**Section 1325.65 Dishonorable, Unethical or Unprofessional Conduct**

a) Pursuant to Section 90(a)(9) of the Act, engaging in dishonorable, unethical or unprofessional conduct in the practice of orthotics, prosthetics, or pedorthics shall include but not be limited to:

1) The promotion of the sale of services and devices 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) Providing care or services without an order from a licensed physician or podiatrist.

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

6) 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.

7) Failing to exercise appropriate supervision over persons who are authorized to practice only under the supervision of a licensed orthotist, prosthetist, or pedorthist.

8) 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.

9) Making gross or deliberate misrepresentations or misleading claims, including but not limited to:

A) professional qualifications;

B) the efficacy or value of the treatments, remedies or devices given or recommended.

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

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

12) Advertising or soliciting for patronage in a manner that is fraudulent or misleading. Examples of advertising or soliciting that are considered fraudulent or misleading shall include, but not be limited to:

A) Advertising by means of testimonials, anecdotal reports of orthotic, prosthetic, or pedorthic practice successes or claims of superior quality of care to entice the public; or

B) 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) Orthotics, Prosthetics and Pedorthics: The Division hereby incorporates by reference the Code of Professional Responsibility, American Board for Certification in Orthotics, Prosthetics & Pedorthics, Inc., 330 John Carlyle St., Ste. 210, Alexandria VA 22314, September 2012, with no later amendments and editions; and the Code of Ethics in the Information Package, Category I Professional – Prosthetist/Orthotist, Orthopaedic Engineer, Orthopaedic Meister, International Society for Prosthetics and Orthotics, Education Committee, 22-24 Rue du Luxembourg B-1000 Brussels, Belgium, November 2002, with no later amendments and editions.

(Source: Amended at 37 Ill. Reg. 4861, effective April 1, 2013)