

201 KAR 29:020. Code of ethics; unprofessional conduct.

RELATES TO: KRS 13A.205(4), 314A.200(5), 314A.225

STATUTORY AUTHORITY: KRS 314A.200(5), 314A.205, 314A.225

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314A.225 requires the board to promulgate administrative regulations defining unprofessional conduct, establishing a code of ethics, and grounds for removal of board members. This administrative regulation sets forth codes of ethics and unprofessional conduct, as well as grounds for removing board members.

Section 1. The following code of ethics consists of general guidelines which embody certain standards of practice for the respiratory care practitioner. The respiratory care practitioner shall practice within the parameters of this code of ethics. The respiratory care practitioner shall:

- (1) Continually strive to increase and improve his or her knowledge and skill and render to each patient the full measure of his or her ability;
- (2) Provide services with respect for the dignity of the patient, unrestricted by considerations of social or economic status, personal attributes, or the nature of health problems;
- (3) Be responsible for the competent and efficient performance of his or her assigned duties and shall expose incompetence and illegal or unethical conduct of members of the profession;
- (4) Hold in strict confidence all privileged information concerning the patient and refer all inquiries to the physician in charge of the patient's medical care;
- (5) Uphold the dignity and honor of the profession and abide by its ethical principles;
- (6) Be familiar with existing state and federal laws governing the practice of respiratory care and comply with those laws;
- (7) Cooperate with other health care professionals and participate in activities to promote community, state, and national efforts to meet the health needs of the public.

Section 2. Unprofessional conduct in the practice of respiratory care shall include the following acts by a person credentialed by this board:

- (1) Violating any of the provisions of KRS Chapter 314A or the administrative regulations adopted thereunder;
- (2) Committing any unfair, false, misleading, or deceptive act or practice;
- (3) Acting incompetently or negligently in the practice of respiratory care;
- (4) Practicing respiratory care while under the suspension, revocation, or restriction of the individual's certification by competent authority in any state, federal, or foreign jurisdiction;
- (5) Unlawfully failing to cooperate with the board by:
 - (a) Not furnishing any papers or documents requested by the board;
 - (b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the board;
 - (c) Not appearing before the board at the time and place designated; or
 - (d) Not properly responding to subpoenas issued by the board.
- (6) Failing to comply with an order issued by the board or an agreed order established with the board;
- (7) Aiding or abetting an uncertified person to practice respiratory care when a certificate is required;
- (8) Practicing beyond the scope of practice set forth in KRS 314A.100;
- (9) Failing to provide adequate supervision to persons holding a limited or temporary certification;
- (10) Being convicted of any misdemeanor or felony relating to the practice of respiratory care. For purposes of this subsection, conviction includes all instances in which a plea of nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended;

- (11) Physically abusing or having sexual contact with a patient or client;
- (12) Accepting by any means, a valuable consideration or gratuity of any kind in return for preferential consideration or treatment of a patient;
- (13) Practicing respiratory care while intoxicated or under the influence of alcohol or other mind-altering or mood-altering drugs not prescribed by a licensed physician;
- (14) Engaging in any immoral conduct in the practice of respiratory care;
- (15) Not informing the board in writing of any changes to the licensee's permanent address or place of employment within twenty (20) days; and
- (16) Violating the code of ethics adopted by the board.

Section 3. Reasons for Removal of Board Member. (1) A board member may be removed by the board by majority vote of the board if the member has:

- (a) Been convicted of felony;
- (b) Had his or her certification to practice respiratory care or license to practice medicine suspended or revoked; or
- (c) Missed three (3) or more consecutive board meetings and those absences are deemed unexcused by a majority vote of the board.

(2) Upon an affirmative vote by the board to remove a member, the board shall notify the Governor of the action. (19 Ky.R. 834; eff. 11-9-92; 27 Ky.R. 3131; 28 Ky.R. 68; eff. 7-16-2001.)