

## STATE AUDIOLOGY LICENSURE LAWS & REGULATIONS FOR PRESCRIPTION (Rx) AND OVER THE COUNTER (OTC) HEARING AIDS

The information below is collected from state statutes, regulations, state licensure boards, and departments responsible for regulating the audiology profession, including hearing aid prescribing. This information is presented to guide members on state laws and regulations that may affect their practice. Information provided by ASHA does not supersede the clinical, legal, or financial judgment of the practitioner. The information provided in this resource is not and should not be construed as legal advice, which can only be provided by an attorney.

If you have any additional questions about hearing aid regulations in your state, please contact Tim Boyd, Director of State Health Care and Education Affairs, at [tboyd@asha.org](mailto:tboyd@asha.org).

### Notes:

- 1) The information below applies to licensed audiologists and excludes regulations that apply only to hearing aid dispensers/specialists.
- 2) FDA guidance on its OTC rule can be found at [FDA Clarification Letter on the Impact of OTC Hearing Aid Rule on States \(asha.org\)](https://www.fda.gov/oc/2021/08/04-fda-clarification-letter-on-the-impact-of-otc-hearing-aid-rule-on-states).
- 3) Under Federal law, states cannot require a physician referral or medical/audiological evaluations for OTC hearing aids. The categories of regulation listed below for physician referral and mandated procedures/equipment apply only to prescription (traditional) hearing aids.
- 4) Access ASHA's OTC Toolkit at [Over-the-Counter Hearing Aid Toolkit \(asha.org\)](https://www.asha.org/over-the-counter-hearing-aid-toolkit).

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AL	-	-	✓ (applies to all users)	✓ (hearing test required, as indicated)	✓	-	-	-	-	870-X-7-. 04: <a href="http://abespa.alabama.gov/PDF/rules/Rules&amp;Regulations2021.pdf">http://abespa.alabama.gov/PDF/rules/Rules&amp;Regulations2021.pdf</a>
AK	-	-	✓ (medical eval can be waived for adult users)	✓ (hearing test not specified)	✓	-	✓	✓	✓	Sec. 08.55.050 to 08.55.120: <a href="https://www.commerce.alaska.gov/web/portals/5/pub/AudiologistsStatutes.pdf">https://www.commerce.alaska.gov/web/portals/5/pub/AudiologistsStatutes.pdf</a> 12 AAC 07.020 (Telemedicine): <a href="https://www.commerce.alaska.gov/web/portals/5/pub/AudiologistsStatutes.pdf">https://www.commerce.alaska.gov/web/portals/5/pub/AudiologistsStatutes.pdf</a>

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AZ	✓ (Guidance)	✓ (Guidance)	-	-	✓	-	✓	✓	✓	<a href="#">Guidance fda-otc-hearing-aids.pdf (azdhs.gov)</a>  <a href="#">R9-16-212 (p 20). Bill of Sale 9-16.pdf (azsos.gov)</a>  <a href="#">Ch.17 Article 1 (36-1901)</a>
AR	-	-	✓ (medical eval required for minors)	✓ (hearing test required only for first-time users and minors, includes otoscopy)	✓	-	✓	-	✓	<a href="#">Section 10 (pp. 19-21): ABESPA Rules</a>
CA	-	-	✓ (medical eval required for minors age 16 and under)	✓ (hearing test required only for minors)	- (Auds subject to dispenser rules)	✓	✓	✓	✓	<a href="#">Telehealth Guidance Dispensing Audiologists</a>
CO	-	✓	✓ (medical eval required for minors under age 18)	-	✓	✓		✓	-	<a href="#">Audiology Practice Act (pp. 3,10-12)</a>
CT	-	-	-	-	✓	✓	✓	-	✓	<a href="#">Telehealth Public Act No. 18-148</a>  <a href="#">Audiology Practice Act</a>
DE	✓	✓	-	-	✓	-	✓	-	✓	<a href="#">Practice Regulations</a>  <a href="#">Pending Law SB 141</a>
DC	-	-	✓ (medical eval required for minors under age 18)	-	- (Auds subject to dispenser rules)	✓	✓	✓	✓	<a href="#">Chapter 40. Hearing Aid Dealers and Consumers:</a>
FL	✓	✓	✓ (applies to all users)	✓ (hearing test required, as indicated – no	✓	✓	-	✓	✓	<a href="#">New Law (HB 1387) pp. 53-78</a>  <a href="#">Telehealth Law</a>

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				<i>timeframe, includes otoscopy)</i>						
GA	-	-	-	-	✓	✓	✓	-	✓	<a href="#">Rules and Regulations for the State of Georgia.</a>
HI	-	-	-	-	✓	-	✓	-	-	<a href="#">Audiology Practice Act Chapter 16 Title 100</a>
ID	-	-	-	✓ (hearing test not specified)	✓	✓	✓	✓	✓	<a href="#">Idaho Code Ann. §54-5701 (Telehealth)</a>  <a href="#">Title 54 – State Licensure</a>
IL	✓	✓	✓ (medical eval required for minors under age 18)	✓ (hearing test required unless replacing a device under warranty)	✓ (Auds subject to dispenser rules)	✓	✓	✓	✓	<a href="#">225 Ill. Comp. Stat. §110/8.2. (Telepractice)</a>  <a href="#">Hearing Aids Statutes. Ch. 111, par. 7401, as amended by SB 1721 (2023)</a>
IN	-	-	-	-	✓	-	✓	-	✓	<a href="#">Audiology Practice Act IC 25-35.6-4-1</a>  <a href="#">Telehealth IC 25-1-9.5-6</a>
IA	✓ (Guidance)	✓ (Guidance)	✓ (medical eval can be waived for adults, but required for minors 12 and under)	✓ (hearing test required if user waives physician referral, includes otoscopy)	- (Auds subject to dispenser rules)	-	✓	✓	✓	<a href="#">Chapter 123 PRACTICE OF HEARING AID DISPENSING</a>  <a href="#">IA OTC FAQ</a>
KS	-	-	-	✓ (hearing test not specified)	- (Auds subject to dispenser rules)	-	✓	-	-	<a href="#">Hearing Aid Statutes and Regulations</a>

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KY	✓	✓	-	-	✓	-	✓	✓	-	<a href="#">Telehealth 201 Ky. Admin. Regs 17:110</a>  <a href="#">Hearing Aid Statutes, KRS 334, as amended by SB 58</a>
LA	-	-	✓ (case history)	✓ (hearing test required within previous 6 months, includes otoscopy)	✓	✓	✓	✓	✓	<a href="#">Part LXXV. Speech Pathology and Audiology- Hearing Aid Dispensing</a>  <a href="#">Telehealth</a>
ME	-	-	-	✓ (hearing test required within previous 12 months, including otoscopy)	✓	-	✓	✓	✓	<a href="#">Telehealth PL 2021, c. 291, Pt. B. §22 (2021)</a>  <a href="#">02-643-10 (Practice of Hearing Aid Fitting and Dispensing (pp. 32-34)</a>
MD	✓	✓	✓ (medical eval can be waived for adults, but required for minors under age 18)	✓ (hearing test not specified)	✓	✓	✓	✓	✓	<a href="#">OTC FAQ</a>  <a href="#">10.41.06.03 Guidelines for the use of Telehealth</a>  <a href="#">§2-314.1.Hearing Aid Statutes</a>  <a href="#">SB 449 OTC and Rx Definition</a>
MA	-	-	✓ (medical eval can be waived for adults, but required for minors under age 18)	-	✓	✓	✓	✓	✓	<a href="#">Telepractice Policy (Policy No. 2019-001)</a>  <a href="#">Practice Act Section 138</a>  <a href="#">Ch 93 Sec. 71-74</a>

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MI	-	-	✓ (medical eval required for minors under age 18)	-	✓	-	✓	-	✓	<a href="#">R 338.13 Telehealth</a> <a href="#">333.16809 Dispensing of Hearing Instruments</a>
MN	✓	✓	-	✓ (hearing test required, including otoscopy)	- (Auds subject to dispenser rules)	-	✓	✓	✓	<a href="#">Telepractice Statement for Minnesota Audiologists</a> <a href="#">Chapter 153a. Hearing instrument dispensing, as amended by SF 2212</a>
MS	✓	✓	-	-	✓	✓ (excludes fitting)	✓	-	✓	<a href="#">Miss. Code Ann. §73-38-13</a>
MO	-	-	-	-	✓	✓	✓	-	✓	<a href="#">Chapter 345 Speech Pathologists and Audiologists</a> <a href="#">191.1145. Definitions — telehealth services authorized</a>
MT	✓	✓	-	-	✓	-	✓	-	✓	<a href="#">24.222.910 Delivery of Telepractice Services</a> <a href="#">24.222.525 Audiology Scope of Practice, as amended by SB 456</a>
NE	-	✓ (Pending)	✓ (medical eval required for minors age 16 and under, but it may be waived by parent)	-	✓ (Auds subject to dispenser rules)	✓ (excludes fitting)	✓	✓	✓	<a href="#">38-120.01. Telehealth</a> <a href="#">Audiology Practice Act (see pp. 1, 5).</a> <a href="#">Hearing Instrument Specialists Practice Act, as amended by LB 593 (Pending).</a>
NV	-	-	✓ (applies to mail-order)	✓ (hearing test required within previous 6	✓	✓	✓	✓	✓	<a href="#">Telepractice Nev. Rev. Stat. § 637B.244</a>

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				<i>months, including otoscopy)</i>						<a href="#">NRS 637B.242 Sale of Hearing Aids</a>  <a href="#">NAC 637B.0446-.0448 Duties of hearing aid specialist or dispensing audiologist</a>
NH	-	-	✓ (all users with certain conditions must be referred to a physician)	-	- (Auds subject to dispenser rules)	-	✓	✓	✓	<a href="#">Hcp 501.03 Mandatory Medical Referral.</a>  <a href="#">Cancellation and return</a>  <a href="#">Disclosure</a>  <a href="#">329:1-d Telemedicine</a>
NJ	-	-	-	-	✓	-	✓	-	✓	<a href="#">New Jersey Administrative Code 13:44c-11, (pp 31 36– Telemedicine)</a>  <a href="#">13:44C-7.1 Scope of Practice of Audiology</a>
NM	-	-	-	-	- (Auds subject to dispenser rules)	-	✓	✓	✓	<a href="#">N.M. Code R. § 16.26.1.7 (Telepractice)</a>  <a href="#">Chapter 26 Hearing, Speech And Audiology Practitioners</a>
NY	✓ (Guidance)	✓ (Guidance)	✓ (all users with certain conditions must be referred to a physician, waivers allowed for minors on religious grounds)	✓ (hearing test required, including otoscopy)	- (Auds subject to dispenser rules)	-	-	✓	✓	<a href="#">Guidance for Registered Hearing Aid Dispensers on OTC Hearing Aids</a>  <a href="#">Telepractice Guidance</a>  <a href="#">Registration of Hearing Aid Dispensers §798. Business practice, requirements,</a>

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NC	✓	✓	✓ (all users with certain conditions must be referred to a physician)	✓ (hearing test requires, including otoscopy)	✓	✓	✓	-	✓	<a href="#">21 N.C. Admin. Code 64.0219, p. 7 (Telepractice)</a>  <a href="#">Standards for Audiologists Who Dispense Hearing Aids (pp. 7-8)</a>  <a href="#">21 NCAC 64 .0215 Standard of Practice For Audiological Evaluations</a>  <a href="#">HB 125 - Changes to Aud Practice Act (Enacted). See pp. 16-20)</a>
ND	-	-	✓ (medical eval required for minors under age 18)	✓ (hearing test required)	- (Auds subject to dispenser rules)	-	-	✓	-	<a href="#">Chapter 43-33 Hearing Aid Dealers</a>
OH	-	-	✓ (medical eval can be waived for adults, but required for minors under age 18)	✓ (hearing test required)	✓	✓ (Excludes fitting)	✓	✓	✓	<a href="#">Ohio Admin. Code 4753-2-01 (Telepractice)</a>  <a href="#">Chapter 4753-8   Hearing Aid Sales and Advertising</a>
OK	- (HAS only)	-	-	-	✓	✓	✓	-	✓	<a href="#">Okla. Admin. Code § 690:10-3-9 (Telepractice)</a>  <a href="#">Audiology Licensing Act Title 59.</a>  <a href="#">OAC 310:266</a>  <a href="#">Title 690</a>
OR	- (HAS Only)	- (HAS Only)	-	-	✓	-	✓	✓	✓	<a href="#">Professional and Ethical Standards (Telepractice)</a>  <a href="#">Audiology Chapter 335</a>

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PA	-	-	✓ (medical eval required for minors under age 18, but it may be waived by parent)	✓ (hearing test required within previous 6 months)	✓ (HAD Registration Required, Auds subject to dispenser rules)	✓	✓	✓	-	<a href="#">Telehealth Guidance</a> <a href="#">Subchapter B. Hearing Aid Sales and Registration</a>
RI	✓ (adhere to federal law)	-	✓ (medical eval required for minors under age 18 and special requirements for under age 11)	✓ (hearing test not specified)	✓	✓	✓	✓	✓	<a href="#">§ 27-81-3 (Telehealth)</a> <a href="#">RIDOH OTC Guidance</a> <a href="#">Hearing Aid Dealers and Fitters</a> <a href="#">Chapter 49 Hearing Aid Dealers and Fitters</a> <a href="#">33.10 Rules Governing Hearing Aids, as amended by H5874</a>
SC	-	-	✓ (medical eval can be waived for adults, but required for minors under age 18)	✓ (hearing test required within previous 6 months)	✓	-	✓	✓	✓	<a href="#">South Carolina Board Telepractice Policy</a> <a href="#">115-4. Audiology License - Hearing Aid Dispensing</a>
SD	✓	✓	-	-	✓ (Auds subject to dispenser rules)	-	✓	✓	✓	<a href="#">S.D. Codified Laws § 36-37-7 (Telepractice)</a> <a href="#">Codified Law 36-24-24.1   South Dakota Legislature (sdlegislature.gov)</a> <a href="#">Chapter 36-24 Hearing Aid Dispensers and Audiologists</a>



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TN	-	-	-	✓ (hearing test not specified, but must adhere to ASHA SOP)	✓	-	✓	✓	-	<a href="#">Tenn. Comp. R. &amp; Regs. 1370-01-.21 (Telepractice)</a>  <a href="#">63-17-125. Return of purchased hearing instruments.</a>  <a href="#">63-17-126. Standards of conduct.</a>
TX	✓	✓	✓ (medical eval can be waived for adults, but required for minors under age 18)	✓ (hearing test not specified)	✓	✓	✓	✓	✓	<a href="#">16 Tex. Admin. Code § 111.21 (Telepractice)</a>  <a href="#">§111.201- 202 Requirements for Hearing Instruments</a>  <a href="#">Chapter 111 (Revised OTC and RX rules)</a>
UT	-	✓	-	✓ (hearing test not specified)	✓	✓	✓	✓	✓	<a href="#">26B-4-704. Scope of telehealth practice</a>  <a href="#">Audiology Licensing Act Definitions</a>
VT	✓	-	-	✓ (hearing test not specified)	✓	-	✓	✓	-	<a href="#">Act 77 (OTC - p.13)</a>  <a href="#">Dispenser Rules</a>  <a href="#">General Provisions</a>
VA	✓	✓	✓ (medical eval can be waived for adults, but required for minors under age 18)	✓ (hearing test required within previous 6 months, otoscopy required)	- (Auds subject to dispenser rules)	-	✓	✓	✓	<a href="#">Telepractice Guidance</a>  <a href="#">Hearing Aid Statutes</a>  <a href="#">Hearing Aid Rules</a>  <a href="#">Testing Procedures</a>
WA	✓	✓	✓ (medical eval can be waived for	✓ (hearing test not specified)	✓	-	✓ (requires	✓	✓	<a href="#">Unlawful sales practice (Mail Order)</a>

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			<i>adults and minors under specified conditions)</i>				<i>in-person exam)</i>			<a href="#">Hearing Aid Rules</a> <a href="#">Telepractice</a> <a href="#">WAC 246-828-100</a>
WV	-	-	-	-	✓	✓	✓	-	✓	<a href="#">Telepractice 29-1-17</a> <a href="#">Audiology Assistant Scope</a> <a href="#">Audiology Scope</a>
WI	✓	✓	-	✓(hearing test required, including otoscopy)	✓	✓	✓	✓	✓	<a href="#">Practice Act (See HAS 6.18)</a> <a href="#">Telepractice Law</a> <a href="#">Chapter 459.01</a>
WY	-	-	-	-	✓	✓	✓	-	✓	<a href="#">Wyo. Stat. Ann. § 33-33-102 (Telepractice)</a> <a href="#">Audiology Practice Act</a>