



CHAPTER 90

ARTICLE 22 - LICENSURE ACT FOR SPEECH AND LANGUAGE PATHOLOGISTS AND AUDIOLOGISTS

N.C.G.S. § 90-308.

Disclosure of locked hearing aid software by audiologists; receipt and record requirements.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	No amendment history on record	21 September 2026, 04:47 UTC	95512c37e185c400537fba4e - 5485e857cb36bcd25a632bc4 - 6576ce41c86045d5

§ 90-308(a)

Disclosure of Locked, Nonproprietary or Proprietary Programming Software. - To the extent not inconsistent with federal law, a licensed audiologist who engages in the fitting or selling of locked hearing aids, as defined in G.S. 93D-7.1(a)(1), shall, at the time of purchase of any locked hearing aid, provide the purchasing patient with a written notice in at least 12-point type stating:

"The locked hearing aid being purchased uses locked, nonproprietary or proprietary programming software and can only be serviced or programmed at specific facilities or locations."

The purchasing patient shall sign the notice at the time of purchase with physical signature or electronic signature. The audiologist shall retain a copy of the signed notice in the patient's file in addition to the record requirements of subsection (c) of this section.

§ 90-308(b)

Written Receipt of Sale. - Upon the consummation of a sale of a locked hearing aid, in addition to complying with G.S. 93D-7, the audiologist shall give the purchasing patient a written receipt signed, with physical or electronic signature, by or on behalf of the audiologist and the patient, containing all of the following information:

- (1) The date of consummation of the sale.
- (2) The make, model, and serial number of the locked hearing aid sold.

- (3) Whether the hearing aid is new, used, or reconditioned.
- (4) The audiologist's name and license number. If any other hearing care professionals licensed under this Article, such as another audiologist or temporary licensee, provided any recommendation or consultation for the purchase, their name and applicable license number shall also be noted.
- (5) The address of the principal place of business of the audiologist, and the address and office hours at which the audiologist shall be available for fitting or post-fitting adjustments and servicing of the hearing aid sold.
- (6) The terms of any guarantee or written warranty made to the purchasing patient with respect to the locked hearing aid.

If multiple locked hearing aids are sold in a single transaction, a single written notice under subsection (a) of this section and a single written receipt under this subsection may be used to satisfy the requirements of this section, provided that the required information for each locked hearing aid sold is documented.

§ 90-308(c)

Record Keeping. - A licensed audiologist shall maintain, for a period of at least three years after the sale of a locked hearing aid, the following records for each locked hearing aid transaction:

- (1) A copy of the written notice described in subsection (a) of this section as signed by the purchasing patient.
- (2) A copy of the written receipt described in subsection (b) of this section.
- (3) The results of any audiologic tests or measurements performed as part of the fitting and dispensing of the locked hearing aid or aids.
- (4) A copy of any written recommendations prepared as part of the fitting and dispensing of the hearing aid or aids.

These records shall be kept at the audiologist's principal place of practice and shall be made available for inspection by the Board. (2025-94, s. 9.1(a).)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 93D-7.1(a)(1)	(a)	<i>"locked hearing aids, as defined in"</i>
G.S. 93D-7	(b)	<i>"aid, in addition to complying with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 90-308 (2026).

PINPOINT

N.C. Gen. Stat. § 90-308(a) (2026).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

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