not apply to physicians licensed by the Louisiana State Board of Medical Examiners and audiologists licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.