Chapter HAS 5

HEARING INSTRUMENT SPECIALISTS UNPROFESSIONAL CONDUCT

Note: Chapter Had 5 was renumbered Chapter HAS 5 under s. 13.93 (2m) (b) 1, Stats., Register, April, 1992, No. 436.

HAS 5.01 Authority. The rules in this chapter are adopted pursuant to the authority in ss. 15.08 (5) (b), 227.11, 459.10 (1) (k), 459.12 (1), and 459.34 (2) (h), Stats.

History: Cr. Register, May, 1988, No. 389, eff. 6–1–88; am. Register, July, 1998, No. 511, eff. 8–1–98; **CR 22–058: am. Register January 2024 No. 817, eff. 2–1–24.**

HAS 5.013 Scope. The standards of practice and professional conduct in this chapter apply to a licensee regardless of whether services are provided in person or by telehealth.

History: CR 22–058: cr. Register January 2024 No. 817, eff. 2–1–24.

HAS 5.015 Definition. In this chapter, "telehealth" has the meaning given in s. 440.01 (1) (hm), Stats.

History: CR 22–058: cr. Register January 2024 No. 817, eff. 2–1–24; (title) created under s. 13.92 (4) (b) 2., Stats., Register January 2024 No. 817.

HAS 5.02 Unprofessional conduct. (1) In this section, "client records" include:

(a) The results of all tests required under ch. HAS 4.

(b) Copies of all contracts, receipts and guarantees involving the sale of hearing instruments.

(c) Documentation of all pertinent client contacts, except those relating to the sale of batteries or product accessories.

(d) Copies of all written statements waiving medical evaluations, as required under 21 CFR 801.421.

Note: Hearing instrument specialists must comply with the recordkeeping requirements adopted by the U.S. Food and Drug Administration (FDA), as set forth in 21 CFR 801.421.

(2) The following, without limitation because of enumeration, are violations of standards of professional conduct and constitute unprofessional conduct under s. 459.10 (1) (k), 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 client's records or making a client's record false.

(d) Failing to maintain client records for a period of 5 years.

(dm) Failing to record all of the following information in each client record:

1. The date of entry of pertinent information.
2. The name of the licensee.
3. Information sufficiently legible to allow interpretation by other individuals for the benefit of the client.

(e) Practicing in a manner which substantially departs from the standard of care ordinarily exercised by a hearing instrument specialist.

(f) Failing to maintain proper calibration of audiometric equipment, as specified in s. HAS 4.03 (3).

(fm) Failing to maintain adequate records of certification of calibrations of audiometric equipment for a period of 5 years or failing to provide access to those records when requested by the board or its representative.

(g) Failing to clearly state the full terms of sale on a receipt, as required in s. 459.03, Stats., and failing to comply with those terms. The full terms of sale shall include all of the following:

1. The amount and method of payment.
2. The date and place of delivery.
3. The terms of any guarantee.
4. The nature and duration of the trial period and extension, if any.
5. The refund policy and amount, if any.
6. The product return and exchange policy, if any.
7. The product repair policy, if any.

(h) Soliciting from or knowingly disclosing to any person or entity the content of an examination conducted under ch. HAS 3.

(i) Failing to utilize equipment and technology to provide telehealth services which enable the hearing instrument specialist to meet or exceed the standard of minimally competent practice.

(3) A person engaging in the practice of selling or fitting hearing aids to a patient located in this state, whether in–person or via telehealth, shall be licensed under ch. 459, Stats., as a hearing instrument specialist or audiologist.

History: Cr. Register, May, 1988, No. 389, eff. 6–1–88; am. (1), (2) (d) and (e), cr. (2) (f), Register, July, 1992, No. eff. 8–1–92; cr. (2) (g), Register, January, 1995, No. 469, eff. 2–1–95; am. (1) (f), cr. (1) (fm), Register, July, 1997, No. 499, eff. 8–1–97; r. and recr. (1), am. (2) (intro.), (c), (d), (g) 2., cr. (2) (dm) and (h), Register, July, 1998, No. 511, eff. 8–1–98; CR 05–026: am. (2) (g) and 2. Register September 2005 No. 597, eff. 10–1–05; **CR 22–058: cr. (2) (i), (3) Register January 2024 No. 817, eff. 2–1–24.**