



**Department  
of State**

**2017 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**

**January 31, 2018**

**Andrew M. Cuomo  
Governor**

**Rossana Rosado  
Secretary of State**

## **INTRODUCTION**

The Department of State (the “Department”) submits this report regarding its regulation of hearing aid dispensers, in compliance with subdivision 7 of section 803 of the General Business Law (the “GBL”). This report covers the period January 1, 2017 through December 31, 2017.

## **COMPLIANCE WITH ARTICLE 37-A OF THE GENERAL BUSINESS LAW**

### A. Department of State

During the reporting period, and in accordance with Article 37-A of the General Business Law, the Department reviewed and processed license applications, reviewed and revised the hearing aid dispensing written examination, investigated consumer complaints, conducted audits for compliance with continuing education requirements, and developed and distributed educational information concerning the general use of hearing aids and assistive listening devices as well as consumers’ rights. In 2017, the Department issued 1,409 hearing aid dispenser licenses — 447 new and 962 renewals — and 811 hearing aid dispenser business licenses — 212 new and 599 renewals.

### B. NYS Hearing Aid Dispensing Advisory Board

The NYS Hearing Aid Dispensing Advisory Board (the “Board”) convened public meetings and made recommendations to the Department of State concerning rules and regulations related to continuing education requirements. The Board also assisted the Department with the development of educational information for consumers as well as a more informative sign to be posted within hearing aid dispensing businesses.

### C. Hearing Aid Dispensers

Hearing aid dispensers and hearing aid dispensing businesses licensed by the Department qualify for licensure by complying with the educational, experience and examination requirements set forth in Article 37-A of the General Business Law.

Hearing aid dispensers are required to comply with the statutory continuing education requirements. During the reporting period, the Department conducted audits to ensure compliance with this requirement. Those who failed to complete the required continuing education were disciplined administratively by the Department.

## **ACTIONS TAKEN IN RESPONSE TO BOARD RECOMMENDATIONS**

During 2017, the Board recommended, and the Department implemented the following:

- An updated educational brochure for hearing aid consumers.
- An updated sign to be posted in hearing aid dispensing businesses that includes information on assisted listening technologies.
- The adoption of a regulation to require hearing aid dispensers to complete continuing education on assisted listening technology.

## **SUMMARY OF THE RESULTS OF COMPLIANCE EFFORTS**

In 2017, the Department audited 351 hearing aid dispensers for compliance with continuing education requirements. Of those audited, 92% percent were found compliant with the continuing education requirements and 8% percent were found non-compliant. Those who failed to comply with continuing education requirements were disciplined administratively by the Department as follows:

- License revocation -1
- Fines- \$3,000

The Department also investigated complaints from consumers. During the reporting period, seven complaints were investigated and closed with no additional action for the following reasons:

- No Violation of Law- 4
- Complaint Abandoned- 1
- No Jurisdiction -1
- Duplicate Complaint-1

The Department Office of Counsel was referred one complaint to assess whether disciplinary sanctions should be imposed against the licensee in question. In addition to this complaint, the Office of Counsel brought administrative action against three hearing aid dispensers. The proceedings were resolved with the following sanctions:

- License revocation-1
- License suspension-1
- Fine-1
- Still pending-1

### **ANTICIPATED EFFORTS TO IMPROVE PUBLIC EDUCATION**

The Department will continue to distribute the updated educational brochure and business signs that were developed during 2017. These materials better educate consumers about the benefits of different assisted listening technologies.

### **ANTICIPATED COMPLAINT AND ENFORCEMENT EFFORTS**

The Department will continue to conduct audits to ensure compliance with continuing education requirements. It will, similarly, continue to investigate consumer complaints alleging misconduct by licensed hearing aid dispensers and, when warranted, impose disciplinary sanctions against those found to have violated the statute and/or regulations.

### **RECOMMENDATIONS TO AMEND ARTICLE 37-A**

The Department has no current recommendations to amend Article 37-A of the General Business Law.