

OREGON HEALTH LICENSING AGENCY



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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

Permanent Color
Technicians

Respiratory
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

Respiratory
Therapist Licensing
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.