

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

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 Notes: 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