

**PUBLIC HEALTH CODE (EXCERPT)**  
**Act 368 of 1978**

**333.16809 Administration of tests; compliance with federal guidelines for fitting and dispensing hearing instruments; sale of hearing instrument to person under 18 years of age.**

Sec. 16809. (1) An audiologist shall administer tests of vestibular function only to patients who have been referred to him or her by a person licensed to practice medicine or osteopathic medicine and surgery.

(2) If an audiologist administers an audiometric test for tinnitus and his or her examination of the patient reflects the presence of otologic or systemic diseases, the audiologist shall promptly refer the patient to a person licensed to practice medicine or osteopathic medicine and surgery.

(3) An audiologist shall comply with the federal food and drug administration medical referral guidelines for fitting and dispensing hearing instruments, 21 CFR 801.621, incorporated by reference.

(4) A licensed audiologist may not sell a hearing instrument to a person under 18 years of age unless the person or the parent or guardian of the person presents to the audiologist a written statement signed by a licensed physician who specializes in diseases of the ear stating that both of the following exist:

(a) The person's hearing loss has been medically evaluated during the 6-month period preceding the date the statement is presented.

(b) The person may be considered a candidate for a hearing instrument.

**History:** Add. 2004, Act 97, Imd. Eff. May 7, 2004.

**Popular name:** Act 368