

334.200 Requirements for sale or fitting of hearing instruments.

- (1) No individual licensed under this chapter shall sell or fit a hearing instrument to any person unless within the preceding ninety (90) days:
 - (a) The person has been examined by and received a written, signed, and dated approval for a hearing instrument from a duly licensed physician. The written approval shall include a statement that the person examined has no known ear diseases or conditions of the ear which might make the fitting and wearing of a hearing instrument useless, or harmful to the person's health, or which might interfere with the proper fitting and wearing of a hearing instrument; and,
 - (b) The person has received a hearing instrument evaluation, and a written, signed, and dated recommendation for a hearing instrument from a physician or an audiologist licensed or authorized to practice audiology pursuant to KRS Chapter 334A. The written recommendation may take the form of a specific recommendation as to the make and model of a hearing instrument or may include a listing of specifications for a hearing instrument.
- (2) Any client eighteen (18) years of age or older may elect to sign a waiver to the requirements of subsections (1)(a) and (b) of this section before the purchase of a hearing instrument. The waiver shall be on a separate sheet of paper, shall be read to the prospective purchaser of a hearing instrument, and shall recite: "I have been advised by the seller (name) that the Food and Drug Administration has determined that my best health interest would be served if I had a medical evaluation by a licensed physician and preferably a physician who specializes in diseases of the ear before purchasing a hearing instrument. I do not wish a medical evaluation before purchasing a hearing instrument." The waiver shall be dated and signed by seller and client.
- (3) Any person licensed to sell hearing instruments under this chapter shall maintain for not less than three (3) years, in a file under the name of the person to whom a hearing instrument was sold, a true copy of the written approval pursuant to subsection (1)(a) of this section; and a true copy of the written recommendation for a hearing instrument pursuant to subsection (1)(b) of this section or the waiver of such written recommendation pursuant to subsection (2) of this section, and a true copy of the written agreement, offer to purchase, or receipt given the person, pursuant to KRS 334.030(1).

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History: Amended 1992 Ky. Acts ch. 460, sec. 19, effective July 14, 1992. -- Created 1976 Ky. Acts ch. 276, sec. 2.