

334A.205 Requirement of written agreement, offer to purchase, or receipt -- Contents -- Delivery statement -- Solicitation provisions.

- (1) Any person who practices the sale or fitting of hearing instruments shall obtain from the buyer of a hearing instrument, at the time the buyer assumes any financial obligation regarding the purchase, the buyer's signature on a written and dated agreement, offer to purchase, or receipt. The written agreement, offer to purchase, or receipt shall contain the:
 - (a)
 1. Licensee's signature and printed name;
 2. Licensee's business address; and
 3. License number issued to the licensee by the board pursuant to this chapter;
 - (b) Make, model, and serial number of the hearing instrument;
 - (c) Notice and statement of the purchaser's thirty (30) day right to cancel pursuant to KRS 334A.207; and
 - (d) Immediately following the information required by paragraphs (a), (b), and (c) of this subsection, the statement, in all capital letters in no smaller type than the largest used in the body copy portion, that: "ANY COMPLAINTS CONCERNING THE SALE OR SERVICE OF THIS HEARING INSTRUMENT WHICH ARE NOT CORRECTED BY A LICENSED AUDIOLOGIST SHOULD BE DIRECTED TO: KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, COMMONWEALTH OF KENTUCKY, FRANKFORT, KENTUCKY 40601."
- (2) The written agreement, offer to purchase, or receipt shall bear in no smaller type than the largest used in the body copy portion the following statement: "The purchaser has been advised at the outset of his or her relationship with an audiologist licensed under KRS Chapter 334A that any examination or representation is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and, therefore, shall not be regarded as medical opinion or advice."
- (3) Upon delivery of a hearing instrument, the client shall be furnished a delivery statement which shall include specifications as to the make, model, serial number, and delivery date, with full terms of the sale clearly stated. If a hearing instrument which is not new is offered for sale or is sold, that fact shall be clearly stated and conspicuously disclosed and read in the oral sales presentation before the buyer assumes any financial obligation regarding the purchase, and the receipt shall be clearly marked as "used," "reconditioned," or "not new," whatever is applicable, with terms of guarantee, if any.
- (4) No person who practices the selling or fitting of hearing instruments shall visit the home or place of business of a potential buyer for the purpose of soliciting or inducing a sale of a hearing instrument without having previously obtained the express written consent of the potential buyer to such a visit. The consent required by this subsection shall clearly and conspicuously state that the potential buyer is

aware that the licensed audiologist may attempt to sell a hearing instrument during his or her visit.

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