

CR 87-27

~~STATE OF WISCONSIN
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~~WILLIAM LA FOLLETTE
SECRETARY OF STATE~~

CERTIFICATE

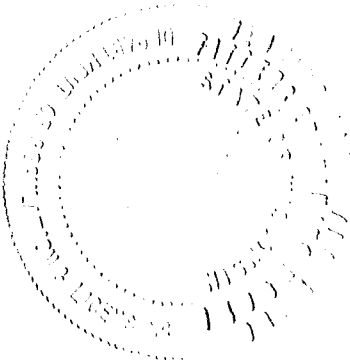
STATE OF WISCONSIN)
)
DEPARTMENT OF REGULATION AND LICENSING) SS

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Revisor of Statutes
Bureau

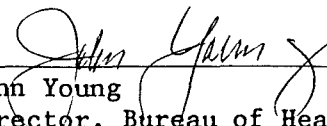
TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, John Young, Director of the Bureau of Health Professions in the Department of Regulation and Licensing, and custodian of the official records of the Bureau, do hereby certify that the annexed rules, relating to unprofessional conduct were duly approved and adopted by the Hearing Aid Dealers and Fitters Examining Board on September 14, 1987.

I further certify that said copy has been compared to me with the original on file in this board and that the same is a true copy thereof, and of the whole of such original.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the board at 1400 East Washington Avenue, Madison, Wisconsin, this 11th day of April, A.D. 1988.



John Young
Director, Bureau of Health Professions
Department of Regulation & Licensing

JOH:cld
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STATE OF WISCONSIN
BEFORE THE
HEARING AID DEALERS AND FITTERS EXAMINING BOARD

Revisor of Statutes
Bureau

IN THE MATTER OF THE RULEMAKING : ORDER OF THE HEARING
PROCEEDINGS BEFORE THE : AID DEALERS AND FITTERS EXAMINING
HEARING AID DEALERS AND : BOARD REPEALING, AMENDING OR
FITTEES EXAMINING BOARD : OR ADOPTING RULES

ORDER

AN ORDER to create ch. Had 5, relating to unprofessional conduct.

Analysis prepared by the Department of Regulation and Licensing.

ANALYSIS

In this order, Ch. Had 5 is created to enumerate conduct by a hearing aid dealer and fitter which constitutes violations of standards of professional conduct and unprofessional conduct, within the meaning of s. 459.10(11), Stats.

Section Had 5.01 specifies the authority under which the rules in the chapter are adopted.

Subsection Had 5.02(2) enumerates five separate acts of unprofessional conduct. Paragraph (a) requires that applicants and licensees cooperate in a timely manner with any investigation of complaints lodged against them. Paragraph (b) prohibits the intentional falsification of any information provided to the board. Paragraph (c) prohibits the intentional falsification of patient records. Paragraph (d) requires that enumerated patient records be retained by licensees for a period of 5 years. Paragraph (e) prohibits licensees from practicing in a manner which substantially departs from the standard of care ordinarily exercised by a licensee which harms or could have harmed a client or patient.

ORDER

Pursuant to authority vested in the Hearing Aid Dealers and Fitters Examining Board in ss. 15.08(5)(b), 227.11, 459.10(11), and 459.12(1), Stats., the Hearing Aid Dealers and Fitters Examining Board hereby adopts rules interpreting s. 459.10(11), Stats., as follows:

SECTION 1. Ch. Had 5 is created to read:

Chapter Had 5

UNPROFESSIONAL CONDUCT

Had 5.01 AUTHORITY. The rules in this chapter are adopted pursuant to the authority in ss. 15.08(5)(b), 227.11, 459.10(11), and 459.12(1), Stats.

Had 5.02 UNPROFESSIONAL CONDUCT (1) In this section, "patient records" includes the results of all tests given pursuant to s. 459.10(16), Stats., and copies of all contracts, receipts and guarantees involving the sale of hearing aids.

(2) The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct under s. 459.10(11), Stats.:

(a) After a request by the board, failing to cooperate in a timely manner with the board's investigation of complaints filed against the applicant or licensee. There is a rebuttable presumption that a licensee or applicant who takes longer than 30 days to respond to a request of the board has not acted in a timely manner under this subsection.

(b) Knowingly providing false information to the board.

(c) Knowingly placing false information in a patient's records or otherwise making a patient's record false.

(d) Failing to maintain patient records for a period of 5 years. In the case of the death of a patient, records shall be maintained a minimum of 6 months after the death, except in the event a licensee is notified of an investigation of a complaint, in which case records shall be retained for 5 years from the date of delivery of a hearing aid.

(e) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a hearing aid dealer and fitter.

The rules contained in this order shall take effect on the first day of the month following publication in the Wisconsin administrative register, pursuant to s. 227.22(2)(intro.), Stats.

Dated this 6 day of April 88, 1987.

By Thomas D. Pippin
Thomas Pippin, Chairman
Hearing Aid Dealers & Fitters Examining Board

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