**Section 1175.120 Dishonorable, Unethical or Unprofessional Conduct**

The Division may suspend or revoke a license, refuse to issue or renew a license, or take other disciplinary action based upon its findings of dishonorable, unethical or unprofessional conduct (see Section 410/4-7(a)(1)q of the Act), which is interpreted to include, but is not limited to, the following acts or practices:

a) Engaging in conduct likely to deceive, defraud or harm the public, or demonstrating a willful disregard for the health, welfare or safety of a client or student. Actual injury need not be established;

b) Practicing or offering to practice beyond the scope permitted by law, or accepting and performing professional responsibilities that the licensee knows or has reason to know that he/she is not competent to perform;

c) Using products and chemicals that have not been approved by the United States Food and Drug Administration or utilizing those products or substances in a manner that is contrary to the manufacturer indication for use, e.g. using hair dye meant for hair on the scalp for dyeing eyebrows;

d) Violating labor laws in the practice of the profession under this Act, or using persons to provide services in a manner that constitutes involuntary labor and other forms of servitude to repay debts, or engaging in sex trafficking in which a commercial sex act is induced by force, fraud or coercion or in which the person induced to perform the sex act has not attained 18 years of age;

e) Engaging in conduct that is a departure from or failure to conform to the standards of practice. Actual injury to a client need not be established;

f) Demonstrating actual or potential inability to practice with reasonable skill, safety or judgment:

1) by reason of illness, use of alcohol, drugs, chemicals or any other material; or

2) as a result of any mental or physical condition;

g) Committing gross negligence or multiple acts of negligence in practice. The Department may take into account relevant factors and practices, including but not limited to the standard of practice generally and currently followed and accepted by persons licensed to practice the profession in this State, and the current accepted teachings among licensed schools;

h) Engaging in deception regarding licensure; for example, the licensee or applicant:

1) assisted in examination fraud or cheating or other misconduct or subversion of the examination;

2) allowed a license to be used by another person;

3) allowed the license to be displayed to the public when the license has expired, is inactive, or has been revoked or suspended;

4) provided or assisted in the provision of credentials to a person who has not earned the credential in compliance with the Act, for example, selling transcripts or CE certificates to a person who did not attend or receive the training as the document asserts or providing unearned transcripts to family members or friends; or

5) produced or facilitated the production of forged or falsified licenses, transcripts, credentials or certificates to the Department.

i) Obtaining products and chemicals for sale to licensees and conveying that material to another, or allowing an unlicensed person to use the licensee's credential to obtain material that is not for sale to the public in the quantity or formulation sold only to licensees, e.g., conveying acetone, hydrochloric acid, or ammonia to unlicensed persons or those who use the product or substances in the manufacture of other chemicals or illegal substances;

j) Engaging in fraud or material deception in the course of professional services or activities, including advertising services or goods, in a false or misleading manner;

k) Failing to cooperate with the Department, which includes but is not limited to the following in regard to the licensee's practice or applicant's conduct or credentials:

1) Refusing to permit or interfering with an inspection authorized under the Act;

2) Failing to respond fully and truthfully to a question or request for information from the Department;

3) Failing to provide information or documents to the Board within the time specified by the Board;

4) Failing to appear and provide information at an interview requested by the Department;

5) Deceiving or attempting to deceive the Department regarding any matter related to the licensee's or applicant's practice, including but not limited to altering or destroying any record or document;

6) Failing to comply with the terms, conditions and recommendations of a Non-Disciplinary Order or Non-Disciplinary Consent Order issued by the Department; or

7) Interfering with or using threats or harassment to delay or obstruct any person in providing information or evidence to the Department in any matter, investigation, contested case proceeding, or other legal action instituted by the Department;

l) Engaging in fraud or misconduct or misrepresentations regarding student financial aid;

m) Failing to comply with an Order, Consent Order or other Order or Subpoena of the Department or another licensing authority or another authority having jurisdiction over the practice of the profession, or surrendering licensure to any other licensing or regulatory authority having jurisdiction over the licensee or applicant in the same occupation or related professions while an investigation or inquiry into allegations of unprofessional or unlawful conduct is in progress or after a charging document has been filed against the applicant or licensee alleging unprofessional or unlawful conduct;

n) Engaging in conduct that constitutes the offer to sell, sale or provision of controlled substances or illegal substances or sex acts in, or in areas adjacent to, the location where professional services are provided;

o) Engaging in any act of sexual misconduct involving a client, including but not limited to any nonconsensual acts or statements of a sexual nature that do not contribute to an appropriate licensee-client relationship or the professional provision of services; or

p) Engaging in any act involving moral turpitude, including but not limited to fraud, deceit, dishonesty or illegal activity undertaken for personal gain.

(Source: Added at 42 Ill. Reg. 15159, effective August 10, 2018)