

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

B. IS GIVEN A COPY OF THE SIGNED WAIVER BY THE AUDIOLOGIST OR HEARING AID DEALER.

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