

SUBCHAPTER 22J - CODE OF ETHICS

21 NCAC 22J .0101 FRAUD

*History Note: Authority G.S. 93D-13;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.*

21 NCAC 22J .0102 EMPLOYMENT OF UNQUALIFIED PERSONS

It shall be unethical to employ directly or indirectly any unqualified person to perform in a capacity regulated by Chapter 93D of the General Statutes of North Carolina.

*History Note: Authority G.S. 93D-3(c);
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

21 NCAC 22J .0103 ADVERTISING

It shall be unethical to perform any of the following acts:

- (1) To advertise a particular model, type, or kind of hearing aid for sale when purchasers or prospective purchasers responding to such advertisements cannot have it demonstrated to them or cannot purchase the advertised hearing aid from the licensee or registered apprentice;
- (2) To advertise that a product is offered for sale at a special or reduced price, or words of similar meaning such as "sale price," when, within the past six months from the date of the advertisement, less than 50 percent of all sales of that specific model of the product were sold at a price higher than the special or reduced price;
- (3) To advertise a testimonial or endorsement by a living person unless the advertisement:
 - (a) contains the actual full name of the person directly following the quote or directly under any picture,
 - (b) lists the person's city and state of residence, and
 - (c) discloses whether the person making the endorsement or testimonial received compensation for making the endorsement or testimonial;
- (4) To advertise titles or credentials by the use of initials unless the meaning of the initials are written out in the advertisement; or
- (5) To advertise using words of comparison or performance specifications not based on verifiable data (for example, lowest price, MSRP, highest quality, fits up to 35dB hearing loss).

*History Note: Authority G.S. 93D-3(c); 93D-13(a);
Eff. April 23, 1976;
Amended Eff. April 1, 2013; May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

21 NCAC 22J .0104 USE OF LICENSE BY ANOTHER

*History Note: Authority G.S. 93D-13;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.*

21 NCAC 22J .0105 DEFAMATION OF COMPETITORS

It shall be unethical to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, or questioned credit standing or competency, or to falsely disparage the products of competitors in any respect.

History Note: Authority G.S. 93D-3(c);
Eff. April 23, 1976;
Amended Eff. May 1, 1989; May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

21 NCAC 22J .0106 DISPLAY OF PRODUCTS

History Note: Authority G.S. 93D-13;
Eff. April 23, 1976;
Repealed Eff. May 1, 1988.

21 NCAC 22J .0107 PRICES

It shall be unethical to quote prices of a competitor without disclosing that they may not be the actual current prices charged by the competitor.

History Note: Authority G.S. 93D-3(c); 93D-13(a);
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

21 NCAC 22J .0108 USE OF TRADEMARKS

It shall be unethical to imitate, copy, or otherwise simulate the trademarks, trade names, service marks, brands, or labels of competitors for the purpose of misleading or deceiving consumers.

History Note: Authority G.S. 93D-3(c); 93D-13(a);
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

21 NCAC 22J .0109 OBTAINING INFORMATION ABOUT COMPETITORS

It shall be unethical to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by misrepresentations, or by any other unfair means.

History Note: Authority G.S. 93D-3(c);
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

21 NCAC 22J .0110 INDUCEMENTS TO PURCHASE

It shall be unethical to directly or indirectly give, offer to give, permit, or cause to be given money or anything of value to any person who advises another in a professional capacity, for the purpose of diverting or influencing the freedom of choice of the consumer in the selection of a source for the fitting and selling of hearing aids.

History Note: Authority G.S. 93D-3(c);
Eff. April 23, 1976;
Amended Eff. May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.

21 NCAC 22J .0111 MISREPRESENTATION OF EDUCATION

21 NCAC 22J .0112 MISREPRESENTATION OF PRODUCTS

21 NCAC 22J .0113 UNETHICAL BUSINESS PRACTICES

History Note: Authority G.S. 93D-13;
Eff. April 23, 1976;

Repealed Eff. May 1, 1988.

21 NCAC 22J .0114 FALSE OR CONCEALED INFORMATION

It shall be unethical to make false statements or representations to the Board or to willfully conceal information from the Board in connection with the issuance, reinstatement, reissuance, replacement, or renewal of a license or an apprentice registration certificate, including information as to whether any registered apprentice has satisfied or complied with the apprenticeship requirements.

*History Note: Authority G.S. 93D-3(c); 93D-13(a);
Eff. May 1, 1988;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

21 NCAC 22J .0115 FAILURE TO GIVE NOTICE/RIGHT TO CANCEL SALE/OFF-PREMISES SALES

It shall be unethical to violate any of the provisions of G.S. 14-401.13, which makes it a criminal violation to fail to give a right to cancel in off-premises sales, or of 16 C.F.R. ' 429.1, which requires a cooling-off period for door-to-door sales.

*History Note: Authority G.S. 14-401.13; 93D-3; 93D-13; 16 C.F.R. 429.1;
Eff. January 1, 1992;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*

21 NCAC 22J .0116 SCOPE OF PRACTICE

It shall be unethical for a licensee or apprentice to perform services as set forth in G.S. 93D-1.1 if the licensee or apprentice has not been trained for the specific service.

*History Note: Authority G.S. 93D-1.1; 93D-3; 93D-9; 93D-13;
Temporary Adoption Eff. February 28, 2014;
Eff. January 1, 2015;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 6, 2016.*