

OCCUPATIONAL CODE (EXCERPT)

Act 299 of 1980

ARTICLE 13

339.1301 Definitions.

Sec. 1301. As used in this article:

(a) "Hearing aid" means an instrument or device designed for regular and constant use in or proximate to the human ear and represented as aiding or improving defective human hearing.

(b) "Hearing aid dealer" means an individual who engages in the sale or offering for sale at retail of a hearing aid.

(c) "Hearing aid salesperson" means an individual who engages in the sale or offering for sale at retail of a hearing aid and who is an employee of a hearing aid dealer.

(d) "Practice of selling or fitting a hearing aid" means the selection, adaptation, and sale of a hearing aid and includes the testing of hearing by means of an audiometer and other means for the sale of a hearing aid. The practice also includes the making of an impression for an ear mold.

(e) "Unethical conduct" means:

(i) Selling a hearing aid intended to be used by an individual 16 years of age or less without an otologic examination and approval by a physician and an audiologic evaluation and recommendation.

(ii) Canvassing from house to house or place of business either in person or by an agent for selling a hearing aid without prior referral or request.

(iii) Failing to properly and reasonably accept responsibility for the actions of a licensed trainee.

(iv) Offering, paying, causing to be paid, or inferring that a payment might be made, directly or indirectly, of money or other thing of value to an audiologist, otologist, physician, clinic, or other similar medical person or institution as a consideration for a referral by a medical person or institution or as a part of an agreement with a medical person or institution.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Compiler's note: For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

For transfer of powers and duties of the board of hearing aid dealers from the department of commerce to the director of the department of consumer and industry services, and the abolishment of the board of hearing aid dealers, see E.R.O. No. 1996-2, compiled at MCL 445.2001 of the Michigan Compiled Laws.

Popular name: Act 299

339.1302 Person selling or offering for sale hearing aid at retail without license; employment of licensed hearing aid dealers and salespersons; filing list and statement; maintaining place of business at established physical location; branch office.

Sec. 1302. This article shall not prohibit a person from engaging in the business of selling or offering for sale a hearing aid at retail without a license, if the person employs only licensed hearing aid dealers and salespersons in the direct sale and fitting of the product. Each person shall file annually with the department a list of each licensed hearing aid dealer or salesperson directly or indirectly employed by the person and a statement on a form approved by the department that the person will submit to the rules promulgated under this article and the provisions of this article which the department considers applicable. A person engaging in the business of selling or offering for sale a hearing aid at retail shall maintain a place of business in this state which is an actual, established physical location from which the person conducts business and where each applicable book or record is maintained. A branch office of the person shall be under the personal direct supervision of a hearing aid dealer or hearing aid salesperson as qualified in section 1305.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980.

Popular name: Act 299

339.1303 Board of hearing aid dealers; creation; qualifications of members.

Sec. 1303. (1) The board of hearing aid dealers is created. Six members shall be qualified hearing aid dealers who have been actively engaged in the sale of hearing aids for at least 3 years.

(2) Not more than 2 members of the board shall be employees of, franchised by, or associated exclusively with, the same hearing aid manufacturer.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980.

Popular name: Act 299

339.1304 Hearing aid dealer or salesperson; licensing; list.

Sec. 1304. (1) The department shall issue a license as a hearing aid dealer or salesperson to each person it finds qualified under this article.

(2) Upon the request of a person, the department shall furnish a list of licensed hearing aid dealers.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980.

Popular name: Act 299

339.1305 Hearing aid dealer or salesperson; license; application; qualifications of applicant; specialized educational course of training; accepting basic home study course in place of examination; waiver of examination.

Sec. 1305. (1) An individual wishing to sell or fit a hearing aid in connection with the sale of a hearing aid as a dealer shall make application to the department. An individual employed by a dealer as a hearing aid salesperson shall make application to the department.

(2) An applicant for a license as a hearing aid dealer shall be issued a license if the applicant is over 18 years of age, is of good moral character, is a graduate of an accredited high school or secondary school, has served as a licensed hearing aid salesperson for a period of 2 years under the direction and supervision of a licensed hearing aid dealer, and passes a written examination as prescribed by the department and the board.

(3) An applicant for a license as a hearing aid salesperson shall be issued a license if the applicant is at least 18 years of age, is of good moral character, is a graduate from an accredited high school or secondary school, successfully completes additional training and education as may be required by the department, passes a written examination as prescribed by the department and the board, and has served at least 6 months as a trainee licensed by the department.

(4) The department and the board shall encourage the establishment of a specialized educational course of training for an individual wishing to become a licensed hearing aid dealer or hearing aid salesperson.

(5) In place of the written examination provided in subsection (2), the department may accept successful completion of the basic home study course conducted by the national hearing aid society or may waive the examination provided for in subsection (2) when proof satisfactory to the department and the board is submitted showing that the applicant has successfully passed an examination given by the official hearing aid examining board in another state, if the examination and passing requirements at the time taken, were substantially equal to those required by the department.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Popular name: Act 299

339.1306 Repealed. 1988, Act 463, Eff. Sept. 1, 1989.

Compiler's note: The repealed section pertained to renewal of license.

Popular name: Act 299

339.1307 Trainee license; conditions; transfer; revocation.

Sec. 1307. (1) The department may grant a trainee license to an applicant working for and under the direct supervision of a licensed dealer on the following conditions:

(a) The trainee license shall be valid for a 12-month period. A new trainee license may be issued by the board upon the filing of an application.

(b) The trainee license shall provide that the individual to whom it was issued shall work for and under the direction and supervision of a named licensed hearing aid dealer.

(2) The department may transfer a license of a trainee upon the filing of an application for a transfer.

(3) A trainee license is subject to revocation for the same reasons and in a similar manner as a regular license.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Popular name: Act 299

339.1308 Written examination.

Sec. 1308. The written examination provided for in section 1305 shall test the applicant's knowledge and shall be a practical demonstration of the potential seller's ability in giving a basic audiometric test, in taking an ear mold impression, and in following the prescribed rules in fitting and referral for otologic examination.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980.

Popular name: Act 299

339.1309 Unethical or gross ignorance or inefficiency in sale or fitting of hearing aid; penalties.

Sec. 1309. A person shall be subject to the penalties set forth in article 6 who commits an act of unethical or gross ignorance or inefficiency in the sale of a hearing aid or in the fitting of a hearing aid in connection with the sale of the hearing aid.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980.

Popular name: Act 299