Mail Order Regulation by State 9/1/2011

This is a summary of regulations regarding hearing aid sales by mail, and is not intended as a comprehensive guide or review of such provisions in any state. Check with legal counsel for more details on any specific state.

Alaska
If a hearing aid dealer mails a hearing aid to a customer, the dealer must send the hearing aid by certified mail.

California
Hearing aids may be sold by catalog or direct mail provided that:
- The seller is licensed as a hearing-aid dispenser in this state.
- There is no fitting, selection, or adaptation of the instrument and no advice is given with respect to fitting, selection, or adaptation of the instrument and no advice is given with respect to the taking of an ear impression for an earmold by the seller.
- The seller has received a statement which is signed by a physician and surgeon, audiologist, or a hearing-aid dispenser, licensed by the State of California which verifies that the conditions for referral and the direct observation of the purchaser's ear canals have been complied with.

Florida
It is unlawful for any person to sell or distribute hearing aids through the mail to the ultimate consumer.

Illinois
Hearing aids may be sold by mail if the organization is registered in the state, files detailed disclosure statements, indicates compliance with Federal Food and Drug Administration and Federal Trade Commission rules and employs only licensed hearing instrument dispensers in the dispensing of hearing instruments.

Massachusetts
No hearing instrument shall be delivered to a consumer in Massachusetts through the mail unless the consumer has had a hearing evaluation performed and an ear impression taken by a Massachusetts registrant and the consumer has signed a federally approved medical clearance waiver.

Missouri
No person shall sell through the mails, hearing instruments without prior fitting and testing by a hearing instrument specialist licensed under this chapter or a licensed audiologist.
Nevada
A hearing aid specialist may sell hearing aids by catalog or mail if:

- The hearing aid specialist has received a written statement signed by a physician, an advanced practitioner of nursing, an audiologist or a hearing aid specialist which verifies that he or she has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;
- The hearing aid specialist has received a written statement signed by a physician, audiologist or a hearing aid specialist which verifies that he or she has performed an audiometric examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;
- The hearing aid specialist has received a written statement signed by a hearing aid specialist which verifies that an ear impression has been taken; and
- The person has signed a statement acknowledging that the licensee is selling him or her the hearing aid by catalog or mail based upon the information submitted by the person.

A hearing aid specialist who sells hearing aids by catalog or mail shall maintain a record of each sale of a hearing aid made pursuant to this section for not less than 5 years.

New Hampshire
- No person shall conduct or operate a business outside of the state for the sale at retail of hearing aids to individuals within the state unless such business is registered with a permit issued by the board.
- The board shall issue a permit to such out-of-state business if the business discloses and provides proof:
  - That the business is in compliance with all applicable laws and rules in the state in which the business is located;
  - Of the operating locations and the names and titles of all principal corporate officers;
  - That the business complies with all lawful directions and requests for information from the board of all states in which it conducts business; and
  - That the business agrees in writing to comply with all New Hampshire laws and rules relating to the sale or dispensing of hearing aids.

New York
No registered hearing aid dispenser, manufacturer, organization or distributor shall sell or rent a hearing aid to a resident of this state through direct mail order sales.
Oregon
It is unlawful for any person to offer for sale or sell a hearing aid in this state by direct mail. However, hearing aids may be delivered by mail if the fitting and sale were completed in this state.

Washington
It is unlawful to fit or dispense a hearing instrument to a resident of this state if the attempted sale or purchase is offered or made by telephone or mail order and there is no face-to-face contact to test or otherwise determine the needs of the prospective purchaser.

West Virginia
Prohibited acts and practices: Advertise for the mail-order sale of hearing aids in any advertising medium or sell hearing aids by mail to any person other than distributors or dealers.

This list is compiled with the assistance of the American Speech-Language-Hearing Association (ASHA), and is complete as of 9/1/2011. Check with Counsel for regulatory specifics in each state.