

#### **154A.24 Suspension or revocation.**

The board may revoke or suspend a license or temporary permit permanently or for a fixed period for any of the following causes:

1. Conviction of a felony. The record of conviction, or a certified copy, shall be conclusive evidence of conviction.
2. Procuring a license or temporary permit by fraud or deceit.
3. Unethical conduct in any of the following forms:
  - a. Obtaining a fee or making a sale by fraud or misrepresentation.
  - b. Knowingly employing, directly or indirectly, any suspended or unregistered person to perform any work covered by this chapter.
  - c. Using or causing or promoting the use of any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia or any other representation, however disseminated or published, which is misleading, deceptive, or untruthful.
  - d. Advertising a particular model or type of hearing aid for sale when purchasers or prospective purchasers responding to the advertisement cannot purchase the advertised model or type, if it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model or type than that advertised.
  - e. Representing that the service or advice of a person licensed to practice medicine, or one who is certificated as a clinical audiologist by the board of speech pathology and audiology or its equivalent, will be used or made available in the fitting or selection, adjustment, maintenance, or repair of hearing aids when that is not true, or using the words "doctor", "clinic", "clinical audiologist", "state approved", or similar words, abbreviations, or symbols which tend to connote the medical or other professions, except where the title "certified hearing aid audiologist" has been granted by the national hearing aid society, or that the hearing aid dispenser has been recommended by this state or the board when such is not accurate.
  - f. Habitual intemperance.
  - g. Permitting another person to use the license or temporary permit.
  - h. Advertising a manufacturer's product or using a manufacturer's name or trademark to imply a relationship with the manufacturer that does not exist.
  - i. Directly or indirectly giving or offering to give, or permitting or causing to be given, money or anything of value to a person who advises another in a professional capacity, as an inducement to influence the person or cause the person to influence others to purchase or contract to purchase products sold or offered for sale by a hearing aid dispenser, or to influence others to refrain from dealing in the products of competitors.
  - j. Conducting business while suffering from a contagious or infectious disease.
  - k. Engaging in the fitting or selection and sale of hearing aids under a false name or alias, with fraudulent intent.
  - l. Selling a hearing aid to a person who has not been given tests utilizing appropriate established procedures and instrumentation in fitting or selection of hearing aids, except in cases of selling replacement hearing aids

of the same make or model within one year of the original sale.

*m.* Gross incompetence or negligence in fitting or selection and selling of hearing aids.

*n.* Using an advertisement or other representation which has the effect of misleading or deceiving purchasers or prospective purchasers into the belief that any hearing aid or device, or part or accessory thereof, is a new invention or involves a new mechanical or scientific principle when such is not the fact.

*o.* Representing, directly or by implication, that a hearing aid utilizing bone conduction has certain specified features, such as the absence of anything in the ear or leading to the ear, or the like, without disclosing clearly and conspicuously that the instrument operates on the bone conduction principle, and that in many cases of hearing loss, this type of instrument may not be suitable.

*p.* Stating or implying that the use of a hearing aid will restore normal hearing or preserve hearing or prevent or retard progressions of hearing impairment or any other false or misleading claim regarding the use or benefit of a hearing aid.

*q.* Representing or implying that a hearing aid is or will be "custom-made", "made to order", "prescription made", or in any other sense especially fabricated for an individual person when such is not the case.

*r.* Violating any of the provisions of section 714.16.

*s.* Failure to place in an advertisement, if an advertisement does not include the words "hearing aid" in the title of the business which is advertising, the qualifying words in the same size type, "for the purpose of fitting, selection, adaption, and sale of hearing aids". However, the qualifying words are not required if the advertisement includes the words, "hearing test", "hearing evaluation", "free hearing test", "free hearing evaluation", "hearing measurement", or "free hearing measurement", and the title of the business which is advertising appears in the advertisement and includes the words "hearing aid".

*t.* Such other acts or omissions as the board may determine to be unethical conduct.

[C75, 77, 79, 81, § 154A.24]

90 Acts, ch 1073, §1; 2001 Acts, ch 58, §18; 2007 Acts, ch 10, §146