

Misconduct or unprofessional conduct is any practice or behavior which violates the minimum standards of the profession necessary for the protection of the health, safety, or welfare of a patient or the public. Misconduct or unprofessional conduct includes the following:

- A. Noncompliance with federal, jurisdictional or contractual requirements including:
 - 1. Failing to meet the initial requirements of a license.
 - 2. Engaging in conduct that violates the security of the licensure examination or the integrity of the examination results.
 - 3. Having a license to practice nursing or a multi-state privilege to practice denied, revoked, suspended, limited or otherwise disciplined in another state, territory or country. A certified copy of the record of the board is conclusive evidence of the final action.
 - 4. After a request of the board, failing to cooperate in a timely manner, with the board's investigation of a complaint filed against a license holder. There is a rebuttable presumption that a credential holder who takes longer than 30 days to respond to a request of the board has not acted in a timely manner.
 - 5. Practicing without an active license.
 - 6. Practicing beyond the scope of practice permitted by law.
 - 7. Failing to inform the board of the advanced practice nurse prescriber's certification status as a nurse anesthetist, nurse-midwife, nurse practitioner or clinical nurse specialist.
 - 8. Violating any term, provision or condition of any order of the board.
 - 9. Failing to notify the board of a felony or misdemeanor in writing of the date, place and nature of the conviction or finding within 48 hours after the entry of the judgment of conviction. Notice shall include a copy of the judgment of conviction and a copy of the complaint or other information which describes the nature of the crime in order that the board may determine whether the circumstances of the crime of which the credential holder was convicted are substantially related to the practice of nursing.
- B. Violating or aiding and abetting a violation of any law substantially related to the practice of nursing. Conviction of any crime that would affect the licensee's ability to practice nursing. A certified copy of a judgment of conviction is prima facie evidence of a violation.
- C. Confidentiality, patient privacy, consent or disclosure violations, including:
 - 1. Failing to safeguard the patient's dignity, and the right to privacy.
 - 2. Knowingly, recklessly or negligently divulging a privileged communication or other confidential patient health care information except as required or permitted by state or federal law.
 - 3. Making statements or disclosures that create a risk of compromising a patient's privacy, confidentiality and dignity, including statements or disclosures via electronic or social media.
- D. Misconduct or abuse, including:
 - 1. Soliciting, borrowing, misappropriating, obtaining or attempting to obtain money or property from a patient or a patient's family.
 - 2. Obtaining or attempting to obtain any compensation by fraud, misrepresentation, deceit, duress or undue influence in the course of nursing practice.

3. Abusing a patient by a single or repeated act of force, violence, harassment, deprivation, neglect, or mental pressure which reasonably could cause physical pain or injury or mental anguish or fear.
4. Violating principles of professional boundaries, including:
 - a. Failing to establish, maintain and communicate professional boundaries with the patient.
 - b. Engaging in relationships with patients that could impair the nurse's professional judgment;
 - c. Exploiting in any manner the professional relationship with a patient for the nurse's emotional, financial, sexual or personal advantage or benefit.
 - d. Engaging in dual relationships if the nurse's ability to provide appropriate care would be impaired due to the nature of the additional relationship with the patient. Engaging in any dual relationship in mental health nursing.
 - e. Engaging in self-disclosure to a patient unless it is limited in terms of amount, nature and duration and does not adversely impact the patient's care and well-being.
 - f. Using any confidence of a patient to the patient's disadvantage or for the advantage of the nurse.
 - g. Failing to have a clear agreement with the patient regarding financial matters. Arrangements for reimbursement must be made at the initiation of the nurse-patient relationship.
 - h. Accepting gifts which are more than minimal value from a patient or patient's family.
 - i. This subsection does not prohibit providing health care services to a person with whom the nurse has a preexisting, established personal relationship where there is no evidence of or potential for exploiting the patient and contact that is necessary for a health care purpose that meets the standards of the profession.
5. Engaging in sexually misconduct, including:
 - a. Sexual explicit conduct, sexual contact, exposure, gratification, other sexual behavior with or in the presence of a patient, a patient's immediate family or a person responsible for the patient's welfare.
 - b. Conduct that may reasonably be interpreted by a patient as sexual or in any verbal behavior that is sexually harassing to a patient.
 - c. Posing, photographing or recording the body or any body part of a current or former patient, other than for health care purposes.
 - d. Transmitting information via electronic media that can be reasonably interpreted as sexual or sexually demeaning by the current or former patient.
6. Engaging or attempting to engage in sexual or romantic conduct with a former patient if doing so creates a risk that the relationship could cause harm to or exploitation of the former patient.
 - a. For the purpose of this subsection, due to the unique vulnerability of mental health patients, including patients with substance use disorders, nurses are prohibited from engaging in or attempting to engage in sexual or romantic conduct with such former patients, a former patient's

immediate family or person responsible for the patient's welfare, for a period of at least 2 years after the termination of nursing services.

7. Engaging in repeated or significant disruptive behavior or interaction with health care personnel, patients, family members or others that interferes with patient care or could reasonably be expected to adversely impact the quality of care rendered.
- E. Fraud, deception or misrepresentation, including:
1. Falsifying or inappropriately altering reports, patient documentation, agency records and other health documents.
 2. Knowingly making incorrect entries in a patient's medical record or other related documents.
 3. Engaging in abusive or fraudulent billing practices, including violations of federal Medicare and Medicaid laws or state laws.
 4. Submitting false claims.
 5. Fraud, deceit or material omission in obtaining license or certification or in the renewal of the license or certification.
 6. Impersonating another licensee or allowing another person to use the licensee's credential of any purpose.
 7. Submitting false information in the course of an investigation.
 8. Misrepresentation of credentials.
 9. Misleading, false or deceptive advertising or marketing.
- F. Unsafe practice or substandard care, including:
1. Failing to perform nursing with reasonable skill and safety.
 2. Lack of knowledge, skill or ability to discharge professional obligations within the scope of nursing practice.
 3. Departing from or failing to conform to the minimal standards of acceptable nursing practice that may create unnecessary danger to a patient's life, health or safety. Actual injury to a patient need not be established.
 4. Failing to supervise student experiences as a clinical nursing instructor.
 5. Failing to report to or leaving a nursing assignment without properly notifying appropriate supervisory personnel and ensuring the safety and welfare of the patient or client.
 6. Practicing nursing while under the influence of alcohol, illicit drugs or while impaired by the use of legitimately prescribed pharmacological agents or medications.
 7. Unable to practice safely by reason of alcohol or other substance use.
 8. Unable to practice safely by reason of psychological impairment or mental disorder.
 9. Unable to practice safely by reason of physical illness or impairment.
 10. Failure to consult or delay in consultation with supervisor.
 11. Inappropriate failure to treat.
 12. Inadequate or improper infection control practices.
 13. Failure to provide medically reasonable or necessary items or services.
 14. Discriminating on the basis of age, marital status, gender, sexual preference, race, religion, diagnosis, socioeconomic status or disability while providing nursing services.
- G. Improper supervision or allowing unlicensed practice, including:
1. Delegating a nursing function or a prescribed health function when the delegation could reasonably be expected to result in unsafe or ineffective patient care.

2. Knowingly aiding, assisting, advising or allowing an unlicensed person to engage in the unlawful practice of nursing.
 3. Inappropriate or inadequate supervision or delegation.
- H. Improper prescribing, dispensing, administering medication or drug related offenses, including:
1. Narcotics violation or other violation of drug statutes.
 2. Unauthorized prescribing medicine.
 3. Unauthorized dispensing of medication.
 4. Unauthorized administration of medication.
 5. Error in prescribing, dispensing or administering medication