

## Chapter Had 5

## UNPROFESSIONAL CONDUCT

Had 5.01 Authority

Had 5.02 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.

History: Cr. Register, May, 1988, No. 389, eff. 6-1-88.

**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.

History: Cr. Register, May, 1988, No. 389, eff. 6-1-88.