**Section 682.500 Dishonest, Unethical, and Unprofessional Conduct**

Dishonest, unethical, and unprofessional conduct shall include the activities set forth in Section 18 of the Act as well as the following actions:

a) Stating or implying, verbally or in writing, that the use of a hearing instrument will restore normal hearing, preserve hearing, prevent or retard progression of hearing impairment;

b) Physically abusing clients;

c) Falsifying records;

d) Representing, advertising, or implying that a hearing instrument is guaranteed without providing full disclosure of the identity of the guarantor and the nature, extent, and duration of the guarantee, including the existence of conditions or limitations;

e) Using a contract/receipt that does not specify the time limit between the signing of the contract and the time of the delivery of the hearing instruments, when a deposit of $50 or more is given to a licensed hearing instrument dispenser/audiologist. The time limit shall not exceed 45 calendar days and shall be prominently displayed in 10-point type on the contract/receipt. If the hearing instruments are not available for delivery to the consumer/purchaser within 45 calendar days after the date that the contract/receipt was signed, the consumer/purchaser, in writing, shall be given the opportunity to have all of his/her money refunded, less the itemized cost of the examination and/or any custom-made parts already received by the licensed hearing instrument dispenser/audiologist that had been cost itemized on the contract/receipt when it was signed;

f) *Representing that the service of a* *licensed physician* *will be used or made available in the fitting, adjustment, maintenance or repair of hearing* *instruments* *when that is not true, or using the words "doctor", "audiologist", "clinic", "Clinical Audiologist", "Certified Hearing Aid Audiologist", "State licensed", "State certified", "Hearing Care Professional", "Licensed Hearing Instrument Dispenser",* *"Licensed Hearing Aid Dispenser", "Board Certified Hearing Instrument Specialist", "Hearing Instrument Specialist",* *"Licensed Audiologist",* *or any other term, abbreviation or symbol* *that* *would give the impression that service is being provided by persons who are licensed or awarded a degree or title, or that the person's service who is holding the license has been recommended by a governmental agency or health provider, when* *such* *is not* *the case* (Section 18(u) of the Act);

g) Failing to specify, in any money-back guarantee provision contained in a contract/receipt provided to the consumer for the sale of a hearing instrument, the duration of the guarantee and the maximum amount of time within which money will be refunded after a timely request for refund is made; failing to specify in the contract/receipt the procedure that must be followed to exercise one's rights under the guarantee; and failing to specify and itemize in dollar amounts any and all limitations or deductions that will be subtracted from a refund, including, but not limited to: testing fees, service charges, custom earmolds, or rental charges for wear and tear;

h) Cheating or dishonesty by an applicant on the examination, which be considered grounds for automatic failure and disciplinary action as specified in Section 18 of the Act;

i) Submitting a check to the Department or a consumer for payment of fees or a refund when there are insufficient funds in the account upon which the check is drawn to cover the amount of the check. The return of the check to the endorsee with the indication of insufficient funds is evidence that this violation has occurred;

j) Dispensing hearing instruments without liability insurance;

k) Assigning the financial note for a hearing instruments sale to a third party (i.e., finance company) prior to the expiration of the 30-business-day trial period; and

l) Failing or refusing to honor any valid three-day notice of cancellation on in-home sales by a consumer within 10 business days after the receipt of the cancellation notice (see Section 28 of the Consumer Fraud and Deceptive Practices Act [815 ILCS 505]).

(Source: Amended at 35 Ill. Reg. 10312, effective June 17, 2011)