

1983 Senate Bill 325

Date of enactment: April 20, 1984

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1983 Wisconsin Act 229

AN ACT to amend 459.06 (4); to repeal and recreate 459.10; and to create 459.105 of the statutes, relating to various changes to the statutes regulating hearing aid dealers or fitters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 459.06 (4) of the statutes is amended to read:

459.06 (4) Applications for examinations shall be submitted to the examining board at least ~~40~~ 30 days before the date set for the examination and shall be accompanied by the examination fee specified under s. 440.05 (1).

SECTION 2. 459.10 of the statutes is repealed and recreated to read:

459.10 Disciplinary grounds. Subject to subch. II of ch. 111 and the rules adopted under s. 440.03 (1), the examining board may reprimand the licensee or permit holder or revoke, suspend, limit or deny the trainee permit or license, or any combination thereof, of any person who has done any of the following:

- (1) Made any false statement or given any false information in connection with an application for a license or trainee permit or for renewal or reinstatement of a license or trainee permit.
- (2) Been issued a license or trainee permit through error.
- (3) Been adjudicated mentally incompetent by a court.
- (4) Been found guilty of an offense the circumstances of which substantially relate to the practice of fitting and dealing in hearing aids.
- (5) Violated this chapter or ch. 440 or any federal or state statute or rule which relates to the practice of fitting and dealing in hearing aids.
- (6) Practiced as a hearing aid dealer or fitter while the person's ability to practice was impaired by alcohol or other drugs or physical or mental disability or disease.
- (7) Engaged in false, misleading or deceptive advertising.
- (8) Made a substantial misrepresentation in the course of practice which was relied upon by a client or patient.
- (9) Failed to conduct a direct observation of the purchaser's ear canal.
- (10) Engaged in conduct which evidenced a lack of knowledge or ability to apply principles or skills of the practice of fitting and dealing in hearing aids.
- (11) Engaged in unprofessional conduct. In this subsection, "unprofessional conduct" means the violation of any standard of professional behavior which through experience, state statute or administrative rule has become established in the practice of fitting and dealing in hearing aids.
- (12) Obtained or attempted to obtain compensation by fraud or deceit.
- (13) Violated any order of the examining board.
- (14) Knowingly employed directly or indirectly, to perform any work regulated under this chapter, any person not licensed or not holding a trainee permit under this chapter, or whose license or trainee permit as a hearing aid dealer or fitter has been suspended or revoked.

(15) Permitted another person to use his or her license or trainee permit.

(16) Sold a hearing aid to a person who was not given tests using appropriate procedures and instrumentation or without proper measurement of the functional intensity and range of the person's hearing.

SECTION 3. 459.105 of the statutes is created to read:

459.105 Injunction. If it appears upon complaint to the examining board by any person or is known to the examining board that any person is practicing as a hearing aid dealer or fitter without a license or trainee permit, the examining board, the attorney general or the district attorney of the proper county may investigate and may, in addition to any other remedies, bring an action in the name and on behalf of this state against the person to enjoin the person from practice.

SECTION 4. **Program responsibility changes.** In the sections of the statutes listed in Column A, the program responsibilities references shown in Column B are deleted and the program responsibilities references shown in Column C are inserted:

(1) DEPARTMENT OF JUSTICE.

A	B	C
Statute Sections	References Deleted	References Inserted
15.251 (intro.)	none	459.105
