

**§ 90-456. Prohibited activities.**

The Board may deny, suspend, or revoke a license, require remedial education, or issue a letter of reprimand, if a licensed acupuncturist or applicant:

- (1) Engages in false or fraudulent conduct which demonstrates an unfitness to practice acupuncture, including any of the following activities:
  - a. Misrepresentation in connection with an application for a license or an investigation by the Board.
  - b. Attempting to collect fees for services which were not performed.
  - c. False advertising, including guaranteeing that a cure will result from an acupuncture treatment.
  - d. Dividing, or agreeing to divide, a fee for acupuncture services with anyone for referring a patient.
- (2) Fails to exercise proper control over one's practice by any of the following activities:
  - a. Aiding an unlicensed person in practicing acupuncture.
  - b. Delegating professional responsibilities to a person the acupuncturist knows or should know is not qualified to perform.
  - c. Failing to exercise proper control over unlicensed personnel working with the acupuncturist in the practice.
- (3) Fails to maintain records in a proper manner by any of the following:
  - a. Failing to keep written records describing the course of treatment for each patient.
  - b. Refusing to provide to a patient upon request records that have been prepared for or paid for by the patient.
  - c. Revealing personally identifiable information about a patient, without consent, unless otherwise allowed by law.
- (4) Fails to exercise proper care for a patient, including either of the following:
  - a. Abandoning or neglecting a patient without making reasonable arrangements for the continuation of care.
  - b. Exercising, or attempting to exercise, undue influence within the acupuncturist/patient relationship by making sexual advances or requests for sexual activity or making submission to such conduct a condition of treatment.
- (5) Displays habitual substance abuse or mental impairment so as to interfere with the ability to provide effective treatment.
- (6) Is convicted of or pleads guilty or no contest to any crime which demonstrates an unfitness to practice acupuncture.
- (7) Negligently fails to practice acupuncture with the level of skill recognized within the profession as acceptable under such circumstances.
- (8) Willfully violates any provision of this Article or rule of the Board.
- (9) Has had a license denied, suspended, or revoked in another jurisdiction for any reason which would be grounds for this action in this State. (1993, c. 303, s. 1.)