

1                                   A bill to be entitled  
 2           An act relating to hearing aid consultations and  
 3           sales; amending ss. 468.1225 and 484.0501, F.S.;  
 4           providing an exception to certain requirements  
 5           relating to fitting and selling hearing aids;  
 6           repealing ss. 468.1265 and 484.054, F.S., relating to  
 7           the sale or distribution of hearing aids through mail;  
 8           providing an effective date.

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 10 Be It Enacted by the Legislature of the State of Florida:

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 12           Section 1. Subsections (1), (2), (3), and (4) of section  
 13 468.1225, Florida Statutes, are amended to read:

14           468.1225 Procedures, equipment, and protocols.—

15           (1) The following minimal procedures must ~~shall~~ be used  
 16 when a licensed audiologist fits and sells a hearing aid unless  
 17 the client provides a medical clearance or a waiver of medical  
 18 examination:

19           (a) Pure tone audiometric testing by air and bone to  
 20 determine the type and degree of hearing deficiency when  
 21 indicated.

22           (b) Effective masking when indicated.

23           (c) Appropriate testing to determine speech reception  
 24 thresholds, speech discrimination scores, the most comfortable  
 25 listening levels, uncomfortable loudness levels, and the

26 | selection of the best fitting arrangement for maximum hearing  
27 | aid benefit when indicated.

28 |       (2) The following equipment must ~~shall~~ be used unless the  
29 | client provides a medical clearance or a waiver of medical  
30 | examination:

31 |       (a) A wide range audiometer which meets the specifications  
32 | of the American National Standards Institute for diagnostic  
33 | audiometers when indicated.

34 |       (b) A speech audiometer or a master hearing aid in order  
35 | to determine the most comfortable listening level and speech  
36 | discrimination when indicated.

37 |       (3) A final fitting ensuring physical and operational  
38 | comfort of the hearing aid must ~~shall~~ be made when indicated.

39 |       (4) A licensed audiologist who fits and sells hearing aids  
40 | must ~~shall~~ obtain the following medical clearance: If, upon  
41 | inspection of the ear canal with an otoscope in the common  
42 | procedure of fitting a hearing aid or ~~and~~ upon interrogation of  
43 | the client, there is any recent history of infection or any  
44 | observable anomaly, the client must ~~shall~~ be instructed to see a  
45 | physician, and a hearing aid may ~~shall~~ not be fitted until  
46 | medical clearance is obtained for the condition noted. If, upon  
47 | return, the condition noted is no longer observable and the  
48 | client signs a medical waiver, a hearing aid may be fitted. Any  
49 | person with a significant difference between bone conduction  
50 | hearing and air conduction hearing must be informed of the

51 possibility of medical or surgical correction.

52 Section 2. Subsections (1), (2), (3), and (4) of section  
53 484.0501, Florida Statutes, are amended to read:

54 484.0501 Minimal procedures and equipment.—

55 (1) The following minimal procedures must ~~shall~~ be used in  
56 the fitting and selling of hearing aids unless the client  
57 provides a medical clearance or a waiver of medical examination:

58 (a) Pure tone audiometric testing by air and bone to  
59 determine the type and degree of hearing deficiency when  
60 indicated.

61 (b) Effective masking when indicated.

62 (c) Appropriate testing to determine speech reception  
63 thresholds, speech discrimination scores, the most comfortable  
64 listening levels, uncomfortable loudness levels, and the  
65 selection of the best fitting arrangement for maximum hearing  
66 aid benefit when indicated.

67 (2) The following equipment must ~~shall~~ be used unless the  
68 client provides a medical clearance or a waiver of medical  
69 examination:

70 (a) A wide range audiometer which meets the specifications  
71 of the American National Standards Institute for diagnostic  
72 audiometers when indicated.

73 (b) A speech audiometer or a master hearing aid in order  
74 to determine the most comfortable listening level and speech  
75 discrimination when indicated.

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76 (3) A final fitting ensuring physical and operational  
77 comfort of the hearing aid must ~~shall~~ be made when indicated.

78 (4) The following medical clearance must ~~shall~~ be  
79 obtained: If, upon inspection of the ear canal with an otoscope  
80 in the common procedure of a hearing aid fitter or ~~and~~ upon  
81 interrogation of the client, there is any recent history of  
82 infection or any observable anomaly, the client must ~~shall~~ be  
83 instructed to see a physician, and a hearing aid may ~~shall~~ not  
84 be fitted until medical clearance is obtained for the condition  
85 noted. If, upon return, the condition noted is no longer  
86 observable and the client signs a medical waiver, a hearing aid  
87 may be fitted. Any person with a significant difference between  
88 bone conduction hearing and air conduction hearing must be  
89 informed of the possibility of medical correction.

90 Section 3. Sections 468.1265 and 484.054, Florida  
91 Statutes, are repealed.

92 Section 4. This act shall take effect July 1, 2021.