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Advisory Council on Hearing Aids

Regulatory Reminder

Athletic Trainers
Barbers
Body Piercing Technicians
Denturists
Direct Entry Midwives
Electrologists
Environmental Health Specialists
Estheticians
Hair Designers
Hearing Aid Specialists
Nail Technicians
Nursing Home Administrators
Permanent Color Technicians
Respiratory Therapists
Sex Offender Therapists
Tattoo Artists
Waste Water Specialists

Board of Athletic Trainers

Board of Cosmetology

Board of Direct Entry Midwifery

Board of Denture Technology

Environmental Health Registration Board

Nursing Home Administrators Board

Respiratory Therapist Licensing Board

Sex Offender Treatment Board

Advisory Council on Hearing Aids

Advisory Council for Electrologists, Permanent Color Technicians & Tattoo Artists

Persons under age 18 must be referred to a licensed medical physician

Medical Evaluation Waiver May Be Granted Only to Adults

Under Oregon law governing the dispensing of hearing aids, persons younger than 18 years of age **MUST** be referred to a physician. **(Bold and underline added for emphasis.)**

Oregon Revised Statutes (ORS) 694.142(3) states:

“Within the 90 days prior to fitting or dispensing a hearing aid to a person under 18 years of age, the person receiving the hearing aid must be referred to one of the following licensed medical physicians:

(a) An otolaryngologist for examination and for a recommendation of corrective measures that may be required

(b) A properly licensed medical physician for like examination and recommendation, or

(c) An audiologist licensed by the State of Oregon for an evaluation of the person’s hearing and for a recommendation of corrective measures that may be required **if the person is also examined by a properly licensed medical physician who gives approval for possible hearing aid use.**”

Federal law {21CFR801.421(2)} takes precedence over ORS 694.142(6), which states that “...the person **or parent or guardian** of the person....” may refuse a medical evaluation by signing a waiver. The “or parent or guardian” in the Oregon statutory language may lead readers to infer that a parent or guardian may sign a medical waiver form to exempt those under age 18 from a medical referral.

However, federal law {21CFR801.421(2)} clearly states that only those ages 18 and older may be granted a medical waiver:

“Waiver to the medical evaluation requirements. If the prospective hearing aid user is 18 years of age or older, the hearing aid dispenser may afford the prospective user an opportunity to waive the medical evaluation requirement...”

The Oregon Health Licensing Agency (OHLA) and Advisory Council on Hearing Aids periodically provide *Regulatory Reminders* to clarify regulatory questions and issues of interest and importance to licensees and the public.

Putting qualified Oregonians to work while protecting Oregon consumers