

## Who is authorized to dispense hearing instruments?

There are two types of practitioners regulated in Minnesota and authorized to dispense hearing instruments who may help you with a hearing loss. Their qualifications are:

Audiologists are persons licensed by the Commissioner of Health who: (1) have completed at least a Master's degree and a supervised professional internship experience in audiology; (2) provide diagnostic hearing evaluations; (3) specialize in the evaluation and rehabilitation of individuals with hearing loss; and (4) recommend, fit and/or dispense hearing instruments.

Hearing Instrument Dispensers are persons certified by the Commissioner of Health who: (1) have passed a written and practical examination, (2) provide hearing testing and evaluations for the purpose of hearing aid recommendation, selection and fitting; and (3) recommend, select and fit hearing instruments.

## Minimum legal requirements

Medical evaluation. The Food and Drug Administration requires that you have a medical evaluation by a licensed physician (preferably a physician who specializes in diseases of the ear) before purchasing a hearing aid.

Ear, nose and throat specialists (ENT's or Otolaryngologists) are licensed physicians who specialize in identifying and treating medical conditions related to diseases of the ear and the hearing system.

Medical evaluation waiver. You can obtain a hearing instrument without having a medical evaluation by a licensed physician, **if:**

(1) You are 18 years of age or older; (2) The practitioner informs you that waiving the medical evaluation by a licensed physician is not in your best health interest; (3) The practitioner does not in any way actively encourage you to waive the medical evaluation; and (4) The practitioner gives you an opportunity to review and sign a waiver form before you sign the contract. You can ask the practitioner for a copy of the medical waiver form.

Minors. Minnesota law prohibits practitioners from dispensing a hearing instrument to a minor person 18 years or younger, unless evaluated by an audiologist for hearing evaluation and hearing aid evaluation.

Audiograms. You have the right to obtain a copy of the audiogram from the practitioner who tested your hearing.

Cancellations. The practitioner must give you a written 45-day trial that allows you to return the hearing instrument within 45 calendar days after delivery for any reason. You must cancel the sale in writing and return the instrument to the dispenser within this 45-day period. If the hearing instrument is in the possession of the practitioner for any reason during those 45 calendar days after delivery, then the 45-day trial period is extended one day for each 24-hour period the instrument is not in your possession.

Trade-ins. Upon cancellation of your purchase agreement and at your request, the practitioner must return your hearing instrument used as a trade-in or for a discount in the price of a new hearing instrument.

Refunds. The practitioner may keep up to \$250 of the total purchase price of the hearing instruments as a cancellation fee if you agree to it. You should look for the refund amount on the contract. The practitioner has 30 days to refund your money.

Repair warranties. Any warranty of hearing instrument repairs must be made in writing and delivered to you. The warranty must state the service provider's name, address, telephone number, length of warranty, model and serial number of the hearing instrument covered by warranty and all other terms and conditions of the warranty.

Purchases made in the home. At the time of the sale, the practitioner must tell you of your right to cancel a home solicitation sale. Like any other "in-home" sale, you have the right to cancel the sale of a hearing instrument **until midnight of the third business day after the sale occurs**. If you choose to cancel the sale, you must give a written cancellation to the practitioner at his or her address as stated in the contract. If you mail the cancellation before the three-day refund period is over, it is effective upon deposit in a mailbox. In this instance, the practitioner has **ten** calendar days to refund 100% of your money.

Canceling an in-home purchase. The practitioner must give you a copy of the contract that must include, near the signature line, a notice of your right to cancel the contract. The practitioner must attach to the contract or receipt a fully completed form captioned, "**NOTICE OF CANCELLATION.**" If the practitioner does not give you this form, you can cancel the in-home sale by notifying the practitioner in any manner and by any means of the intention to cancel.

User instructional booklet. The practitioner must give you this booklet for any hearing instrument you select. The practitioner must review the content of the booklet with you.

Instrument identification. All hearing instruments must be clearly and permanently marked with the name of the manufacturer or distributor, model name or number, serial number, and the year of manufacture.

Used or rebuilt instruments. If a hearing instrument has been used, or if it is a rebuilt model, it must state the fact on the container in which it is packaged and also on a tag that is physically attached to the instrument

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## Consumer information

Shop, compare. Hearing instrument quality, prices, models, guarantees, warranties, and service agreements vary widely. **Many practitioners offer terms that exceed the minimum legal requirements on trial periods, cancellations, refunds and warranties.**

Choosing your practitioner. You can purchase hearing instruments from the regulated practitioner of your choice. You do not have to buy a hearing instrument from the person who evaluated or tested your hearing.

“One ‘brand’ does not fit all.” Ask if the practitioner offers multiple brands of hearing instruments.

Negotiate terms. You and your audiologist or hearing instrument dispenser should discuss and agree on all the features and the service agreement of the hearing instrument you buy. You have the right to ask the practitioner to put into writing any verbal promises or claims that are made to you about the hearing instrument sale, service contracts, guarantees, warranties, optional features, or battery agreements. You can ask for changes in any pre-printed contract form.

Insurance. Check with your insurance carrier to determine if they require a medical evaluation prior to paying for hearing testing and hearing aid fitting.

Locking. Some brand-name hearing instruments may be “locked.” Ask if the hearing instruments can be programmed, adjusted and repaired by other practitioners.

Follow-up service is critical to the long-term success of the hearing instrument fitting. Before signing a contract you should ask for written information about the practitioner’s service policy. After purchasing, if you do not understand any part of your hearing instrument sale, call your hearing instrument practitioner for an explanation. Work with your practitioner if you are experiencing any difficulty with either the fit or the sound quality of the hearing instrument.

Successful hearing aid usage requires an adjustment period. During the trial period, make sure to use your hearing instruments in many different situations, such as while in restaurants, group discussions, work related areas, attending sporting events, theaters, and while using telephones, watching TV, etc.

Make sure you resolve problems during the 45-day trial period. The practitioner should schedule service check-up appointments during the 45-day trial period to assure your satisfaction. If a checkup is not possible within the 45-day trial period, or if problems exist with your fitting, you should request an extension of the 45-days in writing. You should return the hearing instrument right away within this 45-day period if the dispenser does not provide adequate service or address fitting problems to your satisfaction.

Earwax and moisture can damage the hearing instrument. Be sure to follow your practitioner’s instructions and those of the hearing instrument manufacturer to keep the hearing instrument: (1) clean and free of wax and [continued on next page]

(2) dry, especially when the weather is damp or perspiration is present. The hearing instrument will not work right if it is dirty or too damp.

Telecoils and T-switches are available on many hearing instrument models and can improve use with the telephone and other assistive listening devices. The practitioner should explain these options to you before you select a hearing instrument.

Directional technology improves hearing ability in noisy environments. Directional microphones help by providing more amplification to sounds that come from the front rather than sounds coming from behind you.

Used hearing instruments. Generally, you should not purchase a used hearing instrument.

Your old hearing instrument. If it still functions and fits your ear, you may want to keep it as a backup if your new instrument needs servicing or repair.

## Questions or complaints

If you have questions or complaints regarding your practitioner, the hearing instrument or the service you have received, you may contact our Consumer Information Center at:

**Minnesota Department of Health**  
Health Occupations Program  
P.O. Box 64882  
St. Paul, MN 55164-0882

**Phone:** (651) 201-3729  
**MN Relay:** 711  
**TDD/TYY:** (651) 201-5797  
**Toll Free:** (800) 657-3837  
**Web site:** [www.health.state.mn.us](http://www.health.state.mn.us)  
**E-mail:** [Health.HOP@state.mn.us](mailto:Health.HOP@state.mn.us)

# Legal rights and consumer information about purchasing a hearing instrument

General and legal  
information about the  
purchase of hearing  
instruments in Minnesota



*Protecting, maintaining and improving  
the health of all Minnesotans*