

**655—16.6(148I) Discipline.** A licensee may be disciplined for failure to comply with Iowa Code chapter 148I or this chapter or for any wrongful act or omission related to the licensee's practice, licensure, or professional conduct, including but not limited to the following:

**16.6(1)** In accordance with Iowa Code section 147.55(1), behavior that constitutes fraud in procuring a license that may include but need not be limited to the following:

*a.* Falsification of the application, certification, or records submitted to the board for licensure or license renewal as a CPM.

*b.* Fraud, misrepresentation, or deceit in taking the licensing examination or in obtaining a license as a CPM.

**16.6(2)** In accordance with Iowa Code section 147.55(2), professional incompetency that may include but need not be limited to the following:

*a.* Lack of knowledge, skill, or ability to discharge professional obligations within the scope of the practice of midwifery.

*b.* Deviation by the licensee from the standards of learning, education, or skill ordinarily possessed and applied by other CPMs in the state of Iowa acting in the same or similar circumstances.

*c.* Willful or repeated departure from or failure to form to the minimum standards of acceptable and prevailing practice of midwifery in the state of Iowa.

**16.6(3)** In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) that constitutes unethical conduct or practice harmful or detrimental to the public that may include but need not be limited to the following:

*a.* Engaging in practice contradictory to NACPM standards of practice.

*b.* Performing services beyond the authorized scope of practice for which the individual is licensed or prepared.

*c.* Allowing another person to use one's license for any purpose.

*d.* Failing to comply with any rule promulgated by the board related to minimum standards of care.

*e.* Improper delegation of services, functions or responsibilities.

*f.* Committing an act or omission that may adversely affect the physical or psychosocial welfare of the client.

*g.* Committing an act that causes physical, emotional, or financial injury to the client.

*h.* Violating the confidentiality or privacy rights of the client.

*i.* Discriminating against a client because of age, sex, race, ethnicity, national origin, creed, illness, disability, sexual orientation, or economic or social status.

*j.* Failing to assess, accurately document, evaluate, or report the status of a client when necessary.

*k.* Misappropriating or attempting to misappropriate medications, property, supplies, or equipment of the client.

*l.* Fraudulently or inappropriately using or permitting the use of prescriptions, obtaining or attempting to obtain prescription medications under false pretenses, or assisting others to obtain or attempt to obtain prescription medication under false pretenses.

*m.* Practicing midwifery while under the influence of alcohol, marijuana, or illicit drugs or while impaired by the use of pharmacological agents or medications, even if legitimately prescribed.

*n.* Being involved in the unauthorized manufacture or distribution of a controlled substance.

*o.* Being involved in the unauthorized possession or use of a controlled substance.

*p.* Engaging in behavior that is contradictory to professional decorum.

*q.* Failing to report suspected wrongful acts or omissions committed by the licensee of the board.

*r.* Failing to comply with an order of the board.

*s.* Administering drugs:

(1) In an unsafe manner.

(2) Without accurately documenting the drug or without assessing, evaluating, or instructing the patient or client.

(3) To individuals who are not clients.

*t.* Failing to properly safeguard or secure medications.

*u.* Failing to properly document or perform medication wastage.

**16.6(4)** In accordance with Iowa Code section 147.55(3), behavior (i.e., acts, knowledge, and practices) that constitutes unethical conduct or practice harmful or detrimental to the public that may include but need not be limited to the professional boundaries violations in paragraphs 16.6(4)“a” through “e.” For purposes of this subrule, “client” includes the client and the client’s family that are present with the client while the client is under the care of the licensee.

- a. Sexual contact with a client, regardless of the client’s consent.
- b. Making lewd, suggestive, demeaning, or otherwise sexual comments, regardless of client consent.
- c. Participating in, initiating, or attempting to initiate a sexual or emotional relationship with a client, regardless of client consent.
- d. Soliciting, borrowing, or misappropriating money or property from a client, regardless of client consent.
- e. Engaging in a sexual, emotional, social or business relationship with a former client when there is a risk of exploitation or harm to the client, regardless of client consent.

**16.6(5)** In accordance with Iowa Code section 147.55(4), habitual intoxication or addiction to the use of drugs that may include but need not be limited to the following:

- a. Excessive use of alcohol that may impair a licensee’s ability to practice the profession with reasonable skill and safety.
- b. Excessive use of drugs that may impair a licensee’s ability to practice the profession with reasonable skill and safety.

**16.6(6)** Being convicted of an offense that directly relates to the duties and responsibilities of the profession. A conviction includes a guilty plea, including Alford and nolo contendere pleas, or a finding or verdict of guilt, even if the adjudication of guilt is deferred, withheld, or not entered. An offense directly relates to the duties and responsibilities of the profession if the actions taken in furtherance of the offense are actions customarily performed within the scope of practice of the profession or if the circumstances under which the offense was committed are circumstances customary to the profession.

**16.6(7)** In accordance with Iowa Code section 147.55(5), fraud in representation as to skill or ability.

**16.6(8)** In accordance with Iowa Code section 147.55(6), use of untruthful or improbable statements in advertisements.

**16.6(9)** In accordance with Iowa Code section 147.55(7), willful or repeated violations of provisions of Iowa Code chapter 147, 148I, or 272C.

**16.6(10)** In accordance with Iowa Code section 147.55(10), other acts or offenses as specified by board rules, including the following:

- a. Failing to provide written notification of a change of address to the board within 30 days of the event.
- b. Failing to notify the board within 30 days from the date of the final decision in a disciplinary action taken by the licensing authority of another state, territory, or country.
- c. Failing to notify the board of a criminal conviction within 30 days of the action, regardless of whether the judgment of conviction or sentence was deferred, and regardless of the jurisdiction where it occurred.
- d. Failing to submit an additional completed fingerprint packet as required and the applicable fee, when a previous fingerprint submission has been determined to be unacceptable, within 30 days of a request made by board staff.
- e. Failing to respond to the board during a board audit or submit verification of compliance with continuing education requirements or exceptions within the time period provided.
- f. Failing to respond to the board during a board audit or submit verification of compliance with training in child or dependent adult abuse identification and reporting or exceptions within the time period provided.
- g. Failing to respond to or comply with a board investigation or subpoena.
- h. Engaging in behavior that is threatening or harassing to the board, board staff, or agents of the board.

**16.6(11)** In accordance with Iowa Code section 147.2 or 147.10:

- a. Engaging in the practice of midwifery in Iowa prior to licensure.

*b.* Engaging in the practice of midwifery in Iowa on an inactive license.  
[ARC 8114C, IAB 7/10/24, effective 6/19/24]