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HOUSE BILL 00XX

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

AN ACT

RELATING TO HEALTH; REQUIRING THE SPEECH-LANGUAGE PATHOLOGY, AUDIOLOGY AND HEARING AID DISPENSING PRACTICES BOARD TO ISSUE A RULE REQUIRING THAT ALL SALES RECEIPTS OR CONTRACTS ISSUED BY AUDIOLOGISTS AND HEARING AID DISPENSERS CONTAIN STANDARD LANGUAGE TO BE CREATED BY THE BOARD CONFIRMING THAT THE BUYER OF HEARING AIDS OR COCHLEAR IMPLANT PROCESSORS THAT THE BUYER HAS BEEN COUNSELED IN ADA COMPLAINT ASSISTIVE LISTENING TECHNOLOGY. THAT STATEMENT MUST ALSO REQUIRE THE INITIALS OF BOTH THE BUYER AND THE SELLER AND SHALL REQUIRE THE BUYER TO CONFIRM THAT HE/SHE HAS BEEN DISPENSED A DEVICE OR DEVICES THAT DO OR DO NOT CONTAIN THE TECHNOLOGY IN QUESTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 61-14B-11 NMSA 1978 (being Laws 1996, Chapter 57, Section 11, as amended) is amended to read:

"61-14B-11. BOARD POWERS AND DUTIES - The board shall

underscoring material = new
~~[bracketed material]~~ = delete

underscored material = new
[bracketed material] = delete

1 A. adopt rules and regulations and establish policy necessary to carry
2 out the provisions of the Speech-Language Pathology, Audiology and Hearing Aid
3 Dispensing Practices Act in accordance with the Uniform Licensing Act;

4 B. adopt rules implementing continuing education requirements;

5 C. adopt a code of ethics that includes rules requiring audiologists
6 and hearing aid dispensers, at the time of the initial examination for possible sale
7 and fitting of a hearing aid if a hearing loss is determined, to inform each
8 prospective purchaser about hearing aid options that can provide a direct connection
9 between the hearing aid and assistive listening systems. These rules shall be in
10 accordance with the latest standards for accessible design adopted by the United
11 States department of justice in accordance with the federal Americans with
12 Disabilities Act of-1990 1990, as amended ; and a rule making it a violation of
13 ethical proscriptions to issue a sales receipt that does not include a statement that
14 confirms that the purchaser was informed of the ADA complaint technology noted
15 above with that statement to have an appropriate space and indicate that it must be
16 initialled by the buyer and contain a space where the buyer must indicate that the
17 device(s) being dispensed do(es) or do(es) not have the ADA compliant
18 technnology in question;

19 D. conduct hearings upon charges relating to the discipline of
20 licensees, including the denial, suspension or in revocation of a license in
21 accordance with the Uniform Licensing Act;

22 E. investigate complaints against licensees by issuing
23 issuing investigative subpoenas prior to the issuance of a a notice of contemplated
24 notice of contemplated action;

25 F. establish fees for licensure;