§ 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.)