**Section 1245.330 Unprofessional Conduct**

a) The Department may suspend or revoke a license, refuse to issue or renew a license or take other disciplinary action based upon its finding of "unethical, unauthorized, or unprofessional conduct" within the meaning of Section 95 of the Act, which is interpreted to include, but is not limited to, the following acts or practices:

1) Discriminating against clients on the basis of race, gender, religion, age, national origin, political affiliation, social or economic status, choice of lifestyle or sexual orientation;

2) Promoting or endorsing products in a manner that is not true or is misleading;

3) Permitting the use of his or her name to certify that professional services have been rendered when the licensee has not provided or supervised those services. When providing supervision the licensee shall assume responsibility for the actions of any person under their supervision;

4) Making gross or deliberate misrepresentations or misleading claims as to his or her professional qualifications or of the efficacy or value of his or her nutrition services, or those of another practitioner;

5) Submission of fraudulent claims for services to any health insurance company or health service plan or third party payor;

6) Refusing to divulge to the Department techniques or procedures used in his or her professional activities upon request;

7) Practicing or offering to practice beyond one's competency (for example, providing services and techniques for which one is not qualified by education, training and experience);

8) Directly or indirectly giving to or receiving from any person, firm or corporation any fee, commission, rebate or other form of compensation for any professional services not actually rendered;

9) Making false or misleading statements designed to induce a client to purchase services, goods, appliances or drugs as to exploit the client for the financial gain of the licensee or of a third party;

10) Failing to make available to a client, upon request, copies of documents in the possession or under the control of the licensee that have been prepared for and paid for by the client;

11) Revealing of personally identifiable facts, data or information obtained in a professional capacity without the prior consent of the client, except as authorized or required by law;

12) Delegating professional responsibilities to a person when the licensee delegating those responsibilities knows or has reason to know that the person is not qualified, by training, by experience or by licensure, to perform them;

13) Performing professional services that have not been duly authorized by the client or his or her legal representative;

14) Failing to comply with the following applicable designation:

A) the 2009 American Dietetic Association/Commission on Dietetic

Registration Code of Ethics for the Profession of Dietetics and Process for Consideration of Ethics Issues, published July 22, 2009 by theAcademy of Nutrition and Dietetics, 120 S. Riverside Plaza, Suite 2000, Chicago, Illinois, are hereby incorporated by reference with no later amendments or editions;

B) the 2004 American Clinical Board of Nutrition Certification Agreement, published December 1, 2005 by the American Clinical Board of Nutrition Certification, 6855 Browntown Road, Front Royal, Virginia 22630, are hereby incorporated by reference with no later amendments or editions;

C) the Certified Clinical Nutritionist Code of Professional Ethics and Responsibility, published December 15, 1991 by the Clinical Nutrition Certification Board, 15280 Addison Road, Suite 130, Addison, Texas 75001, are hereby incorporated by reference with no later amendments or editions; or

D) the Board for Certification of Nutrition Specialists 2013 Code of Ethics and Professional Conduct, effective July 23, 2013, published by the Board for Certification of Nutrition Specialists, 4707 Willow Springs Road, Suite 207, La Grange, Illinois 60525, are hereby incorporated by reference with no later amendments or editions.

b) A dietitian nutritionist shall not advertise in any way that is fraudulent, false, deceptive or misleading. Any advertising shall be considered fraudulent, false, deceptive or misleading if it:

1) Contains a misrepresentation of facts;

2) Makes only a partial disclosure of relevant, material facts;

3) Represents that professional services can or will be completely performed for a stated fee when this is not the case, or makes representations with respect to fees for professional services that do not disclose all variables affecting the fees that will in fact be charged;

4) Represents the licensee in a deceptive or misleading manner with respect to the profession or professional status of the licensee;

5) Contains any representation of a special area of practice by the licensee that implies that the licensee requires a superior license or formal recognition by the Department other than a licensed dietitian nutritionist;

6) Makes false, unproven or misleading claims about the validity, safety, or effectiveness of any dietetic or nutrition related service, product or test;

7) Fails to conspicuously identify the licensee by name in the advertisement; or

8) Makes a guarantee of success.

(Source: Amended at 40 Ill. Reg. 3658, effective March 11, 2016)