

ACT 277

H.B. NO. 2114-86

A Bill for an Act Relating to Hearing Aid Dealers and Fitters.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 451A-14.1, Hawaii Revised Statutes, is amended to read as follows:

“§451A-14.1 Requirement of authorization from physician or otorhinolaryngologist; authorization records. (a) No person engaged in the fitting and selling of hearing aids shall sell, barter, offer to sell or otherwise knowingly establish a commercial relationship with a potential purchaser without first obtaining and maintaining in [his] the dealer’s possession written authorization by a physician that the purchaser or potential purchaser has been examined by [him] the physician and that [he] the physician has prescribed or approved a hearing device[.]; provided[, however,] that in the case of a child ten years of age or under, [such] the written authorization must be by an otorhinolaryngologist.

(b) For the purposes of subsection (a) [of this section, such] the written authorization must be signed by the physician or otorhinolaryngologist within [ninety days] six months prior to the date of sale, barter, offer, or commencement of a commercial relationship [as referred to above]; provided[, however,] that the [ninety day] six-month limit [provided in this subsection] shall not apply if the written authorization of the physician or otorhinolaryngologist states that a return visit of the patient is not necessary for subsequent purchases of a hearing device.

(c) For the purposes of subsection (a) the hearing aid dealer and fitter may offer persons eighteen years of age or older an opportunity to waive the requirement of a medical examination if the hearing aid dealer and fitter:

- (1) Informs the prospective user that the exercise of the waiver is not in the user's best health interest;
- (2) Does not in any way actively encourage the prospective user to waive the medical examination; and
- (3) Affords the prospective user the opportunity to sign the following statement:

"I have been advised by (hearing aid dealer and fitter's name) that the Board of Hearing Aid Dealers and Fitters has determined that my best health interest would be served if I had a medical examination by a physician (preferably a physician who specializes in diseases of the ear) before purchasing a hearing aid. I do not wish a medical examination before purchasing a hearing aid."

~~[(c)] (d) Every hearing aid dealer and fitter licensed pursuant to this chapter shall keep a suitable book or file, or a microfilm of [such] the book or file, in which shall be preserved, for a period of not less than five years, every authorization by physicians or otorhinolaryngologists received pursuant to this section[.] and every statement executed in accordance with subsection (c)(3). The book, file, or microfilm of [such] the authorizations and statements shall at all times be open to inspection by the board of hearing aid dealers and fitters and other law enforcement agencies."~~

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved May 29, 1986.)