

**ASSEMBLY BILL**

**No. 1950**

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**Introduced by Assembly Member Maienschein**

February 12, 2016

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

LEGISLATIVE COUNSEL'S DIGEST

AB 1950, as introduced, 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. 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 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 2538.49 of the Business and Professions  
2 Code is amended to read:

3 2538.49. It is unlawful for a licensed hearing aid dispenser to  
4 fit or sell a hearing aid unless he or she first does all of the  
5 following:

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

8 (b) Conducts a direct observation of the purchaser’s ear canals.

9 (c) Informs the purchaser of the address and office hours at  
10 which the licensee shall be available for fitting or postfitting  
11 adjustments and servicing of the hearing aid or aids sold.

12 (d) *Informs the purchaser of an audio switch, which may be*  
13 *referred to as a telecoil, t-coil, or t-switch, that increases access*  
14 *to a telephone and provides noninvasive access to assistive*  
15 *listening systems that are compliant with the Americans with*  
16 *Disabilities Act of 1990 (P.L. 101-336).*

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

19 2539.3. A licensed dispensing audiologist shall, prior to fitting  
20 or selling a hearing aid, inform the purchaser of an audio switch,  
21 which may be referred to as a telecoil, t-coil, or t-switch, that  
22 increases access to a telephone and provides noninvasive access  
23 to assistive listening systems that are compliant with the Americans  
24 with Disabilities Act of 1990 (P.L. 101-336).

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

- 1 the Government Code, or changes the definition of a crime within
- 2 the meaning of Section 6 of Article XIII B of the California
- 3 Constitution.

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