**Section 1335.100 Unethical, Unauthorized or 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 105(7) of the Act. In determining what constitutes unethical, unauthorized or unprofessional conduct of a character likely to deceive, defraud or harm the public, the Department shall consider whether the questioned activities:

1) Are violative of ethical standards of the profession (such as safeguarding patient confidence and records within the constraints of law; respecting the rights of patients, colleagues and other health professionals; observing laws under the Act; and providing service with compassion and respect for human dignity);

2) Constitute a breach of the perfusionist's responsibility to a patient;

3) Resulted in assumption by the perfusionist of responsibility for delivery of patient care that the perfusionist was not properly qualified or competent to render;

4) Resulted in a delegation of responsibility for delivery of patient care to persons who were not properly supervised or who were not competent to assume such responsibility;

5) Caused actual harm to any member of the public or are reasonably likely to cause harm to any member of the public in the future;

6) Resulted in the individual being convicted of any crime an essential element of which is larceny, embezzlement, obtaining money, property or credit by false pretenses or by means of a confidence game, dishonesty, fraud, misstatement or moral turpitude;

7) Involved misrepresenting as to educational background, training, credentials, competence, or medical staff memberships;

8) Entailed abuse of the perfusionist/patient relationship by taking unfair advantage of a patient's vulnerability;

9) Involved unethical conduct with a patient that resulted in the patient engaging in unwanted personal, financial or sexual relationships with the perfusionist;

10) Involved committing an act or acts, in the practice conducted under the Act, of a flagrant, glaringly obvious nature that constitute conduct of such a distasteful nature that accepted codes of behavior or codes of ethics are breached;

11) Involved committing an act or acts in a relationship with a patient so as to violate common standards of decency or propriety;

12) Involved 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;

13) Involved 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;

14) Involved 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 that require the signature of a respiratory care practitioner licensed pursuant to this Part;

15) Allowed the opportunity to arise whereby objective evaluations of products and services are compromised by gratutities, gifts, entertainment, consulting engagements, employment status, or any other material or personal gain;

16) Constitute gross negligence. In determining what constitutes gross negligence, the Board shall consider gross negligence to be an act or omission that is evidence of recklessness or carelessness toward or a disregard for the safety or well-being of the patient, and that results in injury to the patient.

b) Pursuant to Section 105(7) of the Act, the Department incorporates by reference the "Code of Ethics" of the American Society of Extra-Corporeal Technology, 503 Carlisle Dr., Suite 125, Herndon VA 20170 (2001), with no later amendments or editions.