

Former Art. 56, § 508(5)(ii) appeared as one part of a definition of "unethical conduct". Based on the reference to "[u]nethical conduct" in former Art. 56, § 521(3), the former definition is revised, in this and other sections of this subtitle, as substantive prohibitions, violation of which constitutes a misdemeanor.

Defined terms: "License" § 8-101

"Person" § 1-101

"Provide hearing aid services" § 8-101

8-511. MISLEADING OR UNTRUTHFUL REPRESENTATIONS.

WHILE PROVIDING OR OFFERING TO PROVIDE HEARING AID SERVICES, A PERSON MAY NOT:

(1) USE OR PROMOTE OR CAUSE THE USE OF ANY MISLEADING, DECEPTIVE, IMPROBABLE, OR UNTRUTHFUL ADVERTISING MATTER, PROMOTIONAL LITERATURE, TESTIMONIAL, GUARANTEE, WARRANTY, LABEL, BRAND, INSIGNIA, OR OTHER REPRESENTATION;

(2) ADVERTISE A PARTICULAR MODEL, TYPE, OR KIND OF HEARING AID FOR SALE WHILE INTENDING:

(I) 1. NOT TO ALLOW AN INDIVIDUAL WHO RESPONDS TO THE ADVERTISEMENT TO BUY THE HEARING AID ADVERTISED; OR

2. TO DISSUADE AN INDIVIDUAL WHO RESPONDS TO THE ADVERTISEMENT FROM BUYING THE HEARING AID ADVERTISED; AND

(II) TO OBTAIN A PROSPECTIVE BUYER OF A MODEL, TYPE, OR KIND OF HEARING AID THAT DIFFERS FROM THAT ADVERTISED;

(3) FALSELY REPRESENT THE USE OR AVAILABILITY OF SERVICES OR ADVICE OF A PHYSICIAN FOR PROVIDING HEARING AID SERVICES;

(4) MISREPRESENT THE QUALIFICATIONS OF THE PERSON BY USE OF THE WORD "DOCTOR" OR ANY SIMILAR WORD, ABBREVIATION OR SYMBOL; OR

(5) MISREPRESENT THE PLACE OF BUSINESS OF THE PERSON BY USE OF THE WORD "CLINIC" OR ANY SIMILAR WORD, ABBREVIATION, OR SYMBOL TO INDICATE FALSELY THAT A MEDICAL SERVICE IS PROVIDED AT THAT PLACE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 56, § 526(a), as that subsection related to a violation of § 521(3).