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Date: (Filing No. S- )

**HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE  
SENATE  
132ND LEGISLATURE  
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 552, L.D. 1413, “An Act to Amend Laws Governing Hearing Aid Dealers and Health Insurance to Allow an Exception to Certain Hearing Examination Requirements”

Amend the bill by striking out the title and substituting the following:

**'An Act to Amend Laws Governing Hearing Aid Dealers to Allow an Exception to Certain Hearing Examination Requirements'**

Amend the bill by striking out everything after the enacting clause and inserting the following:

**'Sec. 1. 32 MRSA §17305, sub-§6, ¶K,** as enacted by PL 2007, c. 369, Pt. C, §3 and affected by §5, is amended to read:

K. A Except as authorized in this paragraph, a dealer-licensee may not sell or furnish a hearing aid to a person 18 years of age or younger without a written statement, signed by a physician with specialized training in the field of otolaryngology, that the person has had an ear or hearing examination within 90 days of the purchase or furnishing of the hearing aid and that a hearing aid is recommended for the person. The board shall adopt rules for the requirements for reexamination. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

The board shall by rule list and define certain medical conditions affecting hearing. If a dealer has notice of the existence of one or more of the conditions in the case of a prospective purchaser of a hearing aid, whether by the dealer-licensee’s observation of the prospective purchaser or by information furnished by the prospective purchaser, fitting of the hearing aid must be delayed until the purchaser has had an ear or hearing examination administered by a physician with specialized training in the field of otolaryngology or by an audiologist who, as a result of such an examination, recommends in writing a hearing aid for the prospective purchaser. Unless prohibited by federal law or regulation, a dealer-licensee may sell or furnish a replacement hearing aid of the same specifications as the original hearing aid to a prospective purchaser of any age without evidence that the prospective purchaser has had a recent ear or hearing

**COMMITTEE AMENDMENT**

1 examination if the prospective purchaser typically wears or is currently using a hearing  
2 aid; is seeking to replace a recently lost, stolen, broken or failing hearing aid; and is  
3 unable to attend a hearing examination because the prospective purchaser is too ill or  
4 infirm to do so safely.

5 ~~Nothing in this~~ This chapter may not be construed to require an ear or hearing  
6 examination by a physician or audiologist of a person who objects to the examination  
7 on the grounds that the examination conflicts with the tenets and practices of a church  
8 or religious denomination of which the person is a member or adherent.'

9 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section  
10 number to read consecutively.

11 **SUMMARY**

12 This amendment replaces the bill and changes the title. The amendment provides an  
13 exception to any requirement that an individual over the age of 18 be required to have a  
14 hearing examination prior to receiving a replacement hearing aid if the individual is too ill  
15 or infirm to do so safely.

16 **FISCAL NOTE REQUIRED**

17 **(See attached)**