

SUBTITLE 3A. MISCELLANEOUS PROVISIONS.

~~2-3A-01.~~

~~(A) IN THIS SECTION, "MEDICAL EXAMINATION" MEANS A PHYSICAL EXAMINATION OF THE EAR OF AN INDIVIDUAL BY AN OTOLARYNGOLOGIST, OTOLOGIST, OR OTHER PHYSICIAN.~~

~~(B) (1) BEFORE AN AUDIOLOGIST SELLS A HEARING AID TO AN INDIVIDUAL, THE AUDIOLOGIST SHALL DETERMINE WHETHER THE INDIVIDUAL HAS HAD A MEDICAL EXAMINATION WITHIN THE 6 MONTHS BEFORE THE HEARING AID SERVICE IS TO BE PROVIDED.~~

~~(2) UNLESS AN AUDIOLOGIST DETERMINES THAT AN INDIVIDUAL HAS HAD A MEDICAL EXAMINATION WITHIN THE PERIOD SET UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AUDIOLOGIST:~~

~~(I) SHALL GIVE THE INDIVIDUAL A WRITTEN RECOMMENDATION THAT THE INDIVIDUAL OBTAIN A MEDICAL EXAMINATION; AND~~

~~(II) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, MAY NOT SELL A HEARING AID TO THE INDIVIDUAL UNTIL THE INDIVIDUAL PROVIDES TO THE AUDIOLOGIST SATISFACTORY WRITTEN EVIDENCE THAT THE INDIVIDUAL HAS HAD A MEDICAL EXAMINATION WITHIN THE 6 MONTHS BEFORE THE HEARING AID IS PROVIDED.~~

~~(C) (1) AN AUDIOLOGIST MAY SELL A HEARING AID TO AN INDIVIDUAL WITHOUT COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (B)(2)(I) OF THIS SECTION ONLY IF THE SERVICES ARE:~~

~~(I) LIMITED TO REPLACEMENT OF A HEARING AID; OR~~

~~(II) PROVIDED TO AN INDIVIDUAL WHO:~~

~~1. IS AT LEAST 18 YEARS OLD; AND~~

~~2. BEFORE A HEARING AID IS PROVIDED:~~

~~A. SIGNS A WRITTEN WAIVER OF THE MEDICAL EXAMINATION THAT OTHERWISE IS REQUIRED UNDER SUBSECTION (B)(2)(I) OF THIS SECTION; AND~~

~~B. IS GIVEN A COPY OF THE SIGNED WAIVER BY THE AUDIOLOGIST.~~

~~(2) EACH AUDIOLOGIST SHALL KEEP A COPY OF EACH SIGNED WAIVER GIVEN TO AN INDIVIDUAL UNDER THIS SUBSECTION.~~