

Superseded 5/12/2015

58-46a-502 Mandatory conditions incident to practice as a hearing instrument specialist.

A person engaging in the practice of a hearing instrument specialist shall:

- (1) have a regular place or places of business from which the person conducts business as a hearing instrument specialist and the place or places of business shall be represented to a patient and others with whom business is conducted by the street address at which the place of business is located;
- (2) include in all advertising or other representation the street address at which the business is located and the telephone number of the business at that street address;
- (3) provide as part of each transaction between a licensee and a patient related to testing for hearing loss and selling of a hearing instrument written documentation provided to the patient that includes:
 - (a) identification of all services and products provided to the patient by the hearing instrument specialist and the charges for each service or product;
 - (b) a statement whether any hearing instrument provided to a patient is "new," "used," or "reconditioned" and the terms and conditions of any warranty or guarantee that applies to each instrument;
 - (c) the identity and license number of each hearing instrument specialist or hearing instrument intern who provided services or products to the patient;
- (4) provide services or products to a patient only after the patient has been professionally informed with respect to the services, products, and expected results, and informed consent with respect to the provision of such services or products by a licensee and the expected results is obtained from the patient in writing in a form approved by the division in collaboration with the board;
- (5) refer all individuals under the age of 18 who seek testing of hearing to a physician or surgeon, osteopathic physician, or audiologist, licensed under the provisions of Title 58, Occupations and Professions, and shall dispense a hearing aid to that individual only on prescription of a physician or surgeon, osteopathic physician, or audiologist;
- (6) obtain the patient's informed consent and agreement to purchase the hearing instrument based on that informed consent either by the hearing instrument specialist or the hearing instrument intern, before designating an appropriate hearing instrument; and
- (7) if a hearing instrument does not substantially enhance the patient's hearing consistent with the representations of the hearing instrument specialist at the time informed consent was given prior to the sale and fitting of the hearing instrument, provide:
 - (a) necessary intervention to produce satisfactory hearing recovery results consistent with representations made; or
 - (b) for the refund of fees paid by the patient for the hearing instrument to the hearing instrument specialist within a reasonable time after finding that the hearing instrument does not substantially enhance the patient's hearing.