

R156-73-501. Unprofessional Conduct.

"Unprofessional conduct" includes:

- (1) keeping the office, instruments, laboratory, equipment, appliances or supplies in an unsafe or unsanitary condition;
- (2) engaging in advertising which is misleading because of omission of necessary material information, which contains false or misleading statements, or which otherwise operates to deceive;
- (3) engaging in or abetting deceptive or fraudulent billing practices;
- (4) engaging in sexual contact with a patient, with or without patient consent, within 12 months of last treatment;
- (5) engaging in sexual activities or contact with a former patient, with or without consent, after 12 months of last treatment if there is a risk of exploitation or potential harm to the former patient;
- (6) engaging in behaviors in a patient/doctor relationship, including verbal, intended to sexually arouse any person or encourage sexual activity;
- (7) failing to keep the division informed of a current address and telephone number;
- (8) advertising acupuncture services or practicing clinical acupuncture techniques beyond the scope of the certification held;
- (9) advertising as an "acupuncturist" either verbally or in print;
- (10) failing to maintain responsibility for care, billing and documentation in a group practice, multidisciplinary practice or third-party ownership practice;
- (11) engaging in any act or practice in a professional capacity which the licensee is not competent to perform through education or training;
- (12) administering injections through the skin, limited to subcutaneous or intramuscular administration, of any substances other than non-prescription drugs as defined in Subsections 58-17b-102(39) or non-controlled substances as defined in Subsection 58-37-2(1)(f)(ii);
- (13) administering injections of non-prescription drugs or non-controlled substances without sufficient competency and

training as demonstrated by the following:

(a) completion of a recognized course on injectables and their administration, under the sponsorship of or approved by an

institution, organization or association meeting the continuing education standards as defined in Section R156-73-303b; and

(b) receiving a passing score on a certifying examination; and

(14) delegating the administration of injections to a chiropractic assistant.

58-1-501 Unlawful and unprofessional conduct. (1) "Unlawful conduct" means conduct, by any person, that is defined as unlawful under this title and includes:

(2) "Unprofessional conduct" means conduct, by a licensee or applicant, that is defined as unprofessional conduct under this title or under any rule adopted under this title and includes:

(a) violating any statute, rule, or order regulating an occupation or profession under this title;

(b) violating, or aiding or abetting any other person to violate, any generally accepted professional or ethical standard applicable to an occupation or profession regulated under this title;

(e) engaging in conduct, including the use of intoxicants, drugs, narcotics, or similar chemicals, to the extent that the conduct does, or might reasonably be considered to, impair the ability of the licensee or applicant to safely engage in the occupation or profession;

(g) practicing or attempting to practice an occupation or profession regulated under this title

through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

(h) practicing or attempting to practice an occupation or profession requiring licensure under this title by any form of action or communication which is false, misleading, deceptive, or fraudulent;

(i) practicing or attempting to practice an occupation or profession regulated under this title

- beyond the scope of the licensee's competency, abilities, or education;
- (j) practicing or attempting to practice an occupation or profession regulated under this title beyond the scope of the licensee's license;
- (k) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee's practice under this title or otherwise facilitated by the licensee's license;
- (o) violating the terms of an order governing a license

58-1-501.6 Health care provider advertisements and disclosure -- Unprofessional conduct.

For purposes of this section:

- (1)
- (a) "Advertisement" includes:

58-1-501.6 Health care provider advertisements and disclosure -- Unprofessional conduct.

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- (1)
- (a) "Advertisement" includes:

Unprofessional conduct is as defined in Section 58-1-501, as defined by division rule, and also includes:

- (1) engaging in practice as a chiropractic physician after electing to place his license on inactive status, without having established with the board that he has initiated or completed continuing education necessary to reinstate active status of his license;
- (2) failing to complete required continuing professional education;
- (3) violating any of the scope of practice standards set forth in Section 58-73-601;
- (4) failing to maintain patient records in sufficient detail to clearly substantiate a diagnosis, all treatment rendered to the patient in accordance with the recognized standard of chiropractic care, and fees charged for professional services;
- (5) refusing to divulge to the division on demand the means, methods, device, or instrumentality used in the treatment of a disease, injury, ailment, or infirmity, unless that information is protected by the physician-patient privilege of Utah and the patient has not waived that privilege;
- (6) refusing the division or its employees access to his office, instruments, laboratory equipment, appliances, or supplies at reasonable times for purposes of inspection;

- (7) fraudulently representing that curable disease, sickness, or injury can be cured in a stated time, or knowingly making any false statement in connection with the practice of chiropractic;
- (8) offering, undertaking, or agreeing to cure or treat a disease, injury, ailment, or infirmity by a secret means, method, device, or instrumentality;
- (9) willfully and intentionally making any false statement or entry in any chiropractic office records or other chiropractic records or reports;
- (10) knowingly engaging in billing practices which are abusive and represent charges which are fraudulent or grossly excessive for services rendered;
- (11) performing, procuring, or agreeing to procure or perform, or advising, aiding in or abetting, or offering or attempting to procure or aid or abet in the procuring of a criminal abortion;
- (12) willfully betraying or disclosing a professional confidence or violation of a privileged communication, except:
 - (a) as required by law; or
 - (b) to assist the division by fully and freely exchanging information concerning applicants or licensees with the licensing or disciplinary boards of other states or foreign countries, the Utah chiropractic associations, their component societies, or chiropractic societies of other states, countries, districts, territories, or foreign countries;
- (13) directly or indirectly giving or receiving any fee, commission, rebate, or other compensation for professional services not actually rendered or supervised, but this subsection does not preclude the legal relationships within lawful professional partnerships, corporations, or associations; and**
- (14) knowingly failing to transfer a copy of pertinent and necessary medical records or a summary of them to another physician when requested to do so by the subject patient or his designated representative.