

**58-46a-501 Unprofessional conduct.**

"Unprofessional conduct" includes:

- (1) testing the hearing of a patient for any purpose other than to determine whether a hearing loss will be improved by the use of a hearing instrument;
- (2) failing to make an appropriate referral to a qualified health care provider with respect to a condition detected in a patient examined by a licensee under this chapter if the condition is generally recognized in the profession as one that should be referred;
- (3) designating a hearing instrument for a patient whose hearing will not be sufficiently improved to justify prescribing and selling of the hearing instrument;
- (4) making false, misleading, deceptive, fraudulent, or exaggerated claims with respect to practice under this chapter and specifically with respect to the benefits of a hearing instrument or the degree to which a hearing instrument will benefit a patient;
- (5) failing to exercise caution in providing a patient a prognosis to assure the patient is not led to expect results that cannot be accurately predicted;
- (6) failing to provide appropriate follow-up care and consultation with respect to a patient to whom a hearing instrument has been prescribed and sold upon being informed by the patient that the hearing instrument does not produce the results represented by the licensee;
- (7) failing to disclose in writing to the patient the charge for all services and hearing instruments prescribed and sold to a patient prior to providing the services or hearing instrument;
- (8) failing to refund fees paid by a patient for a hearing instrument and all accessories, upon a determination by the division in collaboration with the board that the patient has not obtained the recovery of hearing represented by the licensee in writing prior to designation and sale of the hearing instrument;
- (9) paying any professional person any consideration of any kind for referral of a patient;
- (10) failing, when acting as a supervising hearing instrument specialist, to provide supervision and training in hearing instrument sciences in accordance with Section 58-46a-302.5;
- (11) engaging in the practice as a hearing instrument intern when not under the supervision of a supervising hearing instrument specialist in accordance with Section 58-46a-302.5;
- (12) failing to describe the circuitry in any advertisement, presentation, purchase, or trial agreement as being either "digital" or "analog"; or other acceptable terms as determined by the division in collaboration with the board;
- (13) failing to follow the guidelines or policies of the United States Federal Trade Commission in any advertisement;
- (14) failing to adhere to the rules and regulations prescribed by the United States Food and Drug Administration as they pertain to the hearing instrument specialist;
- (15) failing to maintain all equipment used in the practice of a hearing instrument specialist properly calibrated and in good working condition; and
- (16) failing to comply with any of the requirements set forth in Section 58-46a-502 or 58-46a-503.

Amended by Chapter 50, 2002 General Session