

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Healthcare Regulation
 2 Subcommittee

3 Representative Porras offered the following:

4

5 **Amendment**

6 Remove lines 1274-1898 and insert:

7 Section 18. Section 468.1225, Florida Statutes, is amended
 8 to read:

9 468.1225 Procedures, equipment, and protocols.—

10 (1) The following minimal procedures shall be used when a
 11 licensed audiologist fits and sells a prescription hearing aid:

12 (a) Pure tone audiometric testing by air and bone to
 13 determine the type and degree of hearing deficiency when
 14 indicated.

15 (b) Effective masking when indicated.

16 (c) Appropriate testing to determine speech reception

Amendment No.

17 thresholds, speech discrimination scores, the most comfortable
18 listening levels, uncomfortable loudness levels, and the
19 selection of the best fitting arrangement for maximum hearing
20 aid benefit when indicated.

21 (2) The following equipment shall be used:

22 (a) A wide range audiometer that ~~which~~ meets the
23 specifications of the American National Standards Institute for
24 diagnostic audiometers when indicated.

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

28 (3) A final fitting ensuring physical and operational
29 comfort of the prescription hearing aid shall be made when
30 indicated.

31 (4) A licensed audiologist who fits and sells prescription
32 hearing aids shall obtain the following medical clearance: If,
33 upon inspection of the ear canal with an otoscope in the common
34 procedure of fitting a prescription hearing aid and upon
35 interrogation of the client, there is any recent history of
36 infection or any observable anomaly, the client shall be
37 instructed to see a physician, and a prescription hearing aid
38 may ~~shall~~ not be fitted until medical clearance is obtained for
39 the condition noted. If, upon return, the condition noted is no
40 longer observable and the client signs a medical waiver, a
41 prescription hearing aid may be fitted. Any person with a

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

42 significant difference between bone conduction hearing and air
43 conduction hearing must be informed of the possibility of
44 medical or surgical correction.

45 (5)(a) A licensed audiologist's office must have
46 available, or have access to, a selection of prescription
47 hearing aid models, hearing aid supplies, and services complete
48 enough to accommodate the various needs of the hearing aid
49 wearers.

50 (b) At the time of the initial examination for fitting and
51 sale of a prescription hearing aid, the attending audiologist
52 must notify the prospective purchaser of the benefits of
53 telecoil, also known as "t" coil or "t" switch, technology,
54 including increased access to telephones and noninvasive access
55 to assistive listening systems required under the Americans with
56 Disabilities Act of 1990.

57 (6) Unless otherwise indicated, each audiometric test
58 conducted by a licensee or a certified audiology assistant in
59 the fitting and selling of prescription hearing aids must ~~shall~~
60 be made in a testing room that has been certified by the
61 department, or by an agent approved by the department, not to
62 exceed the following sound pressure levels at the specified
63 frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB, 1000Hz-40dB,
64 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB, 6000Hz-62dB,
65 and 8000Hz-67dB. An exception to this requirement shall be made
66 in the case of a client who, after being provided written notice

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

67 of the benefits and advantages of having the test conducted in a
68 certified testing room, requests that the test be conducted in a
69 place other than the licensee's certified testing room. Such
70 request must ~~shall~~ be documented by a waiver that ~~which~~ includes
71 the written notice and is signed by the licensee and the client
72 before ~~prior to~~ the testing. The waiver must ~~shall~~ be executed
73 on a form provided by the department. The executed waiver must
74 ~~shall~~ be attached to the client's copy of the contract, and a
75 copy of the executed waiver must ~~shall~~ be retained in the
76 licensee's file.

77 (7) The board may ~~shall have the power to~~ prescribe the
78 minimum procedures and equipment used in the conducting of
79 hearing assessments and for the fitting and selling of
80 prescription hearing aids. The board shall adopt and enforce
81 rules necessary to implement ~~carry out the provisions of~~ this
82 subsection and subsection (6).

83 (8) Any duly authorized officer or employee of the
84 department may ~~shall have the right to~~ make such inspections and
85 investigations as ~~are~~ necessary ~~in order~~ to determine the state
86 of compliance with ~~the provisions of~~ this section and the
87 applicable rules and may enter the premises of a licensee and
88 inspect the records of same upon reasonable belief that a
89 violation of this law is being or has been committed or that the
90 licensee has failed or is failing to comply with ~~the provisions~~
91 ~~of~~ this part.

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

92 Section 19. Section 468.1245, Florida Statutes, is amended
93 to read:

94 468.1245 Itemized listing of prices; delivery of
95 prescription hearing aid; receipt; guarantee; packaging;
96 disclaimer.-

97 (1) Before ~~Prior to~~ delivery of services or products to a
98 prospective purchaser, a licensee must ~~shall~~ disclose, upon
99 request by the prospective purchaser, an itemized listing of
100 prices, which must ~~listing shall~~ include separate price
101 estimates for each service component and each product. Provision
102 of such itemized listing of prices may ~~shall~~ not be predicated
103 on the prospective purchaser's payment of any charge or
104 agreement to purchase any service or product.

105 (2) Any licensee who fits and sells a prescription hearing
106 aid shall, at the time of delivery, provide the purchaser with a
107 receipt containing the seller's signature, the address of his or
108 her regular place of business, and his or her license or
109 certification number, if applicable, together with the brand,
110 model, manufacturer or manufacturer's identification code, and
111 serial number of the prescription hearing aid furnished and the
112 amount charged for the prescription hearing aid. The receipt
113 must also ~~shall~~ specify whether the prescription hearing aid is
114 new, used, or rebuilt, ~~and shall specify~~ the length of time and
115 other terms of the guarantee, and by whom the prescription
116 hearing aid is guaranteed. When the client has requested an

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

117 itemized list of prices, the receipt must ~~shall~~ also provide an
118 itemization of the total purchase price, including, but not
119 limited to, the cost of the aid, ear mold, batteries, and other
120 accessories, and the cost of any services. Notice of the
121 availability of this service must be displayed in a conspicuous
122 manner in the office. The receipt must also ~~shall~~ state that any
123 complaint concerning the prescription hearing aid and its
124 guarantee, if not reconciled with the licensee from whom the
125 prescription hearing aid was purchased, should be directed by
126 the purchaser to the department. The address and telephone
127 number of such office must ~~shall~~ be stated on the receipt.

128 (3) A prescription ~~No~~ hearing aid may not be sold to any
129 person unless both the packaging containing the prescription
130 hearing aid and the contract provided pursuant to subsection (2)
131 carry the following disclaimer in 10-point or larger type: "A
132 hearing aid will not restore normal hearing, nor will it prevent
133 further hearing loss."

134 Section 20. Section 468.1246, Florida Statutes, is amended
135 to read:

136 468.1246 Thirty-day trial period; purchaser's right to
137 cancel; notice; refund; cancellation fee.-

138 (1) A person selling a prescription hearing aid in this
139 state must provide the buyer with written notice of a 30-day
140 trial period and money-back guarantee. The guarantee must permit
141 the purchaser to cancel the purchase for a valid reason as

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

142 defined by rule of the board within 30 days after receiving the
143 prescription hearing aid, by returning the prescription hearing
144 aid or mailing written notice of cancellation to the seller. If
145 the prescription hearing aid must be repaired, remade, or
146 adjusted during the 30-day trial period, the running of the 30-
147 day trial period is suspended 1 day for each 24-hour period that
148 the prescription hearing aid is not in the purchaser's
149 possession. A repaired, remade, or adjusted prescription hearing
150 aid must be claimed by the purchaser within 3 working days after
151 notification of availability. The running of the 30-day trial
152 period resumes on the day the purchaser reclaims a repaired,
153 remade, or adjusted prescription hearing aid or on the 4th day
154 after notification of availability.

155 (2) The board, in consultation with the Board of Hearing
156 Aid Specialists, shall prescribe by rule the terms and
157 conditions to be contained in the money-back guarantee and any
158 exceptions thereto. Such rule must ~~shall~~ provide, at a minimum,
159 that the charges for earmolds and service provided to fit the
160 prescription hearing aid may be retained by the licensee. The
161 rules must ~~shall~~ also set forth any reasonable charges to be
162 held by the licensee as a cancellation fee. ~~Such rule shall be~~
163 ~~effective on or before December 1, 1994. Should the board fail~~
164 ~~to adopt such rule, a licensee may not charge a cancellation fee~~
165 ~~which exceeds 5 percent of the total charge for a hearing aid~~
166 ~~alone.~~ The terms and conditions of the guarantee, including the

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

167 total amount available for refund, must ~~shall~~ be provided in
168 writing to the purchaser before ~~prior to~~ the signing of the
169 contract.

170 Section 21. Section 468.1255, Florida Statutes, is amended
171 to read:

172 468.1255 Cancellation by medical authorization;
173 purchaser's right to return.—

174 (1) In addition to any other rights and remedies the
175 purchaser of a prescription hearing aid may have, the purchaser
176 has ~~shall have~~ the right to rescind the transaction if the
177 purchaser for whatever reason consults a licensed physician with
178 specialty board certification in otolaryngology or internal
179 medicine or a licensed family practice physician, subsequent to
180 purchasing a prescription hearing aid, and the physician
181 certifies in writing that the purchaser has a hearing impairment
182 for which a prescription hearing aid will not provide a benefit
183 or that the purchaser has a medical condition which
184 contraindicates the use of a prescription hearing aid.

185 (2) The purchaser of a prescription hearing aid has ~~shall~~
186 ~~have~~ the right to rescind as provided in subsection (1) only if
187 the purchaser gives a written notice of the intent to rescind
188 the transaction to the seller at the seller's place of business
189 by certified mail, return receipt requested, which notice shall
190 be posted not later than 60 days following the date of delivery
191 of the prescription hearing aid to the purchaser, and the

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

192 purchaser returns the prescription hearing aid to the seller in
193 the original condition less normal wear and tear.

194 (3) If the conditions of subsections (1) and (2) are met,
195 the seller must ~~shall~~, without request, refund to the purchaser,
196 within 10 days after ~~of~~ the receipt of notice to rescind, a full
197 and complete refund of all moneys received, less 5 percent. The
198 purchaser does not ~~shall~~ incur any ~~no~~ additional liability for
199 rescinding the transaction.

200 Section 22. Section 468.1265, Florida Statutes, is amended
201 to read:

202 468.1265 Sale or distribution of prescription hearing aids
203 through mail; penalty.—It is unlawful for any person to sell or
204 distribute prescription hearing aids through the mail to the
205 ultimate consumer. Any person who violates this section commits
206 a misdemeanor of the second degree, punishable as provided in s.
207 775.082 or s. 775.083.

208 Section 23. Section 468.1275, Florida Statutes, is amended
209 to read:

210 468.1275 Place of business; display of license.—Each
211 licensee who fits and sells a prescription hearing aid shall
212 declare and establish a regular place of business, at which his
213 or her license shall be conspicuously displayed.

214 Section 24. Section 484.0401, Florida Statutes, is amended
215 to read:

216 484.0401 Purpose.—The Legislature recognizes that the

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

217 dispensing of prescription hearing aids requires particularized
218 knowledge and skill to ensure that the interests of the hearing-
219 impaired public will be adequately served and safely protected.
220 It recognizes that a poorly selected or fitted prescription
221 hearing aid not only will give little satisfaction but may
222 interfere with hearing ability and, therefore, deems it
223 necessary in the interest of the public health, safety, and
224 welfare to regulate the dispensing of prescription hearing aids
225 in this state. Restrictions on the fitting and selling of
226 prescription hearing aids shall be imposed only to the extent
227 necessary to protect the public from physical and economic harm,
228 and restrictions shall not be imposed in a manner which will
229 unreasonably affect the competitive market.

230 Section 25. Section 484.041, Florida Statutes, is
231 reordered and amended to read:

232 484.041 Definitions.—As used in this part, the term:

233 (1) "Board" means the Board of Hearing Aid Specialists.

234 (2) "Department" means the Department of Health.

235 (3) "Dispensing prescription hearing aids" means and
236 includes:

237 (a) Conducting and interpreting hearing tests for purposes
238 of selecting suitable prescription hearing aids, making earmolds
239 or ear impressions, and providing appropriate counseling.

240 (b) All acts pertaining to the selling, renting, leasing,
241 pricing, delivery, and warranty of prescription hearing aids.

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

242 ~~(6)-(4)~~ "Hearing aid specialist" means a person duly
243 licensed in this state to practice the dispensing of
244 prescription hearing aids.

245 ~~(4)-(5)~~ "Hearing aid" means any wearable ~~an amplifying~~
246 device designed for, offered for the purpose of, or represented
247 as aiding persons with, or compensating for, impaired hearing to
248 be worn by a hearing-impaired person to improve hearing.

249 ~~(10)-(6)~~ "Trainee" means a person studying prescription
250 hearing aid dispensing under the direct supervision of an active
251 licensed hearing aid specialist for the purpose of qualifying
252 for certification to sit for the licensure examination.

253 ~~(5)-(7)~~ "Hearing aid establishment" means any establishment
254 in this ~~the~~ state which employs a licensed hearing aid
255 specialist who offers, advertises, and performs hearing aid
256 services for the general public.

257 ~~(7)~~ "Over-the-counter hearing aid" means an air-conduction
258 hearing aid that does not require implantation or other surgical
259 intervention and is intended for use by a person 18 years of age
260 or older to compensate for perceived mild to moderate hearing
261 impairment.

262 ~~(8)~~ "Prescription hearing aid" means a hearing aid that is
263 not an over-the-counter hearing aid and that does not otherwise
264 meet the criteria for a prescription hearing aid under this
265 part.

266 ~~(9)~~ "Sponsor" means an active, licensed hearing aid

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

267 specialist under whose direct supervision one or more trainees
268 are studying prescription hearing aid dispensing for the purpose
269 of qualifying for certification to sit for the licensure
270 examination.

271 Section 26. Subsection (2) of section 484.042, Florida
272 Statutes, is amended to read:

273 484.042 Board of Hearing Aid Specialists; membership,
274 appointment, terms.—

275 (2) Five members of the board shall be hearing aid
276 specialists who have been licensed and practicing the dispensing
277 of prescription hearing aids in this state for at least the
278 preceding 4 years. The remaining four members, none of whom
279 shall derive economic benefit from the fitting or dispensing of
280 hearing aids, shall be appointed from the resident lay public of
281 this state. One of the lay members shall be a prescription
282 hearing aid user but may not ~~neither~~ be nor have been a hearing
283 aid specialist or a licensee of a closely related profession.
284 One lay member shall be an individual age 65 or over. One lay
285 member shall be an otolaryngologist licensed pursuant to chapter
286 458 or chapter 459.

287 Section 27. Subsection (2) of section 484.044, Florida
288 Statutes, is amended to read:

289 484.044 Authority to make rules.—

290 (2) The board shall adopt rules requiring that each
291 prospective purchaser of a prescription hearing aid be notified

Amendment No.

292 by the attending hearing aid specialist, at the time of the
293 initial examination for fitting and sale of a hearing aid, of
294 telecoil, "t" coil, or "t" switch technology. The rules shall
295 further require that hearing aid specialists make available to
296 prospective purchasers or clients information regarding
297 telecoils, "t" coils, or "t" switches. ~~These rules shall be~~
298 ~~effective on or before October 1, 1994.~~

299 Section 28. Subsection (2) of section 484.0445, Florida
300 Statutes, is amended to read:

301 484.0445 Training program.—

302 (2) A trainee shall perform the functions of a hearing aid
303 specialist in accordance with board rules only under the direct
304 supervision of a licensed hearing aid specialist. The term
305 "direct supervision" means that the sponsor is responsible for
306 all work being performed by the trainee. The sponsor or a
307 hearing aid specialist designated by the sponsor shall give
308 final approval to work performed by the trainee and shall be
309 physically present at the time the prescription hearing aid is
310 delivered to the client.

311 Section 29. Subsection (2) of section 484.045, Florida
312 Statutes, is amended to read:

313 484.045 Licensure by examination.—

314 (2) The department shall license each applicant who the
315 board certifies meets all of the following criteria:

316 (a) Has completed the application form and remitted the

Amendment No.

- 317 required fees.~~†~~
- 318 (b) Is of good moral character.~~†~~
- 319 (c) Is 18 years of age or older.~~†~~
- 320 (d) Is a graduate of an accredited high school or its
321 equivalent.~~†~~
- 322 (e)1. Has met the requirements of the training program; or
323 2.a. Has a valid, current license as a hearing aid
324 specialist or its equivalent from another state and has been
325 actively practicing in such capacity for at least 12 months; or
326 b. Is currently certified by the National Board for
327 Certification in Hearing Instrument Sciences and has been
328 actively practicing for at least 12 months.~~†~~
- 329 (f) Has passed an examination, as prescribed by board
330 rule.~~†~~ ~~and~~
- 331 (g) Has demonstrated, in a manner designated by rule of
332 the board, knowledge of state laws and rules relating to the
333 fitting and dispensing of prescription hearing aids.
- 334 Section 30. Section 484.0501, Florida Statutes, is amended
335 to read:
- 336 484.0501 Minimal procedures and equipment.—
- 337 (1) The following minimal procedures shall be used in the
338 fitting and selling of prescription hearing aids:
- 339 (a) Pure tone audiometric testing by air and bone to
340 determine the type and degree of hearing deficiency.
- 341 (b) Effective masking when indicated.

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

342 (c) Appropriate testing to determine speech reception
343 thresholds, speech discrimination scores, the most comfortable
344 listening levels, uncomfortable loudness levels, and the
345 selection of the best fitting arrangement for maximum hearing
346 aid benefit.

347 (2) The following equipment shall be used:

348 (a) A wide range audiometer that ~~which~~ meets the
349 specifications of the American National Standards Institute for
350 diagnostic audiometers.

351 (b) A speech audiometer or a master hearing aid in order
352 to determine the most comfortable listening level and speech
353 discrimination.

354 (3) A final fitting ensuring physical and operational
355 comfort of the prescription hearing aid shall be made.

356 (4) The following medical clearance shall be obtained: If,
357 upon inspection of the ear canal with an otoscope in the common
358 procedure of a prescription hearing aid fitter and upon
359 interrogation of the client, there is any recent history of
360 infection or any observable anomaly, the client must ~~shall~~ be
361 instructed to see a physician, and a prescription hearing aid
362 may ~~shall~~ not be fitted until medical clearance is obtained for
363 the condition noted. If, upon return, the condition noted is no
364 longer observable and the client signs a medical waiver, a
365 prescription hearing aid may be fitted. Any person with a
366 significant difference between bone conduction hearing and air

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

367 conduction hearing must be informed of the possibility of
368 medical correction.

369 (5)(a) A prescription hearing aid establishment ~~office~~
370 must have available, or have access to, a selection of
371 prescription hearing aid models, hearing aid supplies, and
372 services complete enough to accommodate the various needs of the
373 prescription hearing aid wearers.

374 (b) At the time of the initial examination for fitting and
375 sale of a prescription hearing aid, the attending hearing aid
376 specialist shall ~~must~~ notify the prospective purchaser or client
377 of the benefits of telecoil, "t" coil, or "t" switch technology,
378 including increased access to telephones and noninvasive access
379 to assistive listening systems required under the Americans with
380 Disabilities Act of 1990.

381 (6) Each audiometric test conducted by a licensee or
382 authorized trainee in the fitting and selling of prescription
383 hearing aids must ~~shall~~ be made in a testing room that has been
384 certified by the department, or by an agent approved by the
385 department, not to exceed the following sound pressure levels at
386 the specified frequencies: 250Hz-40dB, 500Hz-40dB, 750Hz-40dB,
387 1000Hz-40dB, 1500Hz-42dB, 2000Hz-47dB, 3000Hz-52dB, 4000Hz-57dB,
388 6000Hz-62dB, and 8000Hz-67dB. An exception to this requirement
389 shall be made in the case of a client who, after being provided
390 written notice of the benefits and advantages of having the test
391 conducted in a certified testing room, requests that the test be

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

392 conducted in a place other than the licensee's certified testing
393 room. Such request must ~~shall~~ be documented by a waiver which
394 includes the written notice and is signed by the licensee and
395 the client before ~~prior to~~ the testing. The waiver must ~~shall~~ be
396 executed on a form provided by the department. The executed
397 waiver must ~~shall~~ be attached to the client's copy of the
398 contract, and a copy of the executed waiver must ~~shall~~ be
399 retained in the licensee's file.

400 (7) The board may ~~shall have the power to~~ prescribe the
401 minimum procedures and equipment which must ~~shall~~ be used in the
402 conducting of hearing assessments, and for the fitting and
403 selling of prescription hearing aids, including equipment that
404 will measure the prescription hearing aid's response curves to
405 ensure that they meet the manufacturer's specifications. These
406 procedures and equipment may differ from those provided in this
407 section in order to take full advantage of devices and equipment
408 which may hereafter become available and which are demonstrated
409 to be of greater efficiency and accuracy. The board shall adopt
410 and enforce rules necessary to implement ~~carry out the~~
411 ~~provisions of~~ this subsection and subsection (6).

412 (8) Any duly authorized officer or employee of the
413 department may ~~shall have the right to~~ make such inspections and
414 investigations as ~~are necessary in order~~ to determine the state
415 of compliance with ~~the provisions of~~ this section and the
416 applicable rules and may enter the premises of a licensee and

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

417 inspect the records of same upon reasonable belief that a
418 violation of this law is being or has been committed or that the
419 licensee has failed or is failing to comply with ~~the provisions~~
420 ~~of this part act.~~

421 (9) A licensed hearing aid specialist may service, market,
422 sell, dispense, provide customer support for, and distribute
423 prescription and over-the-counter hearing aids.

424 Section 31. Section 484.051, Florida Statutes, is amended
425 to read:

426 484.051 Itemization of prices; delivery of prescription
427 hearing aid; receipt, packaging, disclaimer, guarantee.-

428 (1) Before ~~Prior to~~ delivery of services or products to a
429 prospective purchaser, any person who fits and sells
430 prescription hearing aids must ~~shall~~ disclose on request by the
431 prospective purchaser an itemized listing of prices, which must
432 ~~listing shall~~ include separate price estimates for each service
433 component and each product. Provision of such itemized listing
434 of prices may ~~shall~~ not be predicated on the prospective
435 purchaser's payment of any charge or agreement to purchase any
436 service or product.

437 (2) Any person who fits and sells a prescription hearing
438 aid must ~~shall~~, at the time of delivery, provide the purchaser
439 with a receipt containing the seller's signature, the address of
440 her or his regular place of business, and her or his license or
441 trainee registration number, if applicable, together with the

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

442 brand, model, manufacturer or manufacturer's identification
443 code, and serial number of the prescription hearing aid
444 furnished and the amount charged for the prescription hearing
445 aid. The receipt must also ~~shall~~ specify whether the
446 prescription hearing aid is new, used, or rebuilt, ~~and shall~~
447 ~~specify~~ the length of time and other terms of the guarantee, and
448 by whom the prescription hearing aid is guaranteed. ~~If~~ ~~When~~ the
449 client has requested an itemized list of prices, the receipt
450 must ~~shall~~ also provide an itemization of the total purchase
451 price, including, but not limited to, the cost of the aid,
452 earmold, batteries and other accessories, and any services.
453 Notice of the availability of this service shall be displayed in
454 a conspicuous manner in the office. The receipt must also ~~shall~~
455 state that any complaint concerning the prescription hearing aid
456 and guarantee therefor, if not reconciled with the licensee from
457 whom the prescription hearing aid was purchased, should be
458 directed by the purchaser to the Department of Health. The
459 address and telephone number of such office must ~~shall~~ be stated
460 on the receipt.

461 (3) A prescription ~~No~~ hearing aid may not be sold to any
462 person unless both the packaging containing the prescription
463 hearing aid and the itemized receipt provided pursuant to
464 subsection (2) carry the following disclaimer in 10-point or
465 larger type: "A hearing aid will not restore normal hearing, nor
466 will it prevent further hearing loss."

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

467 Section 32. Section 484.0512, Florida Statutes, is amended
468 to read:

469 484.0512 Thirty-day trial period; purchaser's right to
470 cancel; notice; refund; cancellation fee; criminal penalty.—

471 (1) A person selling a prescription hearing aid in this
472 state must provide the buyer with written notice of a 30-day
473 trial period and money-back guarantee. The guarantee must permit
474 the purchaser to cancel the purchase for a valid reason, as
475 defined by ~~rule of the board~~ rule, within 30 days after
476 receiving the prescription hearing aid, by returning the
477 prescription hearing aid or mailing written notice of
478 cancellation to the seller. If the prescription hearing aid must
479 be repaired, remade, or adjusted during the 30-day trial period,
480 the running of the 30-day trial period is suspended 1 day for
481 each 24-hour period that the prescription hearing aid is not in
482 the purchaser's possession. A repaired, remade, or adjusted
483 prescription hearing aid must be claimed by the purchaser within
484 3 working days after notification of availability. The running
485 of the 30-day trial period resumes on the day the purchaser
486 reclaims the repaired, remade, or adjusted prescription hearing
487 aid or on the fourth day after notification of availability,
488 whichever occurs earlier.

489 (2) The board, in consultation with the Board of Speech-
490 Language Pathology and Audiology, shall prescribe by rule the
491 terms and conditions to be contained in the money-back guarantee

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

492 and any exceptions thereto. Such rules must ~~rule shall~~ provide,
493 at a minimum, that the charges for earmolds and service provided
494 to fit the prescription hearing aid may be retained by the
495 licensee. The rules must ~~shall~~ also set forth any reasonable
496 charges to be held by the licensee as a cancellation fee. ~~Such~~
497 ~~rule shall be effective on or before December 1, 1994. Should~~
498 ~~the board fail to adopt such rule, a licensee may not charge a~~
499 ~~cancellation fee which exceeds 5 percent of the total charge for~~
500 ~~a hearing aid alone.~~ The terms and conditions of the guarantee,
501 including the total amount available for refund, must ~~shall~~ be
502 provided in writing to the purchaser before ~~prior to~~ the signing
503 of the contract.

504 (3) Within 30 days after the return or attempted return of
505 the prescription hearing aid, the seller shall refund all moneys
506 that must be refunded to a purchaser pursuant to this section. A
507 violation of this subsection is a misdemeanor of the first
508 degree, punishable as provided in s. 775.082 or s. 775.083.

509 (4) For purposes of this section, the term "seller" or
510 "person selling a prescription hearing aid" includes:

511 (a) Any ~~natural~~ person licensed under this part or any
512 other ~~natural~~ person who signs a sales receipt required by s.
513 484.051(2) or s. 468.1245(2) or ~~who~~ otherwise fits, delivers, or
514 dispenses a prescription hearing aid.

515 (b) Any business organization, whether a sole
516 proprietorship, partnership, corporation, professional

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

517 association, joint venture, business trust, or other legal
518 entity, that ~~which~~ dispenses a prescription hearing aid or
519 enters into an agreement to dispense a prescription hearing aid.

520 (c) Any person who controls, manages, or operates an
521 establishment or business that dispenses a prescription hearing
522 aid or enters into an agreement to dispense a prescription
523 hearing aid.

524 Section 33. Section 484.0513, Florida Statutes, is amended
525 to read:

526 484.0513 Cancellation by medical authorization;
527 purchaser's right to return.-

528 (1) In addition to any other rights and remedies the
529 purchaser of a prescription hearing aid may have, the purchaser
530 has ~~shall have~~ the right to rescind the transaction if the
531 purchaser for whatever reason consults a licensed physician with
532 specialty board certification in otolaryngology or internal
533 medicine or a licensed family practice physician, subsequent to
534 purchasing a prescription hearing aid, and the physician
535 certifies in writing that the purchaser has a hearing impairment
536 for which a prescription hearing aid will not provide a benefit
537 or that the purchaser has a medical condition which
538 contraindicates the use of a prescription hearing aid.

539 (2) The purchaser of a prescription hearing aid has ~~shall~~
540 ~~have~~ the right to rescind as provided in subsection (1) only if
541 the purchaser gives a written notice of the intent to rescind

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

542 the transaction to the seller at the seller's place of business
543 by certified mail, return receipt requested, which must ~~notice~~
544 ~~shall~~ be posted within ~~not later than~~ 60 days after ~~following~~
545 the date of delivery of the prescription hearing aid to the
546 purchaser, and the purchaser returns the prescription hearing
547 aid to the seller in the original condition less normal wear and
548 tear.

549 (3) If the conditions of subsections (1) and (2) are met,
550 the seller must ~~shall~~, without request, refund to the purchaser,
551 within 10 days after ~~of the~~ receipt of the notice to rescind, a
552 full and complete refund of all moneys received, less 5 percent.
553 The purchaser does not ~~shall~~ incur any ~~no~~ additional liability
554 for rescinding the transaction.

555 Section 34. Section 484.053, Florida Statutes, is amended
556 to read:

557 484.053 Prohibitions; penalties.—

558 (1) A person may not:

559 (a) Practice dispensing prescription hearing aids unless
560 the person is a licensed hearing aid specialist;

561 (b) Use the name or title "hearing aid specialist" when
562 the person has not been licensed under this part;

563 (c) Present as her or his own the license of another;

564 (d) Give false, incomplete, or forged evidence to the
565 board or a member thereof for the purposes of obtaining a
566 license;

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

567 (e) Use or attempt to use a hearing aid specialist license
568 that is delinquent or has been suspended, revoked, or placed on
569 inactive status;

570 (f) Knowingly employ unlicensed persons in the practice of
571 dispensing prescription hearing aids; or

572 (g) Knowingly conceal information relative to violations
573 of this part.

574 (2) Any person who violates any provision ~~of the~~
575 ~~provisions~~ of this section is guilty of a felony of the third
576 degree, punishable as provided in s. 775.082 or s. 775.083.

577 (3) If a person licensed under this part allows the sale
578 of a prescription hearing aid by an unlicensed person not
579 registered as a trainee or fails to comply with the requirements
580 of s. 484.0445(2) relating to supervision of trainees, the board
581 must ~~shall~~, upon determination of that violation, order the full
582 refund of moneys paid by the purchaser upon return of the
583 prescription hearing aid to the seller's place of business.

584 Section 35. Section 484.054, Florida Statutes, is amended
585 to read:

586 484.054 Sale or distribution of prescription hearing aids
587 through mail; penalty.—It is unlawful for any person to sell or
588 distribute prescription hearing aids through the mail to the
589 ultimate consumer. Any violation of this section constitutes a
590 misdemeanor of the second degree, punishable as provided in s.
591 775.082 or s. 775.083.

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

592 Section 36. Section 484.059, Florida Statutes, is amended
593 to read:

594 484.059 Exemptions.—

595 (1) The licensure requirements of this part do not apply
596 to any person engaged in recommending prescription hearing aids
597 as part of the academic curriculum of an accredited institution
598 of higher education, or as part of a program conducted by a
599 public charitable institution supported primarily by voluntary
600 contribution, provided this organization does not dispense or
601 sell prescription hearing aids or accessories.

602 (2) The licensure requirements of this part do not apply
603 to any person licensed to practice medicine in this ~~the~~ state,
604 except that such physician must ~~shall~~ comply with the
605 requirement of periodic filing of the certificate of testing and
606 calibration of audiometric equipment as provided in this part. A
607 ~~No~~ person employed by or working under the supervision of a
608 person licensed to practice medicine may not ~~shall~~ perform any
609 services or acts which would constitute the dispensing of
610 prescription hearing aids as defined in s. 484.041 ~~s.~~
611 ~~484.041(3)~~, unless such person is a licensed hearing aid
612 specialist.

613 (3) The licensure requirements of this part do not apply
614 to an audiologist licensed under ~~pursuant to~~ part I of chapter
615 468.

616 (4) ~~Section The provisions of s. 484.053(1)(a) does shall~~

068445 - h1387-line 1274.docx

Published On: 3/31/2023 6:16:10 PM

Amendment No.

617 not apply to registered trainees operating in compliance with
618 this part and board rules ~~of the board~~.

619 (5) The licensure requirements of this part do not apply
620 to a person who services, markets, sells, dispenses, provides
621 customer support for, or distributes exclusively over-the-
622 counter hearing aids, whether through in-person transactions, by
623 mail, or online. For purposes of this subsection, over-the-
624 counter hearing aids are those that are available without the
625 supervision, prescription, or other order, involvement, or
626 intervention of a licensed person to consumers through in-person
627 transactions, by mail, or online. These devices allow the user
628 to control the device and customize it to the user's hearing
629 needs through the use of tools, tests, or software, including,
630 but not limited to, wireless technology or tests for self-
631 assessment of hearing loss.