

(22) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services for which the licensee is licensed and qualified to render because the individual is HIV positive; OR

(23) PAYS OR AGREES TO PAY ANY SUM TO ANY PERSON FOR BRINGING OR REFERRING A PATIENT.

2-314.1.

(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 OR A HEARING AID DEALER SELLS A HEARING AID TO AN INDIVIDUAL, THE AUDIOLOGIST OR HEARING AID DEALER 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 OR A HEARING AID DEALER DETERMINES THAT AN INDIVIDUAL HAS HAD A MEDICAL EXAMINATION WITHIN THE PERIOD SET UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AUDIOLOGIST OR HEARING AID DEALER:

(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 OR THE HEARING AID DEALER 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 OR A HEARING AID DEALER MAY SELL A HEARING AID TO AN INDIVIDUAL WITHOUT COMPLYING WITH THE REQUIREMENTS OF SUBSECTION (B)(2)(II) 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)(II) OF THIS SECTION; AND