



**Department
of State**

**2014 ANNUAL REPORT:
ADMINISTRATION OF THE HEARING AID DISPENSERS ACT**

*PURSUANT TO SUBDIVISION 7 OF SECTION 803 OF THE GENERAL
BUSINESS LAW*

**FOR SUBMISSION TO THE GOVERNOR, TEMPORARY PRESIDENT
OF THE SENATE, SPEAKER OF THE ASSEMBLY, MINORITY LEADER
OF THE SENATE, MINORITY LEADER OF THE ASSEMBLY, CHAIR
OF THE SENATE FINANCE COMMITTEE AND CHAIR OF THE
ASSEMBLY WAYS & MEANS COMMITTEE**

February 5, 2015

**Andrew M. Cuomo
Governor**

**Cesar A. Perales
Secretary of State**

INTRODUCTION

In compliance with subdivision 7 of section 803 of the General Business Law (the “GBL”), the Department of State (the “Department”) respectfully submits this report regarding its regulation of hearing aid dispensers. This report covers the period from January 1, 2014 through December 31, 2014.

Article 37-A of the GBL grants the Department the authority to issue licenses to qualified hearing aid dispensers and hearing aid dispenser businesses. A “hearing aid dispenser” is defined by the statute as: “any person twenty-one years of age or older or an audiologist licensed under Article 159 of the Education Law who is engaged in the dispensing of hearing aids.” A “business” is defined as: “any individual, partnership, trust, association, organization or corporation.” In 2014, the Department issued 1,122 hearing aid dispenser licenses — 285 new and 837 renewals — and 558 hearing aid dispenser business licenses — 93 new and 465 renewals.

COMPLIANCE WITH ARTICLE 37-A OF THE GENERAL BUSINESS LAW

Article 37-A requires the Department to: 1) assure the competency and trustworthiness of licensees; and 2) educate the public as to their rights and the recourses available when confronted with incompetent or untrustworthy licensees.

The Department reviews and revises the training curriculum and continuing education content, and updates the hearing aid dispenser licensing examination to assure consistency with psychometric standards as needed. The Department also has the authority to audit licensees to ensure all hearing aid dispenser licensees meet the mandatory number of continuing education hours set forth in statute.

All complaints are promptly investigated, and, if warranted, disciplinary proceedings initiated. The Department also assists consumers in resolving disputes with licensees through mediation.

The Department also prepares and distributes educational information to licensed hearing aid dispensers concerning the general use of hearing aids and assistive listening devices as well as consumers’ rights. This can include offering guidance to the public regarding licensing issues via the Department’s hotline and website.

RECOMMENDATIONS OF THE HEARING AID DISPENSING ADVISORY BOARD

As of December 31, 2014, the Hearing Aid Dispensing Advisory Board consists of the voting members and vacancies contained in the chart below.

NAME	APPOINTING AUTHORITY
David Beaulac	Governor
Anthony Macera	Governor
Ana Hae-Ok	Governor
Shawn Newlands	Governor
Annette Orsene	Governor
Kathleen Cassidy	Governor
<i>Vacancy</i>	Governor
Edward Aleo	Temporary President of Senate
<i>Vacancy</i>	Temporary President of Senate
Florence Butler	Speaker of the Assembly
<i>Vacancy</i>	Speaker of the Assembly
<i>Vacancy</i>	Senate Minority Leader
John Kenul	Assembly Minority Leader

During 2014, the Board’s Education and Examination Subcommittee worked closely with the Department to update the NYS examination. The Department is working to implement the following Board recommendations:

- ▶ Broadcasting meetings of the Board via web-conference;
- ▶ Updating the State licensing examination;
- ▶ Improving reciprocity standards for qualified applicants with experience or education received outside of New York; and
- ▶ Educating consumers on the benefits of tele-coil technology.

COMPLAINT RESOLUTION AND ENFORCEMENT

The Department received two complaints against hearing aid dispensers in 2014. One complaint alleges a hearing aid dispenser failed to appropriately refund a deposit for the return of a malfunctioning hearing aid. The other complaint alleges a hearing aid dispenser misrepresented the price of a hearing aid. Investigation of each complaint is ongoing.

RECOMMENDATIONS TO AMEND ARTICLE 37-A

The Department does not recommend any legislative changes to the statute.