**Section 1340.65 Unprofessional Conduct**

a) Pursuant to Section 17(l)(H) of the Act, unprofessional conduct in the practice of physical therapy shall include, but not be limited to:

1) The promotion of the sale of services, goods, appliances or drugs in such manner as to exploit the patient or client for the financial gain of the practitioner or of a third party.

2) Directly or indirectly offering, giving, soliciting, or receiving, or agreeing to receive any fee or other consideration to or from a third party for the referral of a patient or client.

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

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

5) Delegating professional responsibilities to a person when the licensee delegating such responsibilities knows or has reason to know that the person to whom the responsibilities were delegated is not qualified by training, experience, or licensure to perform them.

6) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed physical therapist.

7) Overutilizing services by providing excessive evaluation or treatment procedures not warranted by the condition of the patient or by continuing treatment beyond the point of possible benefit.

8) Making gross or deliberate misrepresentations or misleading claims as to professional qualifications or of the efficacy or value of the treatments or remedies given or recommended, or those of another practitioner.

9) Gross and willful and continued overcharging for professional services, including filing false statements for collection of fees for which services are not rendered.

10) Failing to maintain a record for each patient that accurately reflects the evaluation and treatment of the patient.

11) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting which is considered fraudulent or misleading, for example advertising that contains false, fraudulent, deceptive or misleading materials, warranties or guarantees of success, statements that play upon vanities or fears of the public, or statements that promote or produce unfair competition.

b) The Division hereby incorporates by reference the "Code of Ethics", July 2010, approved by the American Physical Therapy Association, 1111 North Fairfax Street, Alexandria VA 22314, with no later amendments or editions.

(Source: Amended at 42 Ill. Reg. 14185, effective July 11, 2018)