**Section 1456.100 Unprofessional Conduct**

a) Pursuant to Section 95 of the Act, unprofessional conduct in the practice of respiratory care shall include but not be limited to:

1) Procuring, attempting to procure or renewing a license as provided by this Part by bribery, by fraudulent misrepresentation or through an error of the Board or the Division;

2) Willfully making or filing a false report or record, willfully failing to file a report or record required by State or federal law, or willfully impeding or obstructing such filing or inducing another person to do so. Such reports or records include only those reports or records which require the signature of a respiratory care practitioner licensed pursuant to this Part;

3) Circulating untruthful, fraudulent, deceptive or misleading advertising;

4) Engaging or attempting to engage in the possession, sale or distribution of controlled substances for any purpose other than a legitimate purpose;

5) Willfully failing to report any violation of this Part;

6) Willfully or repeatedly violating a lawful order of the Board or the Division previously entered in a disciplinary hearing;

7) Accepting and performing professional responsibilities which the licensee knows, or has reason to know, he/she is not competent to perform;

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

9) Gross or repeated malpractice or the failure to deliver respiratory care services with that level of care, skill and treatment which is recognized by a reasonably prudent respiratory care practitioner with similar professional training as being acceptable under similar conditions and circumstances;

10) Paying or receiving any commission, bonus, kickback or rebate, to or from, or engaging in any split-fee arrangement in any form whatsoever with, a person, organization or agency, either directly or indirectly, for goods or services rendered to patients referred by or to providers of health care goods and services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers or pharmacies. The provisions of this subsection shall not be construed to prevent the licensee from receiving a fee for professional consultation services;

11) Failing to document in the medical records actions taken by the licensee and justification for those actions; and

12) Performing professional services which have not been duly ordered.

b) The Division hereby incorporates by reference the "Statement of Ethics and Professional Conduct" (July 2004) of the American Association for Respiratory Care, 1720 Regal Row, Dallas, Texas 75235, with no later amendments or editions.

(Source: Amended at 30 Ill. Reg. 14455, effective August 28, 2006)