

Mail Order Hearing Aid Sales

Specific State Restrictions

California:

Catalog Sales

3351.5. (a) Hearing aids may be sold by catalog or direct mail provided that:

(1) The seller is licensed as a hearing-aid dispenser in this state.

(2) There is no fitting, selection, or adaptation of the instrument and no advice is given with respect to fitting, selection, or adaptation of the instrument and no advice is given with respect to the taking of an ear impression for an earmold by the seller.

(3) The seller has received a statement which is signed by a physician and surgeon, audiologist, or a hearing-aid dispenser, licensed by the State of California which verifies that Section 3365.5 and subdivision (b) of Section 3427.5 have been complied with.

(b) A copy of the statement referred to in paragraph (3) of subdivision (a) shall be retained by the seller for a period provided for in section 3366.

(c) A licensed hearing-aid dispenser who sells a hearing aid under this section shall not be required to comply with subdivision (b) of Section 3427.5.

(Repealed and added by Stats. 1990, Ch. 514.)

Florida:

484.054 Sale or distribution of hearing aids through mail; penalty.--It is unlawful for any person to sell or distribute hearing aids through the mail to the ultimate consumer. Any violation of this section constitutes a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

Missouri:

Prohibited acts.

346.110. No person shall:

(1) Sell through the mails, hearing instruments without prior fitting and testing by a hearing instrument specialist licensed under this chapter or an audiologist licensed under chapter 345, RSMo;

Nevada:

NRS 637A.243 Sale of hearing aids by catalog or mail: Conditions; records; regulations.

Work Product of Ohio Internet Hearing Aid Task Force 08.11

1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:

(a) He has received a written statement signed by a physician licensed pursuant to [chapter 630](#) or [633](#) of NRS, an advanced practitioner of nursing licensed pursuant to [chapter 632](#) of NRS, an audiologist licensed pursuant to [chapter 637B](#) of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) He has received a written statement signed by a physician licensed pursuant to [chapter 630](#) or [633](#) of NRS, audiologist licensed pursuant to [chapter 637B](#) of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he has performed an audiometric examination of that person in compliance with regulations adopted by the Board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) He has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.

2. A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

3. The Board may adopt regulations to carry out the provisions of this section, including, without limitation, the information which must be included in each record required to be maintained pursuant to subsection 2.

(Added to NRS by 1995, 1669; A [2003, 1175](#))

Oregon:

694.032 Offer for or sale of hearing aid by direct mail; availability of fitting. (1) It shall be unlawful for any person to offer for sale or sell a hearing aid in this state by direct mail.

(2) Any offer for sale or sale of a hearing aid in this state must include the availability of fitting the hearing aid in this state prior to the sale.

(3) Nothing in this section is intended to prohibit advertising by mail or delivery of a hearing aid by mail if the fitting and sale were completed in this state. [1989 c.858 §2]

Texas:

SUBCHAPTER J. PROHIBITED PRACTICES

§ 402.451. PROHIBITED ACTS.

- (6) dispense or fit a hearing instrument on a person who has ordered the hearing instrument or device by mail unless the person dispensing or fitting is a license holder under this chapter or under Chapter 401; or
- (7) sell a hearing instrument by mail.

Maryland:

HB 326 (2007) authorized regulation of "the practice of telehealth communications" by hearing aid dispensers. In addition to requiring that all online dispensers be licensed in the same manner as traditional in-office dispensers, the new regulation enforces mandatory compliance with the Maryland Commercial Law for hearing aid sales. This means that the scope, nature, and quality of services provided via internet sales must be the same as those provided during in-person sessions - including all refund/cancellation policies and liability/malpractice regulations.

Connecticut:

20-406-1. Definitions

- (b) "Regular place of business" means that location at which a licensee engaging in the fitting and sale of hearing aids hold himself out to be physically available to the public.