

**655—4.4(17A,147,152,272C) Grounds for discipline.** The board may impose any of the disciplinary sanctions provided in Iowa Code section 272C.3 when the board determines that the licensee is guilty of any of the following acts or offenses or those listed in Iowa Code section 147.55:

**4.4(1)** Fraud in procuring a license. Fraud in procuring a license includes but is not limited to an intentional perversion of the truth in making application for a license to practice in this state, which includes the following:

*a.* False representations of a material fact, whether by word or by conduct, by false or misleading allegations, or by concealment of that which should have been disclosed when making application for a license in this state.

*b.* Falsification of the application, credentials, or records submitted to the board for licensure or license renewal.

*c.* Fraud, misrepresentation, or deceit in taking the licensing examination or in obtaining a license.

*d.* Impersonating any applicant in any examination for licensure.

**4.4(2)** Professional incompetence. Professional incompetence includes but is not limited to:

*a.* A lack of knowledge, skill, or ability to discharge professional obligations within the scope of nursing practice.

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

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

*d.* Willful or repeated failure to practice nursing with reasonable skill and safety.

*e.* Willful or repeated failure to practice within the scope of current licensure or level of preparation.

*f.* Mental or physical inability reasonably related to and adversely affecting the licensee's ability to practice in a safe and competent manner.

*g.* Being adjudged mentally incompetent by a court of competent jurisdiction.

*h.* Failure to meet the standards as defined in 655—Chapter 6.

*i.* Failure to meet the standards as defined in 655—Chapter 7.

*j.* Failure to comply with the requirements of Iowa Code chapter 139A.

**4.4(3)** Behavior that constitutes knowingly making misleading, deceptive, untrue, or fraudulent representations in the practice of a profession, including but not limited to:

*a.* Oral or written misrepresentation relating to degrees, credentials, licensure status, records, and applications.

*b.* Falsifying records related to nursing practice or knowingly permitting the use of falsified information in those records.

**4.4(4)** Behavior that constitutes unethical conduct or practice harmful or detrimental to the public, including but not limited to:

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

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

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

*d.* Improper delegation of nursing services, functions, or responsibilities.

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

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

*g.* Failing to report to, or leaving, a nursing assignment without properly notifying appropriate supervisory personnel and ensuring the safety and welfare of the patient or client.

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

*i.* Discriminating against a patient or 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 patient or client.

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

*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 nursing 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.* Obtaining, possessing, attempting to obtain or possess, or administering controlled substances without lawful authority.

*o.* Habitual intoxication or addiction to the use of drugs, including:

(1) The inability of a licensee to practice with reasonable skill and safety by reason of excessive use of alcohol on a continuing basis.

(2) The excessive use of drugs that may impair a licensee's ability to practice with reasonable skill or safety.

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

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

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

*s.* For an advanced registered nurse practitioner, prescribing, dispensing, administering, or distributing drugs:

(1) In an unsafe manner.

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

(3) To individuals who are not patients or who are outside of the licensee's specialty area.

*t.* Engaging in repeated verbal or physical conduct that interferes with another health care worker's performance or creates an intimidating, hostile, or offensive work environment.

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

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

**4.4(5)** For purposes of this subrule, "patient" is defined to include the patient and the patient's family or caretakers who are present with the patient while the patient is under the care of the licensee. Behavior that constitutes unethical conduct or practice harmful or detrimental to the public includes but is not limited to professional boundaries violations of:

*a.* Sexual contact with a patient, regardless of patient consent.

*b.* Making lewd, suggestive, demeaning, or otherwise sexual comments, regardless of patient consent.

*c.* Participating in, initiating, or attempting to initiate a sexual, emotional, social, or business relationship with a patient, regardless of patient consent.

*d.* Soliciting, borrowing, or misappropriating money or property from a patient, regardless of patient consent.

*e.* Repeatedly divulging personal information to a patient for nontherapeutic purposes, regardless of patient consent.

*f.* Engaging in a sexual, emotional, social, or business relationship with a former patient when there is a risk of exploitation or harm to the patient, regardless of patient consent.

**4.4(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. A copy of the guilty plea or order of conviction constitutes conclusive evidence of conviction. 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 the circumstances under which the offense was committed are circumstances customary to the profession.

**4.4(7)** Fraud in representation as to skill or ability.

**4.4(8)** Use of untruthful or improbable statements in advertisements.

**4.4(9)** Willful or repeated violations of provisions of Iowa Code chapter 147, 152, or 272C.

**4.4(10)** Other acts or offenses as specified by board rule, including:

- 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 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, with training in child or dependent adult abuse identification and reporting, or exceptions within the time period provided.
- f.* Failing to respond to the board during a board audit or submit verification of compliance with the requirements for the supervision of fluoroscopy set forth in 655—subrule 7.4(5) 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.
- i.* Violating an initial agreement or contract with the Iowa professional health program.

**4.4(11)** Engaging in the practice of nursing in Iowa prior to licensure or not pursuant to the nurse licensure compact or engaging in practice of nursing in Iowa on an inactive license.

**4.4(12)** In accordance with Iowa Code section 152.10(2):

- a.* Continuing to practice while knowingly having an infectious or contagious disease that could be harmful to a patient's welfare without taking precautions to meet the current standard of care.
- b.* Having a license to practice nursing as a registered nurse, licensed practical/vocational nurse, or advanced registered nurse practitioner revoked or suspended, or having other disciplinary action taken, by a licensing authority of another state, territory, or country.
- c.* Having a license to practice nursing as a registered nurse, licensed practical/vocational nurse, or advanced registered nurse practitioner revoked or suspended, or having other disciplinary action taken, by a licensing authority in another state that has adopted the nurse licensure compact contained in Iowa Code section 152E.1 or the advanced practice registered nurse compact contained in Iowa Code section 152E.3 and that has communicated information relating to such action pursuant to the coordinated licensure information system established by the compact. If the action taken by the licensing authority occurs in a jurisdiction that does not afford the procedural protections of Iowa Code chapter 17A, the licensee may object to the communicated information and shall be afforded the procedural protections of Iowa Code chapter 17A.
- d.* Knowingly aiding, assisting, procuring, advising, or allowing a person to unlawfully practice nursing.
- e.* Being adjudicated mentally incompetent by a court of competent jurisdiction. Such adjudication shall automatically suspend a license for the duration of the license unless the board orders otherwise.
- f.* Being unable to practice nursing with reasonable skill and safety by reason of illness or as a result of a mental or physical condition.

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