

## Chapter GHSS 5

### UNPROFESSIONAL CONDUCT

GHSS 5.01 Authority.  
GHSS 5.02 Intent.

GHSS 5.03 Unprofessional conduct.

Note: Chapter GHSS 5 was created as an emergency rule effective May 15, 1999.

**GHSS 5.01 Authority.** The rules of conduct in this chapter are adopted under authority of ss. 15.08 (5) (b), 227.11 (2), 470.03 (1) and 470.08, Stats.

History: Cr. Register, December, 1999, No. 528, eff. 1-1-00.

**GHSS 5.02 Intent.** The intent of the board in adopting this chapter is to establish rules of professional conduct for the professions of geology, hydrology and soil science. A violation of any standard specified in this chapter may result in disciplinary action under s. 470.08 (2) (g), Stats.

History: Cr. Register, December, 1999, No. 528, eff. 1-1-00.

**GHSS 5.03 Unprofessional conduct.** "Unprofessional conduct" includes any of the following or aiding another person who is violating any of the following:

- (1) Making a material misstatement in an application for a license or for renewal of a license.
- (2) In sitting for any licensure examination, soliciting or knowingly disclosing examination content.
- (3) Failing to cooperate with the board or a section of the board in an investigation under this section.
- (4) Engaging in gross negligence in the practice of professional geology, professional hydrology or professional soil science through the performance of professional services which do not comply with an acceptable standard of practice that has a significant relationship to the protection of health, safety or public welfare and is performed in a manner indicating that the professional knew or should have known, but acted with indifference to or disregard of, the accepted standard of practice.
- (5) Providing incompetent services in the practice of professional geology, professional hydrology or professional soil science which demonstrate any of the following:
  - (a) Lack of ability or fitness to discharge the duty owed by a professional geologist, professional hydrologist or professional soil scientist to a client or employer or to the public.
  - (b) Lack of knowledge of the fundamental principles of the profession or an inability to apply fundamental principles of the profession.
  - (c) Failure to maintain competency in the current practices and methods applicable to the profession.
- (6) Subject to ss. 111.321, 111.322 and 111.335, Stats., engaging in the practice of professional geology, professional hydrology or professional soil science while the person's ability to engage in the practice was impaired by alcohol or other drugs.
- (7) Having been adjudicated mentally incompetent by a court of competent jurisdiction.
- (8) Subject to ss. 111.321, 111.322 and 111.335, Stats., having violated federal or state laws, local ordinances or administrative rules relating to the practice of professional geology, professional hydrology or professional soil science.
- (9) Preparing deficient plans, drawings, maps, specifications or reports.
- (10) Engaging in conduct which evidences a lack of trustworthiness to transact the business required by the profession.

(11) Misrepresenting professional qualifications such as education, specialized training or experience.

(12) Failing to provide appropriate supervision to those to whom a licensee has delegated services constituting the practice of professional geology, professional hydrology or professional soil science, including the following:

(a) Indirect or casual review or inspection of prepared plans, drawings, specifications, maps, plats, charts, reports or other documents.

(b) Delegation of any decision requiring professional judgment.

(c) Mere assumption by a professional geologist, professional hydrologist or professional soil scientist of responsibility for work without having control of the work.

(d) Assumption of charge, control or direct supervision of work in which the professional geologist, hydrologist or soil scientist does not have technical proficiency.

(13) When offering to perform professional services as a professional geologist, professional hydrologist or professional soil scientist, failing to accurately and truthfully represent to a prospective client or employer the capabilities and qualifications which the licensee has to perform the services to be rendered or the costs and completion times of a proposed project.

(14) Offering to perform or performing services which the licensee is not qualified to perform by education or experience without retaining the services of another who is qualified.

(15) Using false, fraudulent or deceptive advertising or publicity; or practicing or attempting to practice under another's name.

(16) Falsely representing that the licensee is engaged in a partnership or association with another unless there exists in fact a partnership or association, or practicing under a firm name that misrepresents the identity of those practicing in the firm or misrepresents the type of services which the firm is authorized and qualified to perform.

(17) Collecting a fee for recommending the services of another unless written notice is first given to all parties concerned.

(18) Any conflict of interest, unless the licensee informs the client or employer of all the circumstances which may interfere with or impair the licensee's obligation to provide professional services, and unless the licensee has the full approval and consent of the client or employer.

(19) Failing to notify an employer or client and to withdraw from employment at any time if it becomes apparent that it is not possible to faithfully discharge the responsibilities and duties owed to the client or employer; or agreeing to perform professional services for a client or employer if the registrant has a significant financial or other interest which would impair or interfere with the registrant's responsibility to faithfully discharge professional services on behalf of the client or employer.

(20) Accepting payment from any party other than a client or employer for a particular project or having any direct or indirect financial interest in a service or phase of a service to be provided as part of a project unless the employer or client approves.

**(21)** Soliciting or accepting anything of value from material or equipment suppliers in return for specifying or endorsing a product.

**(22)** Violating the confidences of a client or employer, except as otherwise required by law.

**(23)** Providing services for a client or employer while a full-time employee of another employer without notifying all parties concerned.

**(24)** Aiding or abetting the unlicensed practice of professional geology, professional hydrology or professional soil science.

**(25)** Signing, sealing or stamping any plans, drawings, documents, specifications or reports for professional geology, professional hydrology or professional soil science practice which are not prepared by the licensee or under his or her personal direction and control.

**History:** Cr. Register, December, 1999, No. 528, eff. 1-1-00.