

Regular Session, 2009

ACT No. 281

HOUSE BILL NO. 257

BY REPRESENTATIVE SAM JONES AND SENATOR DORSEY

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

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
21 selling and fitting of hearing aids under this Chapter and is required to be licensed
22 under this Chapter.

23 B. If the person who owns, maintains, or operates an office or place of
24 business under this Section is a partnership, each partner shall be licensed as

1 provided by this Section. If the person who owns, maintains, or operates an office
2 or place of business under this Section is a corporation or other legal entity, the chief
3 executive officer of the corporation or legal entity shall be licensed as provided by
4 this Chapter.

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

14 (2) Any such organization or employee of such organization may cause a
15 revocation or suspension of the registration of such organization by the board by
16 violation on any of the provisions of committing any of the acts listed as causes for
17 revocation or suspension in R.S. 37:2453.

18 D. This Chapter does not apply to:

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____