

**641—38.17(136C) Rules of conduct, self-reporting requirements, and enforcement actions for all permit holders or applicants.**

**38.17(1) *Rules of conduct.*** These are mandatory standards of minimally acceptable professional conduct intended to promote the protection, safety, and comfort of patients. Any individual who fails to meet or allows any other individual to fail to meet the following standards may be subject to enforcement actions as outlined in this chapter. The following are grounds for disciplinary action:

*a.* Failing to perform with reasonable skill and safety all procedures accepted under this chapter's educational guidelines and allowed under the individual's permit.

*b.* Operating as a permitted individual without meeting the applicable requirements of this chapter. This includes performing procedures not allowed under the individual's current permit.

*c.* Failing to report immediately to the department any individual who may be operating as a permit holder and who does not meet the requirements of this chapter.

*d.* Engaging in any practice that results in unnecessary danger to a patient's life, health, or safety. This includes delegating or accepting the delegation of any function when the delegation or acceptance could cause unnecessary danger.

*e.* Engaging in any action that the department determines may jeopardize the health and safety of the public, other staff, or the permit holder. These actions can include but are not limited to:

(1) A misdemeanor or felony that may impair or limit the individual's ability to perform the duties authorized by the individual's permit.

(2) Any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity.

(3) Being found guilty of incompetence or negligence during the individual's performance as a permit holder.

*f.* Failing to conform to applicable state and federal statutes and rules. This includes any action that might place a facility in noncompliance with Iowa statutes and rules.

*g.* Practicing when there is an actual or potential inability to perform with reasonable skill and safety due to illness; due to use of alcohol, drugs, chemicals, or any other material; or as the result of any mental or physical condition.

*h.* Engaging in any unethical conduct or conduct likely to deceive, defraud, or harm the public or demonstrating a willful or careless disregard for the health, welfare, or safety of a patient.

*i.* Revealing privileged communication from or relating to former or current patients, except as permitted by law.

*j.* Improperly managing patient records, including failing to maintain adequate records; failing to furnish records; or making, causing, or allowing anyone to make a false, deceptive, or misleading entry into a patient record.

*k.* Providing false or misleading information that is directly related to the care of a former or current patient.

*l.* Interpreting or rendering a diagnosis for a physician based on a diagnostic image or prescribing medications or therapies.

*m.* Failing to immediately report to a supervisor information concerning an error made in connection with imaging, treating, or caring for a patient. This includes any departure from the normal standard of care and any behavior that is negligent.

*n.* Employing fraud or deceit to obtain, attempt to obtain or renew a permit under this chapter or in connection with a certification or license issued from a certifying or licensing entity. This includes altering documents, failing to provide complete and accurate responses or information, indicating falsely in writing that a permit is valid when that is not the case, or any form of examination subversion.

*o.* Failing to provide truthful, accurate, unaltered, or nondeceptive information related to continuing education activities to the department or a recordkeeper.

*p.* Assisting others to provide false, inaccurate, altered, or deceptive information related to continuing education to this department or a recordkeeper. This includes sharing answers, providing or using false certificates of participation, or verifying continuing education hours that have not been earned.

- q. Failing to pay all fees or costs to meet the requirements of this chapter. Penalties for working without a current permit will be considered on a case-by-case basis.
- r. Failing to respond to an audit request or failing to provide proper documentation.
- s. Submitting false information to a facility that might place the facility in noncompliance with any federal or state statutes or laws.
- t. Engaging in any conduct that subverts or attempts to subvert a department investigation.
- u. Failing to comply with a subpoena issued by the department or failure to cooperate with an investigation by the department.
- v. Failing to comply with the terms of a department order or the terms of a settlement agreement or consent order.
- w. Engaging in sexual harassment of a patient, student, or supervisee. Sexual harassment includes sexual advances, sexual solicitation, requests for sexual favors, and other verbal and physical conduct of a sexual nature.
- x. Violating a statute of this state, another state, or the United States, without regard to its designation as either a felony or misdemeanor, including but not limited to a crime involving dishonesty, fraud, theft, embezzlement, controlled substances, substance abuse, assault, sexual abuse, sexual misconduct, or homicide. A copy of the record of conviction or plea of guilty is conclusive evidence of the violation.
- y. Having a permit, license, or certification related to the classification of the permit issued to the individual suspended or revoked or having other disciplinary action taken by a licensing or certifying authority of this state or another state, territory, or country. A copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.
- z. Failing to respond within 30 days of receipt of communication from the department.

**38.17(2) Self-reporting.** Each permit holder shall:

- a. Submit a report to the department within five days of the final disposition of all criminal proceedings, convictions, or military court-martials involving alcohol or illegal drug use while operating as a permit holder; sex-related infractions; or patient-related infractions in any state, territory, or country.
- b. Submit a written report to the department within five days of the initial charge and within five days of the final disposition of any disciplinary action brought against the individual in connection with a certificate or license issued from a certifying or licensing entity, or any disciplinary action brought against the individual by an employer or patient.
- c. Report potential ethics violations (including state licensing issues and criminal charges and convictions) within 30 days of the occurrence or during the permit holder's annual renewal process, whichever comes first.

**38.17(3) Enforcement actions.** Enforcement actions may include but are not limited to denial, probation, suspension or revocation of a permit, directed corrective action, and civil penalty.

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